

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2005-34660



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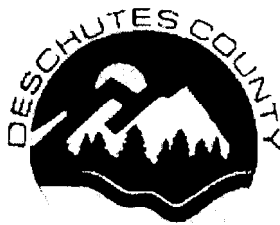
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DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



This page must be included
if document is re-recorded.
Do Not remove from original document.

RESTATEMENT

MOUNTAIN HIGH HOMEOWNERS ASSOCIATION, INC.
WILLOW CREEK ASSOCIATION

COVENANTS, CONDITIONS, RESTRICTIONS & RESOLUTIONS (Book)

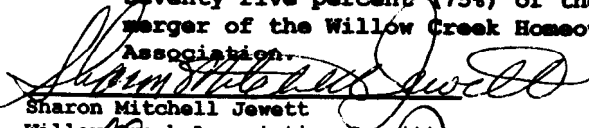
SEPTEMBER 4, 2001

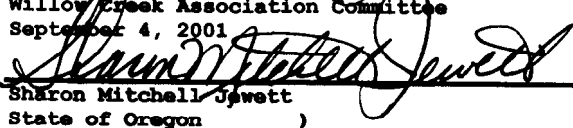
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This Restatement of Willow Creek Association's Conditions, Covenants, Restrictions and Resolutions (Book) are the governing documents for the Willow Creek Association at Mountain High Homeowner's Association from and after September 20, 1989. These governing documents shall remain in full force and effect until and unless lawfully Amended by an instrument containing seventy-five percent (75%) of the sixty-five Willow Creek Association's lot owner's signatures that is then recorded at Deschutes County.

March 1999's Willow Creek Resolutions (Book) includes a statement that the Willow Creek Association's lot owners adopted these Resolutions. From and after March 1999 there has not been another lawful Amendment to the Willow Creek Association's CC&R's & Resolutions (Book). Willow Creek Association's 1989 Declaration, CC&R's & their March 1999 Book of Resolutions is incorporated by reference, and integrated, into this Restatement.

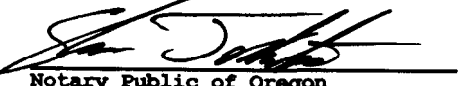
The September 20, 1989 Declaration & CC&R's recorded by the Developer declares that Willow Creek Association's Declaration, CC&R's & Resolutions (Book): 1). Run with the land binding current and future lot owners to their terms; 2). May be Amended only if and after seventy-five percent (75%) of the sixty-five Willow Creek Association lot owner's execute an instrument that approves an Amendment to the CC&R's & Resolutions (Book) that is then recorded with Deschutes County; 3). That the intentional or inadvertent dissolution of the Willow Creek Association does not affect or void its' Declaration, CC&R's & Resolutions (Book) and these governing documents remain in full force and effect as to each term for each lot owner in the unincorporated Willow Creek Association; and 4). Does not authorize the merger of the Willow Creek Homeowner's Association into another entity even if a merger was ratified in an instrument signed by seventy-five percent (75%) of the sixty-five Willow Creek lot owners.

On September 4, 2001 the Deschutes County Records Department did not have in its records: 1). Amendments to the Willow Creek Association's CC&R's and Resolutions (Book) by an instrument (or without an instrument) signed by seventy-five percent (75%) of the sixty-five Willow Creek lot owners; and 2). An instrument signed by seventy-five percent (75%) of the sixty-five Willow Creek lot owners approving a merger of the Willow Creek Homeowner's Association into Mountain High Homeowner's Association.


Sharon Mitchell Jewett
Willow Creek Association Committee
September 4, 2001


Sharon Mitchell Jewett
State of Oregon)
Deschutes County) ss.

Sharon Mitchell Jewett appeared before me and executed this document on this 4th day of September 2001.


Notary Public of Oregon
My Commission Expires on: 9-14-08



Restatement: Willow Creek Association's CC&R's & Resolutions (Book) at
Mountain High Homeowner's Association, Inc.



