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 June 27, 2001, and is made to that certain Declaration of Land Use and Restrictive Covenant (the "Declaration"), original dated September 14, 2000 recorded February 2, 200 and Amendment to the Declaration dated February 26, 2001, recorded February 26, 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.

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:

(1)   **6** f the HOME-assisted units (two 2-bedroom units, **three 3-bedroom units and one 4-bedroomm unit) and 1 HOME-like unit (one 3-bedroom unit)** units will provide housing for tenants with incomes below 50% of median income and rental charges including utilities shall have rents as defined as follows:

(a) If the Rural Development "Gross Basic Rent" is less than the Low 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 Low HOME rent, then the rental charges including utilities shall be one of the following:

    i)   equal to the Rural Development "Gross Basic Rent" if the tenant receives Rural Development project based rental assistance; or,

    ii) equal to or less than the Low HOME rent limit if the tenant does not receive Rural Development project based rental assistance.

(2)   ~~3 of the HOME-assisted units (two 3-bedroom units and one 4-bedroom unit) and 2 HOME-like units (two 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.~~

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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,__ and in the amended declaration dated __February 26, 2001 and recorded February 26, 2001 in Volume MO1 pages 7495-7496__ 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 hay and year first written above.

OWNER:

By: _Klamath Housing Authority_

Name: _Wayne A Connors_

Title: _EXECUTIVE DIRECTOR_

STATE OF OREGON   )
)ss:
County of _Klamath_)

The foregoing instrument was acknowledged before me this _27_ day of _June_ 200 _1_ , by _Wayne A. Connors_ _____ who is _executive director_ of _Klamath Housing authority_ on behalf of the Owner.

OFFICIAL SEAL
KIRSTEN JENSEN
NOTARY PUBLIC- OREGON
COMMISSION NO. 311414
MY COMMISSION EXPIRES APRIL 08, 2002

_____
Notary Public for the State of Oregon
My Commission Expires: _4/8/02_

State of Oregon, County of Klamath
Recorded 06/27/01, at _3:28 p._ m.
In Vol. M01 Page _31150_
Linda Smith,
County Clerk   Fee$ _26⁰⁰_