

**SUPPLEMENTAL DECLARATION SUBMITTING  
STAGE 2 OF FALCON HEIGHTS CONDOMINIUM  
TO CONDOMINIUM OWNERSHIP**

THIS SUPPLEMENTAL DECLARATION, pursuant to the provisions of the Oregon Condominium Act, is made and executed this 9th day of November, 1999, by SoCo Development, Inc., an Oregon Non Profit Corporation (Declarant).

The purpose of this Supplemental Declaration is to submit Stage 2 of Falcon Heights Condominium to the condominium form of ownership and use in the manner provided by the Oregon Condominium Act and to annex such stage to Falcon Heights Condominium, located in Klamath County, Oregon.

Declarant makes reference to the Declaration annexing Stage 1 of Falcon Heights Condominium to unit ownership recorded at Volume M98 Page 4752 real property records for Klamath County.

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 established pursuant to Article 14 of the Stage 1 Declaration.

1.2 Bylaws means the Bylaws of the Association of Unit Owners of Falcon Heights Condominium adopted pursuant to Section 14.4 of the Stage 1 Declaration and recorded at Volume M98 Page 4721, real property records for Klamath County.

1.3 Condominium means all of that property submitted to the condominium form of ownership by this Supplemental Declaration plus any additional property annexed to the project pursuant to Article 15 of the Stage 1 Declaration.

1.4 Declarant means SoCo Development, Inc., an Oregon Non-Profit Corporation, and its successors and assigns.

1.5 Plat means the plat of Stage 1 Falcon Heights Condominium plat recorded simultaneously with the recording of the Stage 1 Declaration.

1.6 Stage 1 Declaration means the original Declaration recorded at Volume M98 Page 4752, real property records for

Klamath County.

1.7 Stage 2 Plat means the plat of stage two of Falcon Heights Condominium recorded simultaneously with the recording of this Supplemental Declaration.

1.8 Incorporation by Reference. Except as otherwise provided in this Declaration, each of the terms defined in ORS 100.005, a part of the Oregon Condominium Act, shall have the meanings set forth in such section.

## ARTICLE 2 SUBMISSION OF PROPERTY TO CONDOMINIUM STATUTE

The property submitted to the Oregon Condominium Act by this Supplemental Declaration is Stage 2 of Falcon Heights Condominium and is held by Declarant and conveyed by Declarant in fee simple estate. The land submitted is located in 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 NAME OF CONDOMINIUM

The name by which the Condominium shall be known is Falcon Heights Condominium.

## ARTICLE 4 UNITS

4.1 General Description of Buildings. Stage 2 contains 54 buildings with a total of 98 units. Each of such buildings contains one story, without basement. The buildings are constructed with wood frame construction with 2-inch vertical and horizontal siding and asphalt shingle roofs.

4.2 General Description, Location and Designation of Units. Stage 2 consists of a total of 98 units. The designation, location, description of boundaries and area in square feet of each unit is shown on the attached Exhibit B.

4.3 Boundaries of Units. Living area and garage area: Horizontally, each unit shall consist of an area bounded by the unit's exterior siding not including exterior paint/coating (the exterior of all doors, however, shall be considered part of the unit). Vertically, each unit shall consist of the space between the underside of the shingles to the bottom of the subfloor (concrete slab) in the living area, and between the underside of the shingles on the roof and the bottom of the finished floor in the garage area. All outlets of utility service lines, pipes,

## 2. SUPPLEMENTAL DECLARATION

conduits, wires, furnaces, hot water heaters, lights, electrical fixtures and bulbs, appliances, sinks, bathtubs and the like from the exterior siding in shall be considered parts of the units. The air conditioning units, if any, located outside each unit is excluded from the general common elements and shall be considered part of the units.

**4.4 Duplex Division.** The boundary between the units shall be in the middle of the supporting common wall in unit types 1, 2 and 3 as depicted on the plat; and between the back-side of the drywall and the supporting studs in unit types 1A, 2A and 3A as depicted on the plat.

#### ARTICLE 5 GENERAL COMMON ELEMENTS

The general common elements consist of the following:

**5.1** The land, roads, fences and all grounds, except those grounds that are designated as limited common elements by Article 7 below.

**5.2** All central and appurtenant installations of services such as electricity, telephone, gas, water, sewer, and cable 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 common elements. The air conditioning units, if any, shall be excluded from the general common elements and shall be considered part of the units.