*The Book Of Resolutions
Of The Willow Creek
Homeowner's Association*

1999

This Book of Resolutions is a part of the CC&Rs and By-Laws of the Willow Creek Homeowner's Association. It is a compilation of all of the resolutions approved by The Willow Creek Homeowner's Association since 1991. Each year, your Board will add any new resolutions adopted during the current year, so this Book will be kept up to date. New Books will be mailed to all homeowner's at the first of each year. New homeowners will also be given a copy.

A. LANDSCAPE

Landscape guidelines should preserve the existing quality and character standard to Mountain High.

1. Requests for additional planting of shrubs and trees on lots or common grounds are to be submitted with drawings to the Landscape Committee. Final approval must be obtained from the WCHOA Board prior to planting.
2. Replacement of dead shrubs and trees with similar stock (minimum 2 gallon size container) does not require approval.
3. Avoid plants that will affect driveway and street visibility, encroachment under the pavement, mower clearance and maneuverability, and neighbor visibility.
4. Homeowners are encouraged to plant trees and shrubs that are drought tolerant and native to Central Oregon. Local nurseries and Oregon State University Extension Service, Bend telephone, 385-1410. can provide a recommended list.
5. Maintaining one to two inches of bark around plants is not required, but, certainly recommended. Bark acts as a weed retardant, aids moisture retention, provides mulch protection during winter weather and maintains continuity.
6. The planting of annuals and perennials does not require approval.
7. If pine tree pruning is required to provide sunlight, and/or roof protection, limb removal will be limited to 15 feet from the ground. Written WCHOA Board approval is required to exceed this height.
8. All areas of rock outcropping should remain as natural as possible. Planting of flowers and or bulbs in the bark area around the base of the rock is to be encouraged.
9. No planting or removal of live vegetation from these natural areas.
10. No watering of these natural areas.
11. No alterations of the sprinklers without specific approval.
12. No addition or deletion of planting in the common areas or on the golf course without specific approval. Plantings that enhance and beautify the common areas are to be encouraged.

13. Plantings that outline property boundaries are inconsistent with the overall landscape design and are to be discouraged.

14. No permanent structures or fixtures are to be erected either partially or totally on common grounds.

15. Any planting that will need winter protection should be covered in a manner consistent with the immediate area and should not be obvious or to be considered a detriment or distraction to the general area and use.

16. Garden ornamentations should be limited to natural materials, should be in keeping with the overall landscape and architectural plans, and be limited to one's personal property. Common usage (e.g. outdoor lighting at Christmas time) will be the test of acceptability.

17. Devices that encourage wildlife such as bird houses and feeders are permitted.

18. There shall be no trees that are ten feet from a chimney opening.

19. If a homeowner does maintenance work around the home, such as raking or trimming, the debris should be piled loosely and neatly at the edge of the street or placed in a cardboard box or trash can. This may include pine cones, needles, branches. It will be picked up by the yard maintenance crew. Paper and plastic or bottles must not be included. If they are included, the box will be left.

20. Any individual complaint about yard maintenance should be brought to the Landscape Committee and not to the yard maintenance workers.

21. Small flags are to be placed where there is a sprinkler to be repaired. The Landscape Committee should have a supply of these available when requested.

22. Any damage done to a common area by a wild animal is the responsibility of the WCHOA.

23. No living tree may be cut down without the written consent of the Association.

24. Each lot and its improvements shall be maintained in a clean and attractive condition in good repair and in such fashion as not to create a fire hazard.

B. STRUCTURES

1. The individual homeowner is responsible for the exterior painting of their Willow Creek home in accordance with the standards of the Association. Colors may not deviate from the original and are on file with the Architectural Committee.
2. Each house shall be used for residential purposes only.
3. No noxious, or offensive trade or activity shall be carried on from any house, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
4. Material such as firewood, building materials, ladders, refuse or garbage containers shall not be stored outside the structure. No outside clotheslines will be permitted.
5. After initial construction by the Developer, no building, fence, wall or other structure shall be commenced, erected or maintained upon the properties nor shall any exterior addition to, or change or alteration therein, be made until the plans and specifications have been reviewed by the Architectural Committee and approved by the Board.
6. Canvas awnings on the back of homes are OK, but the color and design must be approved by the WCHOA Board of Directors.
7. Wood slat sunscreens over the rear patios are OK but they must be approved by the WCHOA Board of Directors.

