

**THIRD AMENDMENT TO THE DECLARATION OF
SHIELD CREST, A PLANNED COMMUNITY
MAY 19, 1989**

This Third Amendment is made to the Declaration of Shield Crest, A Planned Community recorded December 11, 1980 in Volume M-80 at page 24027, and recorded March 16, 1984 in Volume M-84 at page 4256, as amended by instrument, dated April 18, 1984, recorded in Volume M-84 at page 6541 and as amended by instrument date November 8, 1985, recorded November 9, 1985 in Volume M-85 at page 18238, of the deed records of Klamath County, Oregon.

Recitals

1. The Declaration of Shield Crest, as amended, provides for a Planned Community composed of the platted lots shown on the Plat of "Tract 1172 Shield Crest" and "Tract 1245 First Addition To Shield Crest."

2. The Planned Community is represented by the "Shield Crest Homeowner's Association," an Oregon Non-Profit Corporation.

3. Shield Crest Drive is owned by the Shield Crest Homeowners Association.

4. The Declarant - Developer, Shield Crest, Inc., has obtained the approval of Klamath County, Oregon to replat portions of said Tract 1245 to provide for a complex of condominiums and a golf course.

5. The condominium owners and the golf course patrons and employees will use a portion of Shield Crest Drive for ingress and egress.

6. It is appropriate to withdraw that portion of Tract 1245 which has been replatted as the golf course and condominium complex from the Planned Community and from the Shield Crest Home Owners Association.

7. It is appropriate to provide for the use of Shield Crest Drive by the Condominium complex and golf course in consideration of the payment by the condominium complex and golf course of a portion of the cost of maintenance, repair and replacement of Shield Crest Drive.

8. In addition other Amendments to the Declaration, which are more particularly described below, should be made.

9. Following Notice as provided by law a meeting of the owners of the 81 lots which make up the Shield Crest Homeowner's Association was held at Molatores Restaurant, 100 Main Street, Klamath Falls, Oregon at 6:30 p.m. o'clock on May 18, 1989. The owners of 78 lots were represented in person or by proxy.

10. After motion regularly made and second, 68 votes were cast in favor of the following amendments to the said Declaration and 0 votes were cast against the following Amendments. As Article 14 of the said Declaration provides that the Declaration may be amended by the affirmative vote of 75% of the lot owners, the Amendments set forth hereinafter were duly adopted.

WHEREFORE the Declaration of Shield Crest, A Planned Community, is hereby amended to read as follows:

A. The following described portions of Tract 1245, FIRST ADDITION TO SHIELD CREST are deleted from the land and lots included in the Shield Crest Home Owner's Association:

Following this amendment the Shield Crest Home Owners Association shall be composed of 47 lots in Tract 1172; Lots 1 through 7 in Block 4 and Lots 1 through 7 in Block 5 of Tract 1245; and Lots 8 and 9 in Block 4 of Tract 1257, a resubdivision of a portion of The First Addition to Shield Crest - Tract 1245.

B. The Board of Directors of the Shield Crest Homeowner's Association is authorized to enter into easements with Shield Crest, Inc. to provide for ingress and egress on Shield Crest Drive to the Shield Crest Golf Course and the proposed Shield Crest condominium complex. Said easements shall provide for the payment by the Golf course of 11% and by the condominium complex of 11% of the cost of maintaining and improving the streets owned by the Shield Crest Homeowner's Association.

C. The following Articles set out in the Declaration of Shield Crest, as heretofore amended, are amended in the following particulars:

(Note: the underlined language has been added and the bracketed () language has been deleted)

4. **NUMBER OF LOTS:** There shall be (eighty one) sixty three lots or units in the Planned Community.

7. **ALLOCATION OF VOTES:** Each lot, regardless of size shall be allocated one vote The term "lot" means each numbered lot shown on the Plat map for Tract 1172 and Lots 1 through 7, inclusive, in Block 5, and Lots 1 through 8, inclusive, and Lot 11 in Block 4 as shown on the replat map of Tract 1245. Each lot shall designate the authorized voter of that lot to the Board of Directors of The Homeowner's Association.

