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DECLARATION 10-01

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2010-06301



\$63.00

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02/10/2010 03:41:37 PM

D-CCR Cnt=1 Stn=1 BN

\$20.00 \$11.00 \$16.00 \$10.00 \$6.00

**After recording, return to:**

D.R. Horton, Inc. – Portland

Attn: Melissa Trunnell

4386 SW Macadam Avenue, Suite 102

Portland, OR 97239

**Until a change is requested, all tax  
statements shall be sent to the following address:**  
No Change

**THIRD AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
SUMMIT CREST**

**Recitals**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SUMMIT CREST (this "Third Amendment") is made and entered into this 5TH day of FEBRUARY, 2010, by D. R. Horton, Inc. – Portland, a Delaware corporation (the "Declarant") and by Summit Crest Homeowners' Association, Inc., an Oregon non-profit corporation (the "Association").

WHEREAS, the Declarant caused that certain Declaration of Covenants, Conditions and Restrictions for Summit Crest to be recorded on February 23, 2007 (the "Declaration") as Document No. 2007-11054 in the records of Deschutes County, Oregon; and the First Amendment to the Declaration of Covenants, Conditions and Restrictions for Summit Crest to be recorded on September 24, 2007 as Document No. 2007-51643 in the records of Deschutes County, Oregon; and the Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Summit Crest to be recorded on April 11, 2008 as Document No. 2008-16066 in the records of Deschutes County, Oregon.

WHEREAS, pursuant to Section 11.6 of the Declaration and ORS 94.590, the Declaration may be amended at any time by an instrument approved by at least 75% of the total vote of each class of members eligible to vote, and whereas Declarant desires to amend the Declaration as provided herein.

WHEREAS, capitalized terms not defined herein shall have the meaning given in the Declaration, except as otherwise indicated.

SUMMIT CREST  
THIRD AMENDMENT TO CC&RS

Recorded by First American Title  
as an accommodation only. No  
liability is accepted for the condition  
of title or validity, sufficiency, or  
effect of this document.

The Declaration is hereby amended as follows:

1. The First Amendment to the Declaration of Covenants, Conditions and Restrictions for Summit Crest is hereby ratified and approved.
2. The Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Summit Crest is terminated and rescinded and shall have no effect.
3. Section 4.3 (b) is hereby amended and restated as follows:

4.3(b) Floor Area. The square footage area of a Home, exclusive of attics, patios, decks, porches, balconies, roof overhangs, and garages, shall not be less than the number of square feet specified below:

<b>Lot Number</b>	<b>Minimum Square Footage* for a Home on the Lot</b>
20	1400
22	1400
25	1400
11	1550
29	1550
33	1550
69	1550
72	1550
all other Lots	1700

**\*exclusive of attics, patios, decks, porches, balconies, roof overhangs, and garages.**

4. The second sentence of Section 11.6 (which reads "However, during the period of time prior to the Turnover Meeting, Declarant has right to amend Declaration, Bylaws and Articles of Incorporation without notice to or approval by any Class A members.") is hereby deleted.
5. The last sentence of Section 11.9 is amended to read as follows: "Prior to the Turnover Meeting, no Declarant amendment pursuant to this Section 11.9 shall require notice to or approval by any Class A member."
6. Except as expressly amended hereby, the Declaration remains in full force and effect.

The undersigned President and Secretary of the Association certify that this Third Amendment has been approved in the manner required by Section 11.6 of the Declaration and ORS 94.590.

IN WITNESS HEREOF, the undersigned hereby executed this document as of FEBRUARY 5, 2010.

**ASSOCIATION:**

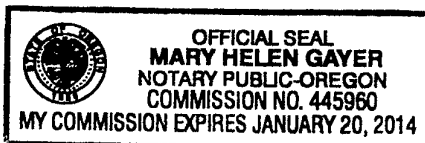
**SUMMIT CREST HOMEOWNERS' ASSOCIATION, INC.,**  
an Oregon non-profit corporation

By: [Signature]  
Name: M. Scott Clark  
Its: President

By: [Signature]  
Name: MARY KRAFT  
Its: Secretary

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on FEBRUARY 5, 2010, by M. Scott Clark, President of Summit Crest Homeowners' Association, Inc., an Oregon non-profit corporation, on behalf of the corporation.



[Signature]  
Notary Public for Oregon

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on FEBRUARY 5, 2010, by MARY KRAFT, Secretary of Summit Crest Homeowners' Association, Inc., an Oregon non-profit corporation, on behalf of the corporation.



[Signature]  
Notary Public for Oregon

SUMMIT CREST  
THIRD AMENDMENT TO CC&RS

The undersigned, the Declarant under the Declaration, hereby consents to the above Third Amendment to Declaration of Covenants, Conditions and Restrictions for Summit Crest.

**DECLARANT:**

**D.R. HORTON, INC. – PORTLAND,**  
a Delaware corporation

By: [Signature]  
Name: Jimmy Luker  
Title: Div. Pres. / Vice Pres.

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on FEBRUARY 5, 2010,  
by JIMMY LUKER, the DIVISION PRESIDENT / VICE PRESIDENT of D.R. Horton, Inc. –  
Portland, a Delaware corporation, on behalf of the corporation.



Mary Helen Gayer  
Notary Public for Oregon

SUMMIT CREST  
THIRD AMENDMENT TO CC&RS