C. AIR CONDITIONING UNITS

1. All requests for installation are to be written and submitted with rough drawing to the Board of Directors before installation is begun. The Board will render its decision within 30 days. The Board will always try to respond to an emergency.
2. All components are to be installed completely inside of the home, the garage, or inside of the trash side yard.
3. Verbal or written permission must be obtained from your immediate neighbor before installation.

D. VEHICLES

1. RVs, large vans, trailers, and boats, etc. cannot be parked in Willow Creek for more than 24 hours consecutively.

2. Owner's cars are to be parked in their garage.
3. If the home owner has 3 cars, 2 are to be parked in their garage, and one may be parked on the drive indefinitely.
4. Visitors may park in the driveway for extended periods.

E. ANIMALS

1. Animals other than domestic household pets shall not be kept on any part of said property. Dogs shall be kept on a leash when they are walking off the owner's property.
2. All dogs being walked in Willow Creek must be on leash.
3. Dog owners must pick up the excrements of their pet as deposited.

F. HOME FOR SALE OR OPEN HOUSE SIGNS

1. There is to be only one standard design for "FOR SALE" signs in Mt. High.
2. One standard "FOR SALE" sign placed on a standard post may be placed in front of the home to be sold. A smaller more discrete "FOR SALE" sign may be placed on the golf course side of the home, or on the back side of the home if the home faces a major roadway. The signs shall be mounted on 4 inch x 4 inch vertical blue posts. A realtor may place their logo on the Front sign utilizing conforming colors.
3. A standard and conforming "OPEN" or "OPEN HOUSE" sign may hang from the "FOR SALE" sign, any day of the week.
4. One standard and conforming directional "OPEN HOUSE" sign may be placed at the intersection of Willow Creek Loop and Mountain High Drive only on Saturday and Sundays.
5. A small advertisement box may be placed on the standard post to hold pick-up information relating to the house for sale.
6. It is the responsibility of the Homeowner/Member to see that their agents comply with the rules and regulations of the Willow Creek Homeowner's Association. After two verbal warnings of a violation, the WCHOA will impose a \$100.00 penalty for the third violation, with the fine being doubled with each subsequent violation.
7. No "FOR RENT" signs may be posted.

G. INVISIBLE FENCES

1. Invisible fences are acceptable if they are buried properly to avoid cutting existing electrical wires. Rick Reid has a wire locator to assist owners who wish to bury a new fence. There is a small fee for the use of the locator.

H. TELEVISION ANTENNA/SHORT WAVE ANTENNA

1. No large antennae may be installed on the roof or be free-standing next to the home.
2. Eighteen inch satellite dishes are allowed if they are mounted at shrub level--not to exceed 36 inches above ground level--and are aesthetically pleasing.
3. All satellite dishes must be submitted for evaluation to the Architectural-Landscape Committee and approved by the Board of Directors.

I. ADVERTISING IN THE NEWSLETTER

No advertising shall be permitted in the newsletter.

J. NEW ARCHITECTURAL REGULATIONS AS OF MARCH 1999.

Prologue:

The value of Willow Creek lies in its appearance of a natural environment with houses of common design and neutral color carefully positioned on individual lots. It is to the benefit of all homeowners to preserve and protect this environment. Therefore it is the duty of the Board of Directors as representatives of the homeowners to preserve and protect this environment through the issuance of appropriate regulations.

Procedures to modify the exterior of a house:

1. Any changes to the exterior of houses in Willow Creek must be within the context of:
 - The C.C. & Rs
 - The Book of Resolutions
 - The character and appearance of Willow Creek as unobtrusive one-story patio homes set in a natural environment.

2. Any changes to the exterior of houses in Willow Creek must meet all building codes of applicable authorities. (Example, City of Bend building codes.)
3. The home owner is to provide the Architectural Committee with a written request accompanied by:
 - a. A hand-drawn sketch of the proposed project if the project is relatively small.
 - b. A professionally drafted project plan by an architect or contractor if the project is relatively large.

The Architecture Committee reserves the right to determine the relative size of the project and the necessary documentation.