#### 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 completed at any given time. Such allocation will change if additional stages are added to the Condominium as is particularly described in Article 9 below. The exact fractional ownership interest for each unit is described on the attached Exhibit B.

#### ARTICLE 7 LIMITED COMMON ELEMENTS

Limited common elements pertaining to each unit shall be for the exclusive use of the owner or occupant of such unit and shall be maintained, repaired or replaced by the Association except for air conditioning fixtures, if any, shall be maintained, repaired or replaced by unit owners. The following shall constitute limited common elements:

**7.1** All sidewalks, patios, and driveways, each of which shall pertain to the unit that it adjoins as shown on the plat.

#### 3. SUPPLEMENTAL DECLARATION

7.2 The back yard areas accessed from the back door of each unit, each of which shall pertain to the unit that it adjoins as shown on the plat.

#### ARTICLE 8 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 in excess of two years, 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

The Condominium has completed development of Stage 1. By recording this Supplemental Declaration, Declarant hereby submits Stage 2 to the Condominium form of ownership. Declarant reserves the right to add one more additional stage to the Condominium and to annex such additional stage by recording supplements to this Supplemental Declaration pursuant to ORS 100.120, together with a plat of the stage being annexed bearing a completion certificate as required by ORS 100.120 and 100.115. Any such additional stage shall be of comparable style, quality, size and range of unit value to Stage 1 and Stage 2.

9.1 **Maximum Number of Units and Stages.** If fully developed, the Condominium shall contain not more than 291 units.

9.2 **Termination Date.** No additional stage may be added more than seven years after the recording of this Supplemental Declaration. Such date may be extended for a period not to exceed two years by an amendment adopted pursuant to this Supplemental Declaration. The association does retain rights under ORS 100.155(2) and (3).

9.3 **Additional Common Elements.** Declarant proposes to include in future stages common elements for the condominium unit ownership. Such additional common elements, however, will not substantially increase the proportionate amount of the common expenses payable by owners of units in Stage 1 and Stage 2.

9.4 **Allocation of Interests in Common Elements.** The allocation of undivided interests in the common elements of units in Stage 1 and Stage 2 will change if additional stages are annexed to the condominium. Each unit's undivided ownership

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interest in common elements will be continually reduced as each subsequent stage is annexed to the condominium. The undivided ownership interest in common elements will be determined by dividing one by the total number of units completed at any given time.

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 2 of Falcon Heights Condominium.

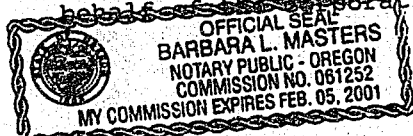
IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed this 9th day of November, 1999.

SoCo Development, Inc.,  
an Oregon Non Profit Corporation

C. Duane Bodtke  
By: C. Duane Bodtke  
its: President

STATE OF OREGON        )  
                                  ) ss.  
County of                )

9th The foregoing instrument was acknowledged before me this day of November, 1999, by C. Duane Bodtke as president of SoCo Development, Inc., an Oregon Non Profit Corporation, on behalf of the corporation.



Barbara L. Masters  
Notary Public for Oregon  
My commission expires: 2-5-01

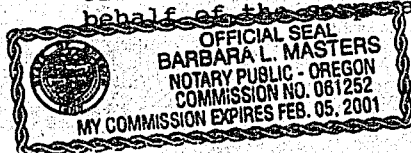
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SoCo Development, Inc.,  
an Oregon Non Profit Corporation

W. LouEllyn Kelly  
By: W. LouEllyn Kelly  
its: Secretary

STATE OF OREGON        )  
                                  ) ss.  
County of Klamath        )

9th The foregoing instrument was acknowledged before me this day of November, 1999, by W. LouEllyn Kelly the secretary of SoCo Development, Inc., an Oregon Non Profit Corporation, on behalf of the corporation.



Barbara L. Masters  
Notary Public for Oregon  
My commission expires: 2-5-01

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The foregoing Declaration is approved this 9<sup>th</sup> day of November, 1999.

