

AFTER RECORDING RETURN TO:

Jordan Schrader Ramis PC  
Two Centerpointe Dr Ste 600  
Lake Oswego OR 97035  
(49823-36412 – CLK)

Clackamas County Official Records  
Sherry Hall, County Clerk

2009-062384



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\$85.00 \$16.00 \$10.00

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### AMENDMENT TO DECLARATION OF RESTRICTIONS OF MOUNTAIN PARK

This Amendment to Declaration of Restrictions (the "Amendment") is dated this 24 day of August, 2009, and is made by the Mountain Park Home Owners Association (the "Association").

#### RECITALS

A. The original Declaration of Restrictions was recorded in Multnomah County Oregon, on August 5, 1968, in Book 633 at Page 896 and in Clackamas County, Oregon, on August 5, 1968, as Document No. 68-16579, and re-recorded on July 28, 1971, in Clackamas County as Document No. 71-17886.

B. The original Declaration described in Recital A above, affected only that property shown on Mountain Park Plat Nos. 1, 2, 3, and 4. Plat Nos. 1, 2, and 3 were recorded in Clackamas County, Oregon, as Nos. 1225, 1237, and 1247, respectively. Plat No. 4 was recorded in Multnomah County in Plat Book 1200 at Page 38, on August 5, 1968.

C. The Declaration of Restrictions has been supplemented and amended on numerous dates and was applied to additional Plats of Mountain Park, all as described on Exhibit A attached hereto and incorporated by reference as if fully set forth herein.

D. The Declaration of Restrictions, as supplemented and amended, is herein referred to as the "Declaration".

E. The property to which the Declaration and this Amendment apply is all property referenced in Recital B hereinabove and as also shown on all later Plats of Mountain Park recorded in Multnomah County and Clackamas County as described on Exhibit A (the "Property").

NOW, THEREFORE, the Association declares that the Declaration as previously amended and supplemented and further amended by this Amendment shall run with the Property, and shall be binding on 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.

1. Maximum Annual Adjustment. By vote of the membership on or about March 13, 2008, the Declaration was amended to provide that the maximum annual assessment as set forth in Article V, Section 3 of the Declaration, as previously increased pursuant to its terms, will adjust automatically each year based upon the increase in the Consumer Price Index, All Urban Consumers, Portland-Salem, Oregon ("CPI"). The automatic adjustment increase uses 2007 as the CPI base year.

By vote of the membership on or about October 16, 2008, a special increase in the maximum annual assessment was approved. The special increase amount was \$13.25 per month for single family homes, \$10.60 per month for townhomes, and \$6.63 per month for condominiums and apartments. This increase resets the maximum annual assessments by the specified amounts to cover the costs of and loan payments for renovations being made to the Association clubhouse. The new increased maximum, which took effect November 1, 2008, will then become the base for annual increases tied to the CPI adjustments as set forth herein.

By vote of the membership on March 19, 2009, this provision was again amended to provide that the maximum annual adjustment shall not be greater than five percent (5%) in any one year, even if the CPI might provide for a greater percentage increase in the maximum annual adjustment.

The Board of Directors of the Association has authority to set the actual amount of any maximum annual adjustment and thereby the maximum annual assessment, at less than the increase allowable under the proposed CPI adjustment, without affecting the allowed maximum annual adjustment based upon the CPI for later years.

2. Prior Amendments. On numerous occasions prior to March 13, 2008, based upon a vote of the membership in accordance with the requirements for amendment, the maximum annual assessment had been periodically increased. Short excerpts from the minutes of Association meetings held on April 30, 1970; May 3, 1975; March 15, 1976; April 25, 1977; January 9, 1978; March 23, 1981; March 18, 1999; and March 20, 2003, are attached as Exhibit B and incorporated herein by reference.

For clarity and convenience, a summary of the Maximum Annual Assessments, based upon each such prior modification, is incorporated in Exhibit C attached hereto.

*[Remainder of Page Intentionally Left Blank]*

3. Full Force and Effect. Except as specifically modified herein, all other provisions of the Declaration remain in full force and effect.

The foregoing Amendment is certified as having been adopted in accordance with the Declaration of Restrictions of Mountain Park and ORS 94.590(3), to be effective as of the dates of adoption by the members.