Note: The homeowner may first wish to discuss the proposed project with the Architecture Committee to determine feasibility of such a project before committing time and money.

4. Prior to formally approaching the Architectural Committee, the homeowner should have discussed the project with adjacent neighbors and any other neighbor whose view might be significantly impacted by the project. It is necessary that these neighbors are comfortable with the project.
5. The Architectural Committee will review the proposed project in the context of:
 - The C.C. & R.s
 - The Book of Resolutions
 - The character and appearance of Willow Creek as unobtrusive one-story patio homes set in a natural environment.
6. If the project appears to meet the requirements, the Architectural Committee will contact the appropriate neighbors to confirm concurrence.
7. The Architectural Committee will make a decision on the project and present that decision as a recommendation in written form to the Willow Creek Homeowner's Association Board of Directors.
8. The Willow Creek Homeowner's Association Board of Directors will make a decision and notify the homeowner of that decision.
9. If the homeowner feels the decision is inappropriate, the homeowner may request and receive the opportunity to plead their case to the Willow Creek Homeowner's Association Board of Directors.

Restrictions, Permissions, and Definitions:

1. A house may be remodeled, including additions to the house, provided it meets the published architecture regulations.
2. It is the design, shape, and positioning on the lot of the house and its attached structures that determines its unity with the remainder of Willow Creek. Therefore the footprint of a house is deemed to be the straight line extension of the extremities of each side of the house at the base of the house, including attached structures such as decks and storage area.
3. Roof lines may not be raised higher than originally built. The intent is to maintain the outside appearance of a one-story house.
4. Roofs may be extended horizontally to cover a horizontal extension to the house but the extension is not to exceed the existing footprint of the house. The design must emulate the design common to all houses in Willow Creek.
5. The house may not be extended over the front deck. The intent is to maintain the design integrity common to Willow Creek.
6. The house may be extended over or replace a portion of the back deck, but a usable portion of the back deck must be preserved. A usable portion of the deck would be an area large enough to accommodate a patio table and four chairs. The intent is to maintain the design integrity common to Willow Creek.
7. The project must meet (or exceed) the structural integrity of the existing house.
8. After modification to the house and or structural attachments, the house and its structural attachments should preserve the unity of house designs in Willow Creek and preserve the overall natural environment and the appearance of a natural environment of Willow Creek. The intent is that no one house should stand out in visual discord with the other houses in Willow Creek nor should it visually disrupt the appearance of a natural environment in Willow Creek.
9. No house or structural attachments may be modified in such a manner that the modification itself blocks significant views of adjacent home residents. Significant views include, but are not limited to:
 - Willow creek
 - The pond at the north end of willow creek.
 - A view of a fairway from the back deck as seen looking outward perpendicular to the back of the house and extending 45 degrees left and right.



