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I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk



AFTER RECORDING, RETURN TO:
Arbor Roses LLC
C/O West Hills Development
15500 SW Jay St.
Beaverton, OR 97006

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS, AND ANNEXATION TO
ARBOR ROSES
(To Annex Phase 3)**

**THIS AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITONS, AND RESTRICTIONS OF ARBOR ROSES ("Declaration"), AND
ANNEXATION TO ARBOR ROSES (to annex ARBOR ROSES No. 3) is made as of this
21st day of December, 2004, by ARBOR ROSES, LLC, AN OREGON LIMITED
LIABILITY COMPANY ("Declarant").**

Recitals

- A. Declarant is the Declarant under the Declaration of Covenants, Conditions and Restrictions for Arbor Roses recorded in the Records of Washington County, Oregon, as Document #: 2004-009331 (the "**Declaration**"). Declarant also caused that certain "Amendment to Declaration of Covenants, Conditions, Restrictions, and Annexation to Arbor Roses" to be recorded on Jan 30, 2004 as Document No. 2004-009331 in the Records of Washington County, Oregon.
- B. Declarant has recorded the "Plat of Arbor Roses" as Document No. 2004-009327 in Washington County and the "Plat of Arbor Roses No. 2" as Document No. 2004-081094 of Washington County, Oregon.
- C. Pursuant to Section 11.6 and 11.9 of the "Declaration", Declarant wishes to amend above referenced Declaration for the purpose of annexation of the Arbor Roses Phase 3 Lots, and subject all Lots in Arbor Roses to the Amended Declaration provisions contained herein, and, pursuant to Section 2.2 of Declaration, annex Arbor Roses No.3 to Arbor Roses and subject the same to the Declaration, the previous Amendments, and the provisions contained in this Amendment.

NOW, THEREFORE, Declarant hereby declares as follows:

1. **AMENDMENTS TO DECLARATION.**

(a) Article 1, Section 1.8, lines 6, 7 are **amended** and shall now read as follows: "...The Tracts so designated as Common Areas include, but are not limited to Tracts C, G, H, M, T, Y, BB, CC, FF, GG, II, NN, QQ and RR (private streets), and Tracts A, B, D, E, F, I, J, K, L, N, O, P, Q, R, S, U, V, W, X, Z, AA, DD, EE, HH, JJ, KK, LL, MM, OO, PP, SS (open space). Tract Q shall be subject to an easement in favor of the City of Hillsboro for



maintenance of the water quality facility. The landscaping and fencing in Tract Q shall be maintained by the Association." The remainder of this section remains unchanged.

(b) Article 3, Section 3.5 (k), is **amended** and shall now read in its entirety as follows:

“(k) Private Street Maintenance. Tracts C, G, H, M, T, Y, BB, CC, FF, GG, II, NN, QQ and RR are subject to access easements and private storm drainage maintenance over their entirety, per Plat. Said Tracts shall be maintained by the Owners of Lots 35 through 58, Lots 76 through 79, Lots 85 through 94, Lots 95 through 102, Lots 103 through 108, Lots 109 through 112, Lots 113 through 121, Lots 172 through 177, Lots 214 through 232, Lots 235 through 248, Lots 254 through 302. Said maintenance will be in accordance with a recorded Maintenance Agreement for each of these Lots. The costs of such maintenance and/or reserves shall be the sole responsibility of the Owners of said Lots. The Arbor Roses Homeowners Association will collect and administer said funds on behalf of the Owners of said Lots, and the funds collected for these purposes will be used exclusively for street maintenance in the named Tracts, including any future annexations of private street tracts under similar Maintenance Agreements on additional Lots. However, the Association will have no financial obligation for said Tracts, other than that stated herein. Tracts C, G, H, M, T, V, Y, BB, CC, and FF, GG, HH, II, NN, QQ and RR are subject to an emergency vehicle access easement, in their entirety.”

(c) Article 3, Section 3.5 (l), **add** the following to the end of Section 3.5 (l):
“(v) Three (3) foot wide along the frontage of all Lots and Tracts abutting Tracts M, T, V Y, BB, CC, FF, GG, NN, QQ, and RR. A six (6) foot wide public utility easement shall exist along the frontage of all Lots and Tracts abutting public streets and Tract II.”

2. **PROPERTY ANNEXED.** Declarant hereby declares that all of the property described below (the “**Additional Property**”) shall be annexed to Arbor Roses and the Declaration and any previous Amendments to the Declaration, and that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the Declaration and any previously recorded Amendments:

All real property within that certain plat entitled “Arbor Roses No. 3” filed in the Plat Records of Washington County, Oregon.

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

(a) Building Lots, which shall consist of Lots 208 through 302 as shown on the Plat of the Additional Property.



(b) Common Area Tracts, which shall be Tracts FF, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR and SS, including all private streets as shown on the Plat of the Additional Property.

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

ARBOR ROSES, LLC
an Oregon limited liability company

By [Signature]
Its Member

STATE OF OREGON)
)ss.
County of Washington)

The foregoing instrument was acknowledged before me this 21st day of December, 2004, by Dennis E. Sackhoff, Member of ARBOR ROSES, LLC, an Oregon limited liability company.

[Signature]
Notary Public for Oregon
My commission expires: 3-7-2007

