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DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2005-44775

\$51.00



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07/14/2005 09:38:16 AM

D-CCR Cnt=1 Str=2 SUEBO  
\$25.00 \$11.00 \$10.00 \$5.00

**AFTER RECORDING, RETURN TO:**  
Three Pines Development, LLC  
9055 Beaverton-Hillsdale Hwy.  
Portland, OR 97225

**AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR**

**THREE PINES**

This amendment to the **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THREE PINES PUD** is made this \_\_\_\_ day of July, 2005 by **THREE PINES DEVELOPMENT, L.L.C.**, an Oregon limited liability corporation ("Declarant").

**RECITALS**

A. Declarant owns property located in the City of Bend, Deschutes County, Oregon. Declarant is developing portions of this property as a planned unit development to be known as "Three Pines".

B. Declarant has filed the plat of Phase 5 of the Three Pines PUD in the plat records of Deschutes County, Oregon. Declarant desires to subject the property described in the attached **Exhibit C** (the "**Phase 5 Property**") to the terms of the Three Pines Declaration Recorded on April 3, 2003 for the benefit of such property and its present and subsequent owners.

**NOW, THEREFORE**, pursuant to Article 2.2 **Annexation of Additional Property** of the Three Pines Declaration of April 3, 2003, Declarant hereby amends the Declaration to:

1. include as additional property the lots in Phase 5 of the Three Pines PUD as described in Exhibit C and
2. declare that the lots described in Exhibit C shall become a part of Three Pines and the Declaration, and
3. establish that the Declarant and the Association shall have and shall accept and exercise administration of the amended Declaration with respect to the Additional Property in Phase 5 described in Exhibit C, and
4. the lots in Phase 5 shall be held, sold, and conveyed subject to the terms of the Declaration, which will run with such property and shall be binding upon all parties having or acquiring any right, title, or interest in such property or any part thereof and shall inure to the benefit of each owner thereof, and
5. establish additional architectural requirements as described in Exhibit C.

After recording, return to  
Amerititle  
15 OREGON AVENUE, BEND

→ Lebbby

Phase 5 Lots, so annexed, shall be entitled to voting rights as set forth in Section 8.3 of the Declaration. The formula to be used for reallocating the common expenses and the manner of reapportioning the common expenses during a fiscal year are set forth in Section 10.8 of the Declaration. This Amendment of the Declaration shall not become effective until recorded in the Official Records of Deschutes County, Oregon.

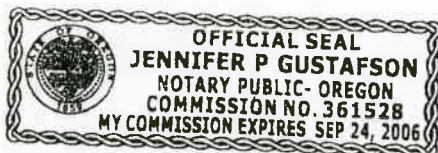
IN WITNESS WHEREOF, Declarant has executed this Declaration this 13 day of July, 2004.

**THREE PINES DEVELOPMENT, L.L.C.**, an Oregon limited liability corporation  
("Declarant")

By: [Signature]  
Its: Managing Member

STATE OF OREGON                    )  
County of Deschutes                )Ss.

The foregoing instrument was acknowledged before me on July 13, 2005 by  
Sai Sivanjee as managing member for  
THREE PINES DEVELOPMENT, L.L.C., an Oregon limited liability corporation.



[Signature: Jennifer P. Gustafson]  
Notary Public for Oregon  
My commission  
expires: 9-24-06

CONSENT BY BENEFICIARIES:

COMMUNITY FIRST BANK, Beneficiary

BY [Signature]  
Title Comm. Loan Officer

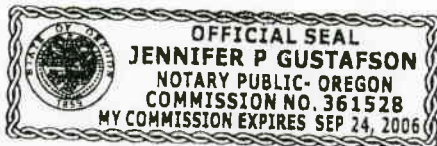
Date 7/13/05

STATE OF OREGON )  
County of Deschutes ) Ss.

The foregoing instrument was acknowledged before me on July 13, <sup>2005</sup>~~2004~~ by

Dan Pena as Commercial loan Officer for

COMMUNITY FIRST BANK.



[Signature]  
Notary Public for Oregon  
My commission  
expires: 9-24-06

DAVID W. MCCLAIN, Beneficiary

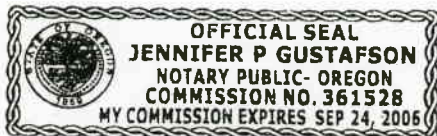
[Signature]

Date 7/13/05

STATE OF OREGON )  
County of Deschutes ) Ss.

The foregoing instrument was acknowledged before me on July 13, <sup>2005</sup>~~2003~~ by

David W. McClain..



[Signature]  
Notary Public for Oregon  
My commission  
expires: 9-24-06

**EXHIBIT C**  
**TO**  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
**FOR THREE PINES**

<b><u>Land Classification:</u></b>	<b><u>Property Description</u></b>
<b><u>Lots:</u></b>	Lots 22 and 23 and Lots 31 through 46 as shown on the plat of Three Pines P.U.D., PHASE 5 recorded in Deschutes County
<b><u>Common Areas:</u></b>	The following common tracts as shown on the plat of Three Pines P.U.D. PHASE 5 recorded in Deschutes County Oregon: Common Tract "F" Common Tract "G" Common Tract "H" Common Tract "C"
<b><u>Storm Water Retention Areas and Landscape Easement :</u></b>	Storm Water Retention Areas are located in Common Tract "G" and Common Tract "C" also know as "Aspen Park". Lots 31, 32, 37 and 38 are subject to a 10 foot "Storm Water Retention and Landscape Restriction along their common property boundary with the Aspen Park Common Tracks "G" and "C". Owners landscaping plans are subject to a 10 foot buffer zone area which restricts Owners from making any major modifications of the storm water retention areas slopes and retaining walls that are associates with drainage areas located in Common Tracks "G" and "C". The Three Pines Owners Association shall have the right to enter on to the 10 foot "Storm Water Retention Landscape area on Lots 31, 32, 37, and 38 to repair the retention areas, common area landscaping, landscape irrigation and the landscape walls. The Three Pines Association shall have the right to place and maintain landscape irrigation for the common area within the 10 foot landscape easement.
<b><u>Public Areas</u></b>	The following roads to which public access is granted as shown on the plat of Three Pines, P.U.D., PHASE 5 recorded in Deschutes County, Oregon N.W. Mt. Shasta Drive N.W. Mt. McLoughlin Lane

**EXHIBIT C**  
**Continued**  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
**FOR THREE PINES**

**Land Classification:**

**Property Description**

<b>Landscape Restriction Easement</b>	Lots 42, 43, 44, 45, and 46 are subject to a landscape easement along the northern (back) lot line between the established rock retaining wall and Common Area "F". Owner is restricted from major modification of the landscaped easement area except as noted in a landscaping plan reviewed and approved by the Three Pines Architectural Review Committee. Short retaining walls may be allowed in the landscape easement area along the grade slope as part of an ARC approved landscape plan. The landscape plan for the lot must include a detail restricting landscaping within this area to native plants only. Structures such as play equipment, steps, water features, and trails are prohibited in this area.
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