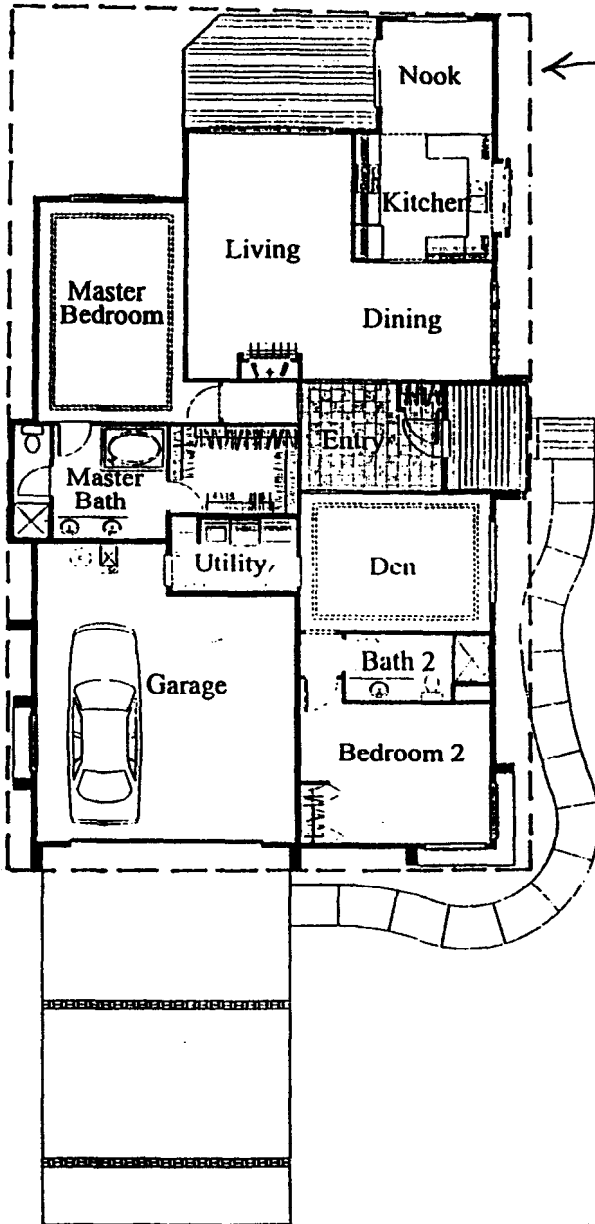
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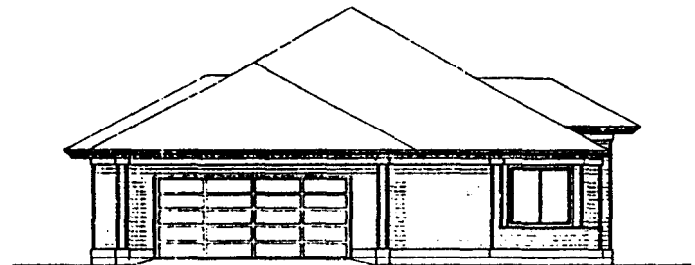
Willow Creek

Topaz

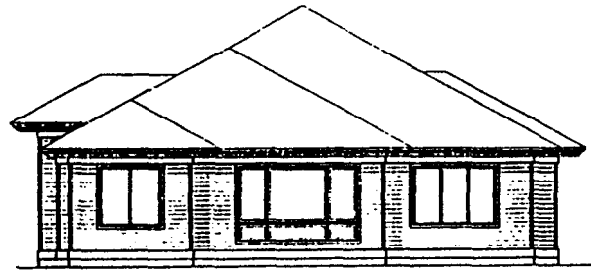
Living Area	1874 SF
Garage Area	521 SF
Total Area	2395 SF



← Foot print of the house and attached structures.



