

AFTER RECORDING, RETURN TO:

✓ Karen L. Smith
Resort Resources, Inc.
P. O. Box 1466
Bend, OR 97709

**SUPPLEMENTAL DECLARATION SUBMITTING
STAGE 5 OF HARBOR ISLES GOLF COURSE CONDOMINIUM
TO CONDOMINIUM OWNERSHIP**

THIS SUPPLEMENTAL DECLARATION, pursuant to the provisions of the Oregon Condominium Act, is made and executed this 12th day of March, 1999, by **JELD-WEN, inc.**, an Oregon corporation, the corporation surviving the merger with Trendwest, Inc., previously a division of JELD-WEN, inc. ("**Declarant**").

By document dated November 2, 1994, entitled Declaration Submitting The Harbor Isles Golf Course Condominium to Condominium Ownership, Declarant's predecessor created a condominium known as The Harbor Isles Golf Course Condominium, which is located in the City of Klamath Falls, Klamath County, Oregon. The purpose of this Supplemental Declaration is to submit Stage 5 of Harbor Isles Golf Course Condominium to the condominium form of ownership and use in the manner provided by the Oregon Condominium Act, and to annex such stage to The Harbor Isles Golf Course Condominium.

NOW, THEREFORE, Declarant does hereby declare and provide as follows:

ARTICLE 1

DEFINITIONS

When used in this Declaration the following terms shall have the following meanings:

1.1 "**Association**" means the Association of Unit Owners of The Harbor Isles Golf Course Condominium Association, Inc..

1.2 "**Bylaws**" means the Bylaws of the Association of Unit Owners of The Harbor Isles Golf Course Condominium Association, Inc. adopted pursuant to the Stage 1 Declaration as the same may be amended from time to time.

1.3 "**Condominium**" means all of that property submitted to the condominium form of ownership by the Stage 1 Declaration plus any additional property annexed to the project pursuant to Article 14 of such Declaration.

1.4 "**Declarant**" means JELD-WEN, inc., an Oregon corporation, and its successors and assigns.

1.5 **"Declaration"** means the Stage 1 Declaration and any Supplemental Declaration recorded in accordance with Article 14 of the Stage 1 Declaration, including without limitation, this Supplemental Declaration.

1.6 **"Plat"** means the plat of Harbor Isles Golf Course Condominium – Stage 5 recorded simultaneously with the recording of this Supplemental Declaration.

1.7 **"Stage 1 Declaration"** means that instrument dated November 2, 1994, recorded January 9, 1995, in the Records of Klamath County, Oregon in Volume M95, Page 541.

1.8 **Incorporation by Reference.** Except as otherwise provided in this Supplemental Declaration, each of the terms defined in the Declaration shall have the meanings set forth in the Declaration.

ARTICLE 2.

SUBMISSION OF PROPERTY TO CONDOMINIUM STATUTE

The property submitted to the Oregon Condominium Act by this Supplemental Declaration is held by Declarant and conveyed by Declarant in fee simple estate. The land submitted is located in the City of Klamath Falls, Klamath County, Oregon, and is more particularly described in the attached Exhibit A. The property submitted includes the land so described, all buildings, improvements and structures, all easements, and rights and appurtenances located on, belonging to or used in connection with such land.

ARTICLE 3.

UNITS

3.1 **General Description of Buildings.** Stage 5 contains two single family dwelling units, each of which contains one story, without basement (Units 7 and 8). The buildings are of wood frame construction with Hardi-Plank siding and composition shingle roofs.

3.2 **General Description, Location and Designation of Units.** Stage 5 consists of a total of two units. The dimensions, designation and location of each unit are shown in the Plat, which is made a part of this Declaration as if fully set forth herein. The approximate area of Unit 7, a 3-bedroom unit, is 2,322 square feet. The approximate area of Unit 8, a 2-bedroom unit, is 2,075 square feet.