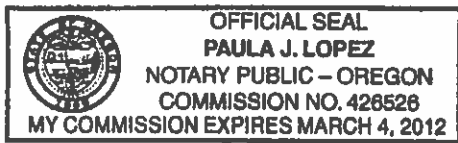
MOUNTAIN PARK HOME OWNERS ASSOCIATION

By: [Signature]  
J. T. Warren, President

By: [Signature]  
Theodore M. Nelson, Secretary

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

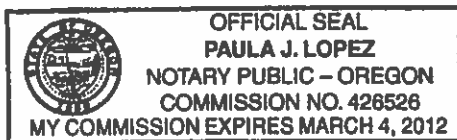
This instrument was acknowledged before me on this 24<sup>th</sup> day of August, 2009, by J. T. Warren as President of Mountain Park Home Owners Association.



[Signature]  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 03-04-2012

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

This instrument was acknowledged before me on this 24<sup>th</sup> day of August, 2009, by Theodore M. Nelson as Secretary of Mountain Park Home Owners Association.



[Signature]  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 03-04-2012

EXHIBIT A  
LIST OF SUPPLEMENTAL DECLARATIONS OF  
COVENANTS AND RESTRICTIONS

The Declaration of Restrictions of Mountain Park Corporation has been supplemented and amended as follows:

- I. Mountain Park Plat 5, recorded January 23, 1969, filing number 69-1278, in the records of Clackamas County, Oregon, and Mountain Park Plat 6, recorded February 28, 1969, in Book 665, page 863, Film Records of Multnomah County, Oregon, are subject to the aforementioned Declaration of Restrictions and Supplemental Declaration of Covenants and Restrictions of Mountain Park Corporation, dated January 20, 1969, and recorded April 10, 1969, in Book 671, page 1205, Film Records of Multnomah County, Oregon and recorded April 11, 1969, filing number 69-6089, Clackamas County, Oregon.
- II. Mountain Park Plat 7, recorded March 13, 1970, filing number 70-4754, in Clackamas County, Oregon, and Mountain Park Plat 8, recorded July 27, 1971, filing number 71-17731, in Clackamas County, Oregon, are subject to the aforementioned Declaration of Restrictions and to Supplemental Declaration of Covenants and Restrictions of Mountain Park Corporation, dated March 11, 1970, and recorded March 30, 1970, filing number 70-5812, Clackamas County, Oregon.
- III. Mountain Park, Blocks 10-31, which said Plat was recorded July 14, 1971, in Book 800, page 295, Film Records of Multnomah County, Oregon, is subject to the aforementioned Declaration of Restrictions and the Third Supplemental Declaration of Covenants and Restrictions of Mountain Park Corporation and Amendment of Plat, dated January 6, 1972, and recorded January 14, 1972, in Book 834, page 779, Film Records of Multnomah County, Oregon.
- IV. Mountain Park Plat 11, recorded November 24, 1971, filing number 71-33403, Clackamas County, Oregon, Mountain Park Plat 12, recorded January 14, 1972, filing number 72-1124, Clackamas County, Oregon, and Mountain Park Plat 13, recorded January 14, 1972, filing number 72-1125, Clackamas County, Oregon, are subject to the aforementioned Covenants and Restrictions, dated December 16, 1971, and recorded December 17, 1971, filing number 71-35494, and re-recorded January 17, 1972, filing number 72-1181, Clackamas County, Oregon.
- V. Mountain Park Plat 14, recorded December 31, 1974, filing number 74-35930, Clackamas County, Oregon, are subject to the aforementioned Declaration of Restrictions and the Fifth Supplemental Declaration of Covenants and Restrictions dated November 27, 1974, and recorded on December 31, 1974, filing number 74-35959, Clackamas County, Oregon.
- VI. Mountain Park, Blocks, 32-34, which said Plat was recorded December 30, 1974, in Book 1205, pages 57, 58, and 59, Film Records and Multnomah County, Oregon, is subject to the aforementioned Declaration of Restrictions and the Sixth Supplemental Declaration of Covenants and Restrictions dated November 27, 1974, and recorded on December 30, 1974, in Book 1022, page 179, Multnomah County, Oregon.

