

95-00727

ReMarkable Properties, Inc. P.O. Box 5803, Bend, OR 97708

After recording return to: HENDRIX &amp; CHAPPELL, 716 NW Harriman, Bend, OR 97701 // 503/382-4980

**AMENDMENTS TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF  
WISHING WELL**

PURSUANT TO ORS 94.585, and Article XIII of the Declaration of Covenants, Conditions and Restrictions of *Wishing Well*, recorded on June 30, 1994, at vol. 344, page 1631, Official Records of Deschutes County ("Declaration"), the undersigned Declarant hereby amends said Declaration as follows:

**AMENDMENT #1:** Beginning with the second paragraph, Article II is amended as follows (~~strike-out~~ is deleted; underline is the addition):

"There shall be an Association Directorship, consisting of three (3) Directors, for the purpose of exercising the power and functions conferred upon said Directorship by this section. The initial Directorship shall be appointed by Declarant, each of said persons so appointed being subject to removal at Declarant's sole and absolute discretion. All vacancies of said Directorship shall be filled by appointment by Declarant. Upon the sale of all ~~107~~ eighty-one (81) Residential Units, a new Directorship shall be elected by a majority of 51% of the residential unit owners. Upon sale of eighty-one (81) lots Declarant shall be a voting member of the Association as long as Declarant owns any lot. Declarant shall be entitled to one vote per lot owned by Declarant. Notwithstanding any other provision of this Declaration, each lot owner shall have the right to enforce this Declaration."

**AMENDMENT #2:** Article III is amended to include without changing any other provision:

"Section 7. Declarant shall not be obligated to pay any Annual Assessment of any kind except for any lot owned by Declarant and occupied by Declarant or another."

**AMENDMENT #3:** Article XVI is created as follows:

**"ARTICLE XVI  
FENCING**

Fences must be natural wood and not to exceed six (6) feet in height. Fencing is restricted to rear yards and side yards up to but not beyond the front of the garage on one side and the front of house on the other side. No front yard fencing allowed."

**AMENDMENT #4:** Article VI, second paragraph is amended as follows (~~strike-out~~ is deleted; underline is the addition):

"Recreational vehicles, campers, camper shells, boats, trailers, etc. ~~and similar personal property including to outbuildings of any kind~~ shall be parked, located or stored in an a sight-screened enclosed area of at least six feet in height, behind or alongside the Residential Unit, or in the garage. No large commercial truck, recreational vehicle, etc., exceeding 25 feet in length,

may be parked at the curb, on the sidewalk or in the open driveway of a Residential Unit except temporarily for the purposes of loading and unloading."

**AMENDMENT #5:** Article XIII is amended to included without changing any other provision:

"Owners, including Declarant if Declarant owns any lot, may amend this Declaration upon the vote or written agreement of 75% of the owners of lots, subsequently signed by the Association Directorship, notarized and recorded in the Official Records of Deschutes County. In no event shall an amendment create, limit or diminish any special Declarant rights, increase the number of lots or units or change the boundaries of any lot or any uses to which any lot or unit is restricted unless the owners of the affected lots unanimously consent to the amendment. No annexation of additional properties, mergers and consolidations, mortgaging of Common Area, dissolution and amendment of the Articles may occur until eighty-one (81) lots are sold except to comply with local, state, or federal law or federal loan requirements."

DECLARANT:

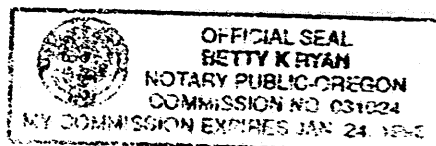
*Renée Sans*  
 RENÉE SANS ~~Cassan~~, Secretary/Treasurer  
 ReMarkable Properties, Inc.

STATE OF OREGON )

) ss.

County of Deschutes )

The foregoing instrument was acknowledged before me by Renée Sans ~~Cassan~~, Secretary and on behalf of ReMarkable Properties, Inc., this 1<sup>st</sup> day of January, 1995



*Betty K. Ryan*  
 Notary Public for Oregon  
 My Commission Expires:

1/24/98

STATE OF OREGON ) ss.  
 COUNTY OF DESCHUTES )

I, MARY SUE PENHOLLOW, COUNTY CLERK AND  
 RECORDER OF CONVEYANCES, IN AND FOR SAID  
 COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
 INSTRUMENT WAS RECORDED THIS DAY:

95 JAN -6 PM 3:44

MARY SUE PENHOLLOW  
 COUNTY CLERK

BY: *J. Wallace* DEPUTY

NO. 95-00727 FEE 10

DESCHUTES COUNTY OFFICIAL RECORDS