

**SUPPLEMENTAL DECLARATION SUBMITTING  
STAGE 3 OF FALCON HEIGHTS CONDOMINIUM  
TO CONDOMINIUM OWNERSHIP**

THIS SUPPLEMENTAL DECLARATION, pursuant to the provisions of the Oregon Condominium Act, is made and executed this 31 day of AUGUST, 2001, by SoCo Development, Inc., an Oregon Non Profit Corporation ("Declarant").

The purpose of this Supplemental Declaration is to submit Stage 3 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 creating Stage 1 of Falcon Heights Condominium to unit ownership recorded at Volume M98 Page 4752 real property records for Klamath County and to the Supplemental Declaration annexing Stage 2 of Falcon Heights Condominium to unit ownership recorded at Volume M99 Page 46350 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 all of that property submitted to the condominium form of ownership by the Stage 2 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 and the plat of Stage 2 Falcon Heights

Condominium plat recorded simultaneously with the recording of the Stage 2 Supplemental 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 Declaration" means the Stage 2 Supplemental Declaration recorded at Volume M99 Page 46350, real property records for Klamath County.

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

1.9 "Stage 3 Plat" means the plat of stage 3 of Falcon Heights Condominium recorded simultaneously with the recording of this Supplemental Declaration.

1.10 "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 3 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 3 contains 51 buildings with a total of 73 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 3 consists of a total of 73 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, 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.

**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 limited common elements.

#### **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. 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.

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.

7.3 The air conditioning units, if any.

#### **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 and Stage 2. By recording this Supplemental Declaration, Declarant hereby submits Stage 3 to the Condominium form of ownership. There shall be no further additions to Falcon Heights Condominium by the Declarant. As fully developed by submission of this Supplemental Declaration, the Condominium shall contain 291 units.

#### **ARTICLE 10 ADOPTION BY REFERENCE**

Except as otherwise expressly provided in this document, each of the provisions of the Stage 1 Declaration and Stage 2 Supplemental Declaration shall be applicable to Stage 3 of Falcon Heights Condominium.

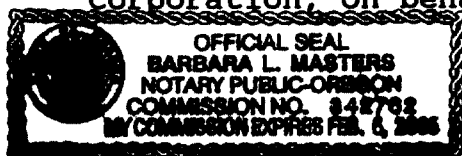
IN WITNESS WHEREOF, Declarant has caused this Supplemental Declaration to be executed this 13<sup>th</sup> day of July, 2001.

SoCo Development, Inc.,  
an Oregon Non Profit Corporation

Roger Rutledge  
By: Roger Rutledge  
its: President

STATE OF OREGON           )  
County of Klamath       ) ss.

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of July, 2001, by Roger Rutledge as president of SoCo Development, Inc., an Oregon Non Profit Corporation, on behalf of the corporation.



[Signature]  
Notary Public for Oregon  
My commission expires: 2-6-05

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SoCo Development, Inc.,  
an Oregon Non Profit Corporation

[Signature]  
By: W. LouEllyn Kelly  
its: Secretary

STATE OF OREGON           )  
County of Klamath       ) ss.

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of July, 2001, by W. LouEllyn Kelly the secretary of SoCo Development, Inc., an Oregon Non Profit Corporation, on behalf of the corporation.



[Signature]  
Notary Public for Oregon  
My commission expires: 2-6-05

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The foregoing Supplemental Declaration is approved this  
20 day of July, 2001.

ASSESSOR AND TAX COLLECTOR  
FOR KLAMATH COUNTY

By: 

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The foregoing Supplemental Declaration is approved  
pursuant to ORS 100.110 this 3rd day of July,  
2001, and in accordance with ORS 100.110(7), this approval shall  
automatically expire if this Supplemental Declaration is not  
recorded within two (2) years from this date.

SCOTT W. TAYLOR  
Real Estate Commissioner

By: 

Brian DeMarco

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Beginning at the initial point, being the quarter corner common to Sections 33 and 34, as marked by a Klamath County Surveyor brass cap; thence North 00 degrees 11' 04" West 1,324.56 feet; thence North 89 degrees 39' 50" East 1,300.59 feet; thence South 00 degrees 39' 39" East 1,327.71 feet; thence North 89 degrees 48' 02" East 154.45 feet; thence South 00 degrees 11' 15" East 858.06 feet; thence along the Northerly boundary of Tract 1365 "FALCON HEIGHTS CONDOMINIUM - STAGE 2", South 89 degrees 55' 30" West 340.09 feet, along the arc of a curve to the right (radius equals 38.00 feet and central angle equals 90 degrees 00' 00") 59.69 feet, North 00 degrees 04' 30" West 99.40 feet, North 52 degrees 06' 41" West 192.98 feet, North 00 degrees 04' 30" West 31.19 feet, South 89 degrees 55' 30" West 153.47 feet, North 00 degrees 04' 30" West 31.44 feet, South 89 degrees 55' 30" West 177.36 feet, South 00 degrees 04' 30" East 39.43 feet, South 89 degrees 55' 30" West 138.62 feet; thence North 00 degrees 10' 55" West 576.57 feet; thence South 89 degrees 48' 02" West 467.00 feet to the point of beginning.

EXHIBIT "A"

## EXHIBIT "B"

UNIT #	TYPE	SQUARE FEET	FRACTIONAL INTEREST OF OWNERSHIP IN COMMON ELEMENT
10006	4A	1830	1/291
10008	4A	1830	1/291
10010	4A	1830	1/291
10012	6	2895	1/291
10014	5	2510	1/291
10016	4	1815	1/291
10020	4	1815	1/291
10024	4	1815	1/291
10028	3A	1740	1/291
10030	3A	1740	1/291
10106	3	1710	1/291
10108	3	1710	1/291
10110	3A	1740	1/291
10112	3A	1740	1/291
10114	3	1710	1/291
10116	3	1710	1/291
10113	3	1710	1/291
10111	3	1710	1/291
10109	3	1710	1/291
10107	3	1710	1/291
10105	3A	1740	1/291
10103	3A	1740	1/291
10240	3A	1740	1/291
10242	3A	1740	1/291
10244	3	1710	1/291
10246	3	1710	1/291
10249	4A	1830	1/291
10245	4A	1830	1/291
10243	4A	1830	1/291
10241	4A	1830	1/291
10239	4A	1830	1/291
10015	3A	1740	1/291
10017	3A	1740	1/291
10019	3	1710	1/291
10021	3	1710	1/291
10023	3A	1740	1/291
10025	3A	1740	1/291
10027	3	1710	1/291
10029	3	1710	1/291
10131	3	1710	1/291
10133	3	1710	1/291
10135	3A	1740	1/291
10137	3A	1740	1/291



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10044	3A	1740	1/291
10046	3A	1740	1/291
10048	3	1710	1/291
10050	3	1710	1/291
10054	3A	1740	1/291
10056	3A	1740	1/291
10058	3	1710	1/291
10060	3	1710	1/291
10062	3	1710	1/291
10064	3	1710	1/291
10066	3	1710	1/291
10068	3	1710	1/291
10070	3A	1740	1/291
10072	3A	1740	1/291
10039	4	1815	1/291
10041	4	1815	1/291
10043	4	1815	1/291
10045	4	1815	1/291
10047	4	1815	1/291
10051	4	1815	1/291
10053	4	1815	1/291
10055	4	1815	1/291
10057	4	1815	1/291
10061	4	1815	1/291
10063	4	1815	1/291
10065	4	1815	1/291
10067	4	1815	1/291
10069	4	1815	1/291
10071	4	1815	1/291
10073	4	1815	1/291

State of Oregon, County of Klamath  
Recorded 08/31/01 at 3:32 p.m.  
In Vol. M01 Page 44761  
Linda Smith,  