Front Elevation



Rear Elevation



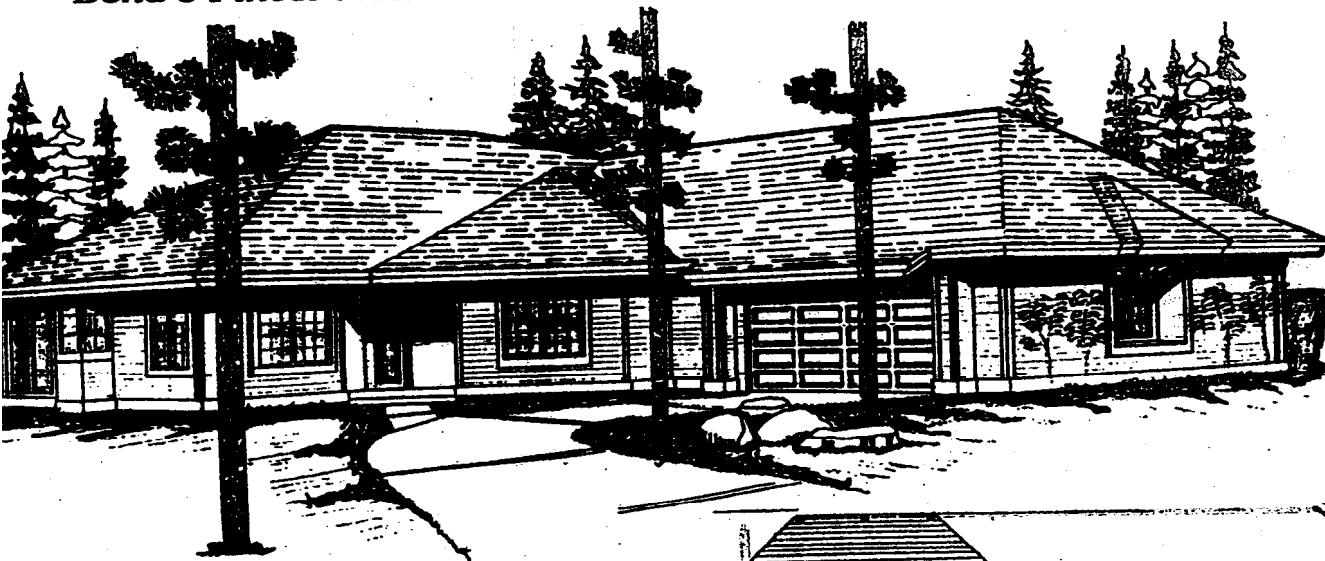
Right Elevation

the
villages
of

mountain high

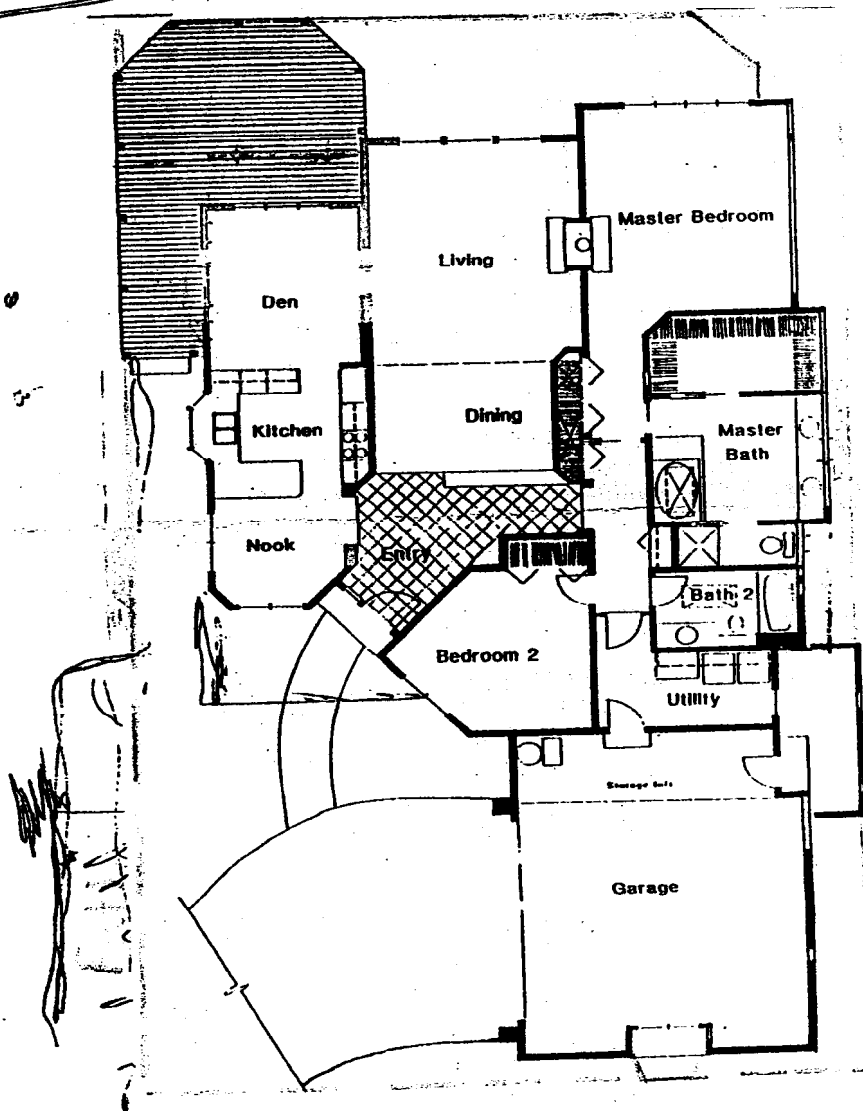
March 12, 1988

Bend's Finest New Home Community



The Solitude

Living 1986 sq. ft.
Garage 546 sq. ft.
Total 2532 sq. ft.



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