



AFTER RECORDING, RETURN TO:

Sun Meadow Owners Association  
c/o Crystal Lake Property Management  
PO Box 7384  
Bend OR 97708-7384

**DECLARATION OF ANNEXATION TO  
SUN MEADOW NO. 4**

**THIS DECLARATION OF ANNEXATION TO SUN MEADOW is made as  
of this 2 day of December, 2005, by ELK HORN DEVELOPMENT LLC;  
an Oregon limited liability company ("Declarant").**

Declarant is the declarant under the Declaration of Protective Covenants, Conditions, Restrictions and Easements of Sun Meadow recorded February 27, 2004 in the Records of Deschutes County, Oregon, as Document No. 2004-10601 (the "**Declaration**").

Declarant is the owner of the property platted as Sun Meadow. Pursuant to Section 2.2 of the Declaration, Declarant wishes to annex such property to Sun Meadow as Additional Property and subject the same to the Declaration.

**NOW, THEREFORE**, Declarant hereby declares as follows:

1. **PROPERTY ANNEXED.** Declarant hereby declares that all of the property described below shall be annexed to Sun Meadow and the Declaration as Additional property and that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the Declaration:

Sun Meadow No. 4 located in Deschutes County, Oregon

2. **LAND CLASSIFICATIONS.** All of the land within the Additional Property annexed hereby is included in one or another of the following classifications:

- 2.1 Lots, which consist of Lots 104 through 146 of the Additional Property;
- 2.2 Zero Lot Line Lots. There are no Zero Lot Lines Lots;
- 2.3 Common Areas. There are no common areas of the Additional Property;

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15 OREGON AVENUE, BEND

- 2.4 Limited Common Areas, which consist of Tract M of the Additional Property;
- 2.5 Public Areas, which shall be each of the streets as shown on the Plat of the Additional Property;

3 **RESTRICTIONS ON USE.**

- 3.1 Each of the Lots and Zero Lot Line Lots in the Additional Property shall be subject to the use restrictions set forth in the Declaration.
- 3.2 Pursuant to Article 4.7 of the Declaration, Lots 115 through 118 shall be subject to a reciprocal access easement over Tract M.
- 3.3 Rock/Retaining Wall Easements. Easements for installation and maintenance of rock/retaining walls, whether natural or man made, which shall include private storm drains for the rock/retaining walls, are reserved over portions of lots 126 – 142 of the Additional Property.
  - 3.3.1 The Owner of each Lot sharing a rock/retaining wall or private storm drain for the rock/retaining wall shall pay any costs associated with maintaining the rock/retaining wall on its respective side. Each Owner shall be responsible for maintaining such Owner's portion of the easement area surface and to keep the easement area clear of obstructions which in any manner might hinder access to their rear and side yards.
  - 3.3.2 The Owner of each Lot sharing a rock/retaining wall or private storm drain for the rock/retaining wall shall share equally the costs of all repairs or maintenance necessary to maintain the structural integrity of the rock/retaining wall. The decision whether to undertake a particular repair and who shall be responsible with carrying out the repair of the retaining wall or its private storm drain shall be agreed upon by the Owners. In the event any disputes arise concerning a retaining wall, the Board of Directors of the Association shall act as the arbitrators and their decision shall be final.
  - 3.3.3 Each adjoining yard, whether side or rear between two Lots shall be subject to a cross easement for maintenance and to allow the Owner of each Lot access to the rear and side of the retaining wall and it's private storm drain. The cross easement shall be over the first five feet from the common property line, thereby creating a ten foot wide easement centered between the Lots.

**IN WITNESS WHEREOF**, Declarant has executed this Declaration of Annexation as of the day first written above.

ELK HORN DEVELOPMENT LLC, an Oregon  
limited liability company

Nancy E Kowalski  
By: Nancy E KOWALSKI  
Its: Land Acquisitions Manager

STATE OF OREGON           )  
  )ss.  
County of Deschutes       )

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of December, 2005 by Nancy E Kowalski as Land Acquisitions Manager of Elk Horn Development LLC, an Oregon limited liability company, on its behalf.



Penny Free  
Notary Public for Oregon  
My Commission Expires: July 7, 2007



# SUN MEADOW NO. 4

SW1/4 SECTION 9, T.18S., R.12E., W.1M.

CITY OF BEND  
DESCHUTES COUNTY, OREGON  
SHEET 2 OF 2

**otak**  
Incorporated

113 WEST TRENCH STREET  
BEND, OREGON 97701  
(503) 325-7950 FAX (503) 325-8704

## NOTES AND RESTRICTIONS

1. ALL LOTS AND TRACTS IN THIS PLAT ARE SUBJECT TO THE CONDITIONS, COVENANTS AND RESTRICTIONS RECORDED AS VALUE PAGE \_\_\_\_\_ DESCHUTES COUNTY DEED RECORDS.
2. THIS SUBDIVISION PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IMPOSED BY THE CITY OF BEND FILE PZ 03-76.
3. TRACT "A" IS A PRIVATE OPEN SPACE TRACT TO BE OWNED AND MAINTAINED BY THE SUN MEADOW HOMEOWNERS' ASSOCIATION, THEIR SUCCESSORS OR ASSIGNS.
4. TRACT "A" SHALL BE SUBJECT TO A PRIVATE RECREATION ACCESS EASEMENT OVER ITS ENTIRETY, SAID EASEMENT IS FOR THE BENEFIT OF LOTS 11B-11E.