- VII. Seventh Supplemental Declarations of Covenants and Restrictions dated June 16, 1976, and recorded June 17, 1976, filing number 76-20034, Clackamas County, Oregon. Affects property to be developed under Phase V B-2 and 3 in accord with the general plan and approved by the City of Lake Oswego.
- VIII. Eighth Supplemental affects property of Phase V B-2 and 3 located in Multnomah County, Oregon. Mountain Park, Blocks 42-44, which said Plat was recorded on December 4, 1977, in Book 1208, pages 23 and 24, Film Records of Multnomah County, Oregon, is subject to the aforementioned Declaration and Restrictions dated June 16, 1976, and recorded June 18, 1976, in Book 1110, page 1160, Multnomah County, Oregon.
- IX. Mountain Park, Blocks 35-41, which said Plat was recorded on December 2, 1977, in book 1208, pages 19 through 22. Film Records of Multnomah County, Oregon, is subject to the aforementioned Declaration of Restrictions and the Ninth Supplemental Declaration of Covenants and Restrictions dated September 16, 1977, and recorded on October 4, 1977, in Book 1211, Page 2065 and re-recorded October 7, 1977, in Book 1212, Page 1917, Multnomah County, Oregon.
- X. Mountain Park, Blocks 45-57, Phase V-D, which said Plat was recorded November 14, 1978, in Book 1210, pages 20, 21, 22, Film Records of Multnomah County, Oregon, and Ratification of Declaration dated November 13, 1978, and recorded November 14, 1978, Book 1308, page 2487, Multnomah County, Oregon, are subject to the aforementioned Declaration of Restrictions and the Tenth Supplemental Declaration of Covenants and Restrictions dated October 26, 1978, and recorded on November 14, 1978, in Book 1308, page 2469, Multnomah County, Oregon.
- XI. Mountain Park Plat 9, recorded October 11, 1972, filing number 72-31067, Clackamas County, Oregon, and re-recorded Blocks 7 and 10, October 30, 1978, filing number 78-46626, Clackamas County, Oregon, is subject to the aforementioned Declaration of Restrictions and the Eleventh Supplemental Declaration of Covenants and Restrictions recorded November 16, 1978, filing number 78-49341, Clackamas County, Oregon.
- XII. Mountain Park, Blocks 63-78, which said Plat was recorded December 29, 1978, in Book 1210, Pages 53 and 54. Film Records of Multnomah County, Oregon, are subject to the aforementioned Declaration of Restrictions and the Twelfth Supplemental Declaration of Covenants and Restrictions, dated December 29, 1978, and recorded on January 2, 1979, Book 1320, Page 1789, Multnomah County, Oregon.
- XIII. Mountain Park Town Center Parcels II and III are subject to the aforementioned Declaration of Restrictions and the Thirteenth Supplemental Declaration of Covenants and Restrictions dated October 28, 1982, and recorded on October 29, 1982, in Book 1625, Page 2296, Multnomah County, Oregon, filing number 82-29986, Clackamas County, Oregon.
- XIV. Mountain Park, Blocks 58-62, Block 60, Lots 2-8, 11 and Block 61, Lots 1-4 are subject to the aforementioned Declaration of Restrictions and the Fourteenth Supplemental Declaration of Covenants and Restrictions, dated August 11, 1980, and recorded March 26, 1984, in Book 1735, Page 1488, Multnomah County, Oregon.

- XV. Mountain Park. Phase V-B 3, which said Plat was recorded July 21, 1981, filing number 81-25793 (which was a replat of Mountain Park No.15, a series of 66 lots) is subject to the aforementioned Declaration of Restrictions and the Fifteenth Supplemental Declaration of Covenants and Restrictions, dated July 22, 1981, and recorded on November 19, 1982, filing number 82-31918, Clackamas County, Oregon.
- XVI. Mountain Park. Lots 2-9, 48-50 in Mountain Park #15, are subject to the aforementioned Declaration of Restrictions and the Sixteenth Supplemental Declaration of Covenants and Restrictions, dated August 11, 1980, and recorded December 14, 1982, filing number 82-34117, Clackamas County, Oregon.
- XVII. Mountain Park. Block 57. Old fire station site owned by the City of Lake Oswego. Approved by the Mountain park Home Owners Association membership at the Annual Meeting, 1988, is subject to the aforementioned Declaration of Restrictions and the Seventeenth Supplemental Declaration of Covenants and Restrictions, dated July, 25, 1988, and recorded July 29, 1988, in Book 2124, Page 1382. Multnomah County, Oregon.
- XVIII. Mountain Park, Block 59 Lots 1-9, Lot owners agreed to divide each fourplex lot into two single family lots. Unnumbered supplement dated April 2, 1984 and recorded April 18, 1984, in Book 1741, Page 1838, Multnomah County, Oregon.