ASSESSOR AND TAX COLLECTOR  
FOR KLAMATH COUNTY

By: 

\*\*\*\*\*

<sup>v</sup> Supplemental (2d)  
The foregoing Declaration is approved pursuant to ORS 100.110 this 15th day of November, 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. <sup>N</sup> Supplemental <sub>2d</sub>

SCOTT W. TAYLOR  
Real Estate Commissioner

By: 

Brian DeMarco



SITUATED IN THE W1/2 OF SECTION 34, T39S, R9EWM,  
KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED  
AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, AS MARKED BY A 2" x 36"  
GALVANIZED IRON PIPE WITH A HUB AND TACK AND O.L.S. 2442 WASHER,  
ALSO BEING THE INITIAL POINT OF "TRACT 1336 - FALCON HEIGHTS  
CONDOMINIUMS - STAGE 1"; THENCE N00°10'55"W 144.10 FEET;  
THENCE N89°55'30"E 138.62 FEET; THENCE N00°04'30"W 39.43 FEET;  
THENCE N89°55'30"E 177.36 FEET; THENCE S00°04'30"E 31.44 FEET;  
THENCE N89°55'30"E 153.47 FEET; THENCE S00°04'30"E 31.19 FEET;  
THENCE S52°06'41"E 192.98 FEET; THENCE S00°04'30"E 99.40 FEET;  
THENCE ALONG THE ARC OF A CURVE TO THE LEFT (RADIUS EQUALS  
38.00 FEET, AND CENTRAL ANGLE EQUALS 90°00'00") 59.69 FEET;  
THENCE N89°55'30"E 340.09 FEET TO A POINT ON THE BOUNDARY  
OF THAT TRACT OF LAND DESCRIBED IN KLAMATH COUNTY DEED  
VOLUME M97, PAGE 26,800; THENCE ALONG SAID BOUNDARY S00°11'15"E  
186.75 FEET, N89°49'36"E 510.71 FEET, S00°11'20"E 1573.91 FEET,  
TO THE NORTHERLY RIGHT OF WAY OF OLD MIDLAND ROAD, ALONG  
SAID NORTHERLY RIGHT OF WAY S89°54'58"W 290.27 FEET TO THE  
SOUTHEAST CORNER OF SAID "TRACT 1336"; THENCE ALONG THE  
BOUNDARY OF SAID "TRACT 1336", N00°04'30"W 527.15 FEET,  
S89°55'30"W 174.03 FEET, S00°04'30"E 42.53 FEET, S89°55'30"W  
128.32 FEET, N00°04'30"W 138.93 FEET, S89°55'30"W 179.89 FEET,  
N00°04'30"W 24.05 FEET, S89°55'30"W 126.94 FEET, N00°04'30"W  
1002.69 FEET, N67°07'07"W 360.22 FEET, N80°15'32"W 116.34 FEET,  
N00°04'30"W 84.42 FEET AND S89°55'30"W 167.85 FEET TO THE  
POINT OF BEGINNING, CONTAINING 29.65 ACRES MORE OR LESS. AND  
THAT I MADE SUCH SURVEY AND PLAT BY ORDER OF AND UNDER  
THE DIRECTION OF THE OWNERS THEREOF; THAT THE PLAT FULLY  
AND ACCURATELY DEPICTS THE BOUNDARIES OF THE UNITS AND  
BUILDINGS, AND THAT THE CONSTRUCTION OF THE UNITS AND  
BUILDINGS AS DEPICTED ON THE PLAT HAS BEEN COMPLETED, AND  
THAT ALL BOUNDARY CORNERS ARE MARKED WITH IRON MONUMENTS  
AND WOODEN WITNESS STAKES AS INDICATED ON THE ANNEXED PLAT.