3.3 **Boundaries of Units.** Living area and garage area: Horizontally, each unit shall consist of an area bounded by the interior side of the framework of the exterior walls of the building. Vertically, each unit shall consist of the space between the underside framework of the roof and the topside of the subfloor in the living area, and between the underside framework of the roof and the topside of the finished floor in the garage area. All pipes, conduits, wires, furnaces, hot water heaters, lights, electrical fixtures and bulbs, appliances, sinks, bathtubs, and

the like, from the exterior siding in, whether located within common element space or unit boundary space, are part of the unit. The air conditioning unit located outside each unit is also part of the unit.

ARTICLE 4.

GENERAL COMMON ELEMENTS

The general common elements consist of the following:

- 4.1 The land, fences, sprinklers, and all grounds except those grounds which are designated as limited common elements by Article 5 below.
- 4.2 Roofs, foundations, bearing walls, perimeter walls, beams, columns, trusses, and girders to the interior surfaces thereof.
- 4.3 All central and appurtenant installations of services such as electricity, telephone, gas, water, sewer, and television, including all pipes, meters, conduits, wires and other utility and communications installations which are located outside the physical perimeter of each building shall be general common elements.

ARTICLE 5.

LIMITED COMMON ELEMENTS

The following shall constitute limited common elements, the use of which shall be restricted to the units to which they pertain as described herein:

- 5.1 All walkways, patios, porches, driveways, garbage can enclosure pads, and exteriors of doors, each of which shall pertain to the unit which it adjoins as shown on the Plat.
- 5.2 The side yard area located adjacent to and westerly of Unit 7, which is accessed from the side door of Unit 7 as shown on the Plat, shall be a limited common element reserved for the exclusive use of Unit 7. The side yard area located adjacent to and westerly of Unit 8, which is accessed from the side door of Unit 8 as shown on the Plat, shall be a limited common element reserved for the exclusive use of Unit 8. The side yard area located adjacent to and easterly of Unit 8 as shown on the Plat, shall be a limited common element reserved for the exclusive use of Unit 8.

ARTICLE 6.

ALLOCATION OF UNDIVIDED INTERESTS IN COMMON ELEMENTS

Each unit will be entitled to an undivided ownership interest in the common elements determined by the ratio of one divided by the total number of units in the Condominium. Each unit now has an equal undivided 1/10 interest in the common elements. Each unit's undivided interest in the common elements will be reduced as additional stages are annexed to the Condominium.

ARTICLE 7

ALLOCATION OF COMMON PROFITS AND COMMON EXPENSES

The common profits and common expenses of the Condominium shall be allocated to the owner of each unit according to the allocation of undivided interests in the common elements.

ARTICLE 8.

EASEMENTS

8.1 **In General.** Each unit has an easement in and through the common elements for all support services required to effectuate and continue proper operation of the Condominium. In addition, each unit and all the common elements and limited common elements are specifically subject to easements as required to inspect, maintain, repair or replace electrical wiring, plumbing, and other services including, without limitation, gas, water, sewer, phone, cable TV, lawn sprinklers and mowing for each unit. The specific mention or reservation of any easement in this Declaration does not limit or negate the general easement for common elements reserved by law.

8.2 **Easements for Declarant.** Declarant and Declarant's agents, successors and assigns shall have an easement over and upon the common elements as may be reasonably necessary for the purpose of constructing additional stages and completing or making repairs to existing structures, for the purpose of carrying out sales activities including, without limitation, the right to use the units owned by Declarant as model units and the right to use a unit as a sales office, and for the purpose of discharging any other obligation of Declarant or exercising any other special Declarant right, whether arising under the Oregon Condominium Act or reserved in this Declaration or the Bylaws.

8.3 **Reservation of Easements for Future Development.** Declarant hereby reserves (a) an easement for the maintenance and use of all existing utility lines and systems within the Condominium including, without limitation, water, gas, sprinklers, sewer, electrical, telephone and cable television systems, and (b) an easement for the installation, maintenance and use of new utility lines and systems upon the general common element land of the Condominium. Such easement shall be for the benefit of and shall run with the ownership of the entire remainder of

the proposed Site Plan, and each and every portion thereof, whether or not such property is annexed to the Condominium as provided in Article 14 of the Declaration.