13. E. **LIVESTOCK AND POULTRY:** No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes.

No animals are to be allowed to roam outside owner's premises without being controlled by owner and on leash.

(However, Lot 1 of Block 1 may be used for a stable and horses under restricted use.)

The amendments to this paragraph for cows, sheep and horses contained in the Amendment To Declaration of Shield Crest recorded on November 9, 1985 in Volume M-85 at page 18238 are hereby revoked and deleted in their entirety.

13. H. **GARBAGE AND REFUSE DISPOSAL:** No parcel shall be used or maintained as a dumping ground for rubbish, trash, or garbage and other waste shall not be kept, except in sanitary containers at all times. All equipment for the storage or disposal of such material shall be kept in clean and sanitary condition. No rubbish may be burned or buried on or near the Planned Community except controlled weed, grass, and yard trimmings, nor shall any parcel be used for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition, including firewood which must be stored in an orderly manner and not be covered with colored coverings, or which will be obnoxious to the eye, nor shall any substance, thing or material be kept upon any lot that will, or might, disturb the peace, comfort or serenity of occupants of surrounding property. All lots must be maintained at all times to control and prevent grass and range fires upon the property.

All garbage containers, cuttings, refuse, fuel tanks, clothes lines and other service facilities must be screened from view of neighboring parcels.

13. L. **DWELLING QUALITY AND SIZE:** No building, other than a single-family dwelling for private use, may be constructed on any lot. No mobile home or trailer may be used as a residence. No more than one single-family dwelling not to exceed two stories in height shall be constructed on any lot. Accessory buildings incidental to residential use shall be of the same or acceptable architecture as the main home. Basements, which are

daylight, split entry and split level types, shall not be considered in determining the number of stories in the dwelling. Minimum square footage per single-family dwelling is 1800 square feet, excluding the garage and porches.

Any consent required of the Architectural Control Committee shall be in writing. Failure of the Committee to give a written consent within seven (7) days of the request, shall be deemed to be a denial of the request. However, the committee must approve or disapprove in writing within fourteen (14) days.

13. N. LANDSCAPING: All lots (yards) shall be landscaped within one year after the exterior of the main building is finished, with not less than 20% of front yard to be in grass, the rest to be natural, or with bark chips and evergreens in a professional manner. No Chinese Elm will be permitted. Cottonwoods and Poplars may be considered on outside parameter north of Arant Drive.

When a dwelling has been constructed on a lot, all adjacent vacant lots owned or controlled by the dwelling owner shall be landscaped in a manner consistent with the landscaping on the dwelling lot.

13. R. PARKING: Parking of recreational vehicles is not permitted on the street in front of the residences. The streets shall not be used for parking vehicles except on a temporary basis. No parking or storage of trailers, trucks, campers, boats, boat trailers, snow mobiles, or other off-road vehicles shall be permitted unless they are garaged, screened or concealed from the view of any neighbor.

No trucks with a gross capacity in excess of one ton or other equipment with a gross vehicle weight in excess of 5,000 lbs. shall be allowed on the streets owned by the Shield Crest Homeowner's Association except on a temporary basis in connection with construction or maintenance of land or improvements located in Tracts 1172 and 1245.

Dated this 3rd day of July, 1989.

Shield Crest, Inc., Developer,

by Robert Cheyne President

Shield Crest Home Owners Association

by Helene Cheyne President

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared this 13th day of July, 1989, ROBERT CHEYNE and HELENE CHEYNE who acknowledged that they are the presidents of Shield Crest, Inc., an Oregon Corporation, and Shield Crest Home Owners Association, an Oregon Non-Profit Corporation, respectively and acknowledge the foregoing Instrument to be the voluntary act and deed of said corporations.

(SEAL)

LINDA R. LUNDAHL
NOTARY PUBLIC - OREGON

Linda Lundahl
Notary Public for Oregon

My commission expires: 9-29-91

After Recording Return to: William M. Ganong, 292 Main Street, Klamath Falls, Or. 97601
STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of William M. Ganong the 17th day
of July A.D. 19 89 at 4:01 o'clock P.M., and duly recorded in Vol. M89
of Deeds on Page 13036

FEE \$18.00

Evelyn Blehn County Clerk
By Pauline Nielsen