## EXHIBIT "B"

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UNIT #	TYPE	SQUARE FEET	FRACTIONAL INTEREST OF OWNERSHIP IN COMMON ELEMENT
#10115	TYPE 3	1710	1/218
#10117	TYPE 3	1710	1/218
#10118	TYPE 3	1710	1/218
#10120	TYPE 3	1710	1/218
#10119	TYPE 3A	1740	1/218
#10121	TYPE 3A	1730	1/218
#10248	TYPE 3	1710	1/218
#10250	TYPE 3	1710	1/218
#10251	TYPE 4A	1830	1/218
#10252	TYPE 3A	1730	1/218
#10254	TYPE 3A	1740	1/218
#10253	TYPE 4A	1830	1/218
#10255	TYPE 4A	1830	1/218
#10301	TYPE 10301	1480	1/218
#10403	TYPE 3	1710	1/218
#10405	TYPE 3	1710	1/218
#10407	TYPE 3A	1740	1/218
#10409	TYPE 3A	1730	1/218
#10410	TYPE 2A	1520	1/218
#10412	TYPE 2A	1530	1/218
#10411	TYPE 2A	1530	1/218
#10413	TYPE 2A	1520	1/218
#10414	TYPE 2	1530	1/218
#10416	TYPE 2	1530	1/218
#10415	TYPE 2	1530	1/218
#10417	TYPE 2	1530	1/218
#10425	TYPE 3A	1740	1/218
#10427	TYPE 3A	1730	1/218
#10426	TYPE 1A	1355	1/218
#10428	TYPE 1A	1365	1/218
#10518	TYPE 2	1530	1/218
#10520	TYPE 2	1530	1/218
#10519	TYPE 1	1365	1/218
#10521	TYPE 1	1365	1/218
#10522	TYPE 2A	1520	1/218
#10524	TYPE 2A	1530	1/218
#10523	TYPE 2	1530	1/218
#10525	TYPE 2	1530	1/218
#10529	TYPE 4	1815	1/218
#10531	TYPE 4	1815	1/218
#10533	TYPE 4	1815	1/218
#10535	TYPE 4	1815	1/218
#10537	TYPE 5	2510	1/218
#10539	TYPE 4	1815	1/218
#10626	TYPE 2	1530	1/218
#10628	TYPE 2	1530	1/218
#10627	TYPE 2A	1530	1/218
#10629	TYPE 2A	1520	1/218
#10630	TYPE 1	1365	1/218
#10632	TYPE 1	1365	1/218
#10631	TYPE 2	1530	1/218
#10633	TYPE 2	1530	1/218
#10641	TYPE 3	1710	1/218
#10643	TYPE 3	1710	1/218



## EXHIBIT "B"

46358

UNIT #	TYPE	SQUARE FEET	FRACTIONAL INTEREST OF OWNERSHIP IN COMMON ELEMENT
#10642	TYPE 2	1530	1/218
#10644	TYPE 2	1530	1/218
#10645	TYPE 3A	1740	1/218
#10647	TYPE 3A	1730	1/218
#10646	TYPE 2A	1520	1/218
#10648	TYPE 2A	1530	1/218
#10701	TYPE 3	1710	1/218
#10703	TYPE 3	1710	1/218
#10705	TYPE 3A	1740	1/218
#10707	TYPE 3A	1730	1/218
#10712	TYPE 2A	1520	1/218
#10714	TYPE 2A	1530	1/218
#10713	TYPE 1A	1365	1/218
#10715	TYPE 1A	1355	1/218
#10716	TYPE 2	1530	1/218
#10718	TYPE 2	1530	1/218
#10717	TYPE 2	1530	1/218
#10719	TYPE 2	1530	1/218
#10720	TYPE 1A	1355	1/218
#10722	TYPE 1A	1365	1/218
#10721	TYPE 2A	1530	1/218
#10723	TYPE 2A	1520	1/218
#10725	TYPE 1A	1365	1/218
#10727	TYPE 1A	1355	1/218
#10726	TYPE 1	1365	1/218
#10728	TYPE 1	1365	1/218
#10734	TYPE 2	1530	1/218
#10736	TYPE 2	1530	1/218
#10735	TYPE 2	1530	1/218
#10737	TYPE 2	1530	1/218
#10750	TYPE 2A	1520	1/218
#10752	TYPE 2A	1530	1/218
#10753	TYPE 2	1530	1/218
#10755	TYPE 2	1530	1/218
#10754	TYPE 2	1530	1/218
#10756	TYPE 2	1530	1/218
#10757	TYPE 2	1530	1/218
#10759	TYPE 2	1530	1/218
#10758	TYPE 1	1365	1/218
#10760	TYPE 1	1365	1/218
#10761	TYPE 2A	1530	1/218
#10763	TYPE 2A	1520	1/218
#10762	TYPE 2A	1520	1/218
#10764	TYPE 2A	1530	1/218

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Ret.  
 Mike Rudd  
 411 Pine St.  
 Klamath Falls Or.  
 97601

State of Oregon, County of Klamath  
 Recorded 11/22/99, at 1:54 p.m.  
 In Vol. M99 Page 46350  
 Linda Smith,  
 County Clerk Fee \$ 50 -