8.4 **Easement for Harbor Links Golf Course.** The Harbor Links Golf Course shall have a non-exclusive easement for maintenance and operation of the golf course on, over, and across the rear lot common elements, extending from the back of each unit's rear wall, or rear patio/deck, to the boundary of the condominium property as shown on the Plat. The portion of each site so encumbered shall be designated as Golf Course Easement and shall be fixed in location upon recordation of the Plat. Within such easement area, the grantees may conduct any and all activities (including, but not limited to, construction or maintenance of the golf course and/or retrieval of golf balls, and similar related activities) as are usual and proper for the construction, maintenance, operation and use of the golf course. Golf balls landing in the common areas may be retrieved by the golfer, but are considered out of bounds and shall be returned in bounds before striking. Occasionally, however, some golfers may disobey course protocol and strike a ball on condominium property. It is recognized that certain activities related to the use and maintenance of the golf course may impose some inconvenience on the property and residents.

8.5 **Granting of Easements by Association.** The Association, upon prior approval of 75 percent of the voting power of the unit owners, may execute, acknowledge, deliver and record on behalf of the unit owners leases, easements, rights-of-way, licenses, and similar interests affecting the common elements and consent to vacation of roadways within and adjacent to the Condominium. Any such instrument shall be executed by the chairman and secretary of the Association. No such interest may be granted with regard to a limited common element unless the owners and mortgagees of the units having the right to use such limited common element join in the instrument granting the interest.

ARTICLE 9

PLAN OF DEVELOPMENT

Stage 5 is the fifth stage of development of The Harbor Isles Golf Course Condominium. Up to seventeen (17) additional stages may be annexed to the Condominium pursuant to Article 14 of the Declaration. The allocation of undivided interests in the common elements for each unit in the Condominium is set forth in Article 6 herein.

ARTICLE 10

ADOPTION BY REFERENCE

Except as otherwise expressly provided in this document, each of the provisions of the Stage 1 Declaration shall be applicable to Stage 5 of The Harbor Isles Golf Course Condominium.

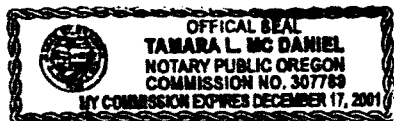
IN WITNESS WHEREOF, Declarant has caused this Supplemental Declaration to be executed as of the day and year first set forth above.

JELD-WEN, inc., an Oregon corporation

By: [Signature]
Its: General Manager of Harbor Isles and
Authorized Signer

State of Oregon)
)
County of Klamath) ss.

The foregoing instrument was acknowledged before me this 12 day of March, 1999, by Ken Black, the General Manager of Harbor Isles for JELD-WEN, inc., an Oregon corporation, on its behalf.



Tamara L. McDaniel
Notary Public for Oregon
My commission expires: 12-17-01

The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this 14th day of April, 1999 and in accordance with ORS 100.110 (7), this approval shall automatically expire if this Declaration is not recorded within two (2) years from this date.

SCOTT W TAYLOR
Real Estate Commissioner

By: [Signature]
Marge Robinson

EXHIBIT A

Legal Description of Stage 5

"Tract 1354 – Harbor Isles Golf Course Condominiums – Stage 5", being vacated Lot 3 and a portion of vacated Lots 2 and 4, Block 1, of "Buena Vista Second Addition", situated in the SE1/4 of the SW1/4 and the SW1/4 of the SW1/4 of Section 19, T38S, R9E, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the initial point, being the northeast corner of "Tract 1348 – Harbor Isles Golf Course Condominiums – Stage 3", as marked by a 5/8" iron pin with Tru-Line Surveying, Inc. plastic cap; thence S76°30'29"E 126.00 feet, to the northwest corner of "Tract 1351 – Harbor Isles Golf Course Condominiums – Stage 4"; thence S13°29'31"W 100.00 feet to the southwest corner of said "Tract 1351", said point also being on the north right of way line of Bismark Street; thence N76°30'29"W along said north right of way line 126.00 feet to the southeast corner of said "Tract 1348"; thence N13°29'31"E 100.00 feet, to the point of beginning, containing 12,600 square feet.

State of Oregon, County of Klamath
Recorded 6/23/99, at 3:25 p. m.

In Vol. M99 Page 246 11

Linda Smith,

County Clerk

Fee \$ 40 KR