## APPROVALS

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005  
CITY OF BEND PLANNING DIRECTOR

BY \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005  
CITY OF BEND ENGINEER

BY \_\_\_\_\_

SIGNATURES BY THE CITY OF BEND PLANNING DIRECTOR AND ENGINEER CONSTITUTE ACCEPTANCE BY THE CITY OF BEND OF ANY DEDICATION MADE HEREIN TO THE PUBLIC.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005  
DESCHUTES COUNTY BOARD OF COMMISSIONERS

BY \_\_\_\_\_  
CHAIRPERSON

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005  
DESCHUTES COUNTY SURVEYOR

BY \_\_\_\_\_

NO WATER RIGHTS EXIST APPURTENANT TO THIS PLAT.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005  
ARNOLD IRRIGATION DISTRICT

BY \_\_\_\_\_

I HEREBY CERTIFY THAT PURSUANT TO O.R.S. 92.005, ALL AD VALOREM TAXES, FEES, AND OTHER CHARGES AS REQUIRED BY LAW TO BE PLACED ON THE 2005-2006 TAX ROLL, WHICH BECOME A LIEN OR WILL BECOME A LIEN ON THIS SUBDIVISION DURING THIS TAX YEAR, BUT NOT YET CERTIFIED TO THE TAX COLLECTOR FOR COLLECTION, HAVE BEEN PAID TO ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

DIRECTOR  
DESCHUTES COUNTY DEPARTMENT OF ASSESSMENT

BY \_\_\_\_\_

I HEREBY CERTIFY THAT ALL AD VALOREM TAXES AND OTHER CHARGES AS REQUIRED BY LAW TO BE PLACED UPON THE TAX ROLL WHICH HAVE BECOME A LIEN ON THIS SUBDIVISION ARE NOW DUE AND PAYABLE HAVE BEEN PAID AS OF \_\_\_\_\_, 2005.

DIRECTOR  
DESCHUTES COUNTY DEPARTMENT OF FINANCE, AUDITING AND TAX COLLECTION

BY \_\_\_\_\_

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 17, 2006  
GARY E. PAUL  
2898

RENEWAL 12/31/2006  
THIS IS AN EXACT COPY OF THE  
ORIGINAL PLAT "SUN MEADOW NO. 4".

P.L.S. NO. 2898

## DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS, THAT SUN MEADOW DEVELOPMENT, LLC, AN OREGON LIMITED LIABILITY COMPANY, DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED MAP OF "SUN MEADOW NO. 4" AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A TRUE AND CORRECT MAP AND PLAT PREPARED AND PROPERLY SUBDIVIDED IN ACCORDANCE WITH THE PROVISIONS OF O.R.S. CHAPTER 92, ALL LOTS AND TRACTS BEING OF THE DIMENSIONS SHOWN AND ALL STREETS AND EASEMENTS OF THE WIDTH THEREON SET FORTH; AND WE DO HEREBY DEDICATE TO THE PUBLIC FOREVER AS PUBLIC WAYS THE RIGHT-OF-WAY SHOWN ON SAID MAP; AND WE DO HEREBY GRANT TO THE PUBLIC FOREVER THE PLACE AND BRIDGE EASEMENTS AND THE PUBLIC UTILITY EASEMENT AS SHOWN OR NOTED FOR THE PURPOSES STATED HEREON; AND WE DO HEREBY CONVEY TO THE SUN MEADOW HOMEOWNERS' TRACT "A" AS COMMON AREA AS SHOWN ON SAID MAP. ALL LOTS AND TRACTS ARE SUBJECT TO THE RESTRICTIONS NOTED OR STATED ELSEWHERE IN THIS PLAT.

ELK HORN DEVELOPMENT LLC DOES HEREBY GRANT THE CITY OF BEND SEWER EASEMENT AS SHOWN ON SAID MAP, PERMANENT, HEREDITARY, AND EXCLUSIVE RIGHT TO CONSTRUCT, MAINTAIN, REPAIR, REPLACE, ALTER, ENLARGE, IMPROVE, RECONSTRUCT, RELOCATE, AND WITHIN THE SUBSURFACE OF THE EASEMENT, NO PERSON OR ENTITY SHALL BE AUTHORIZED TO CONSTRUCT, ERECT, OR INSTALL ANY STRUCTURES OR FACILITIES ON THE SURFACE OR PROTECT ANY STRUCTURE OR FACILITY INTO THE SUBSURFACE WITHIN THIS EASEMENT WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE CITY OF BEND.

ELK HORN DEVELOPMENT LLC  
AN OREGON LIMITED LIABILITY COMPANY

NANCY E. KOWALSKI  
LAND ACQUISITION MANAGER

## ACKNOWLEDGMENT

STATE OF OREGON  
COUNTY OF \_\_\_\_\_ } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005, BY NANCY E. KOWALSKI, AS LAND ACQUISITION MANAGER OF ELK HORN DEVELOPMENT, LLC, AN OREGON LIMITED LIABILITY COMPANY.

NOTARY SIGNATURE \_\_\_\_\_

NOTARY PUBLIC - OREGON \_\_\_\_\_

COMMISSION NUMBER \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

## REMAINING CORNER MONUMENTATION

IN ACCORDANCE WITH O.R.S. 92.070, THE REMAINING CORNER MONUMENTS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED AS BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ DESCHUTES COUNTY DEED RECORDS.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_.

DESCHUTES COUNTY SURVEYOR \_\_\_\_\_