

After Recording Please Return To:
 Oregon Housing and Community Services Dept.
 PO Box 14508
 Salem, Oregon 97309-0409
 Attention: Betty Markey

MTL 1396 - 2531

SPACE ABOVE FOR RECORDER'S USE

**AMENDMENT TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM
 DECLARATION OF LAND USE AND RESTRICTIVE COVENANTS**

THIS AMENDMENT TO THE DECLARATION OF LAND USE AND RESTRICTIVE COVENANTS (this "Amendment"), is dated February 26, 2001, and is made to that certain Declaration of Land Use and Restrictive Covenant (the "Declaration"), original dated September 14, 2000 recorded February 2, 2001 by and between **Klamath Housing Authority** ("Sponsor and Owner") and **Oregon Housing and Community Services Department** ("Department") for the project located at 5333 Homedale Road, Klamath Falls, Oregon known as Country Village Apartments and more particularly described as:

Parcel 1 of Land Partition No. 8-00 on file in the office of the Klamath County Clerk, being a partition of Parcel 2 of Land Partition 58-94, on file in the office of the Klamath County Clerk, situated in the SE1/4 NE1/4 of Section 14, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon.

The Declaration shall be amended as follows (new language in bold font):

WITNESSETH

WHEREAS, the Owner is or shall be the owner of a twenty-five unit rental housing development (24 affordable and one manager's unit) of which 5 6 units will be HOME assisted units, and for purposes of crediting additional match and to meet the original set-aside proposed by the Sponsor an additional ~~2~~ 1 unit will be designated a HOME-like unit, located on lands in the City of Klamath Falls, County of Klamath, State of Oregon, more particularly described in Exhibit A hereto, known as or to be known as Country Village Apartments (the "Project"); and

WHEREAS, the Owner has applied to the Department and entered into a Grant Agreement for an award to the Project in an amount not to ~~exceed Three Hundred Eighty Nine Thousand and Forty Five dollars (\$389,045)~~ **Four Hundred Eighty Eight Thousand and One Hundred Dollars (\$488,100)** and

Section 3 – REPRESENTATION, COVENANTS AND WARRANTIES OF THE OWNER

(f) During the Term of this Declaration, all units receiving HOME assistance shall be leased, rented or made available to members of the general public who qualify as Tenants as follows:

- (2) 3 4 of the HOME-assisted units (~~two three 3-bedroom units and one 4-bedroom unit~~) and 2 1 HOME-like units (~~two one 3-bedroom units~~) will provide housing for tenants with incomes below 60% of median income and rental charges defined as follows:
 - (a) If the Rural Development "Gross Basic Rent" is less than the High HOME Rent, then the rental charge including utilities shall equal the Rural Development "Basic Rent".
 - (b) If the Rural Development "Gross Basic Rent" exceeds the High HOME rent, then the rental charges including utilities shall be equal to or less than the High HOME rent limit whether or not the tenant receives Rural Development project based rental assistance.

Except as expressly amended, above, all other terms and conditions of the original declaration dated September 14, 2000 and recorded February 2, 2001 in Volume MOI pages 4405 -4411, are still in full force and effect.

IN WITNESS WHEREOF, the Owner has caused this Amendment to the Declaration to be signed by its duly authorized representative as of the day and year first written above.

OWNER:

By: Wayne A. Connors

Name: WAYNE A. CONNORS

Title: Executive Director

STATE OF OREGON)

County of Klamath)ss:

The foregoing instrument was acknowledged before me this 26th day of February, 2001, by Wayne A. Connors who is Executive Director of Klamath Housing Authority on behalf of the Owner.



Kristil Redd
Notary Public for the State of Oregon
My Commission Expires: 11/16/2003

State of Oregon, County of Klamath
Recorded 02/26/01, at 3:19 p.m.
In Vol. M01 Page 7495
Linda Smith,
County Clerk Fee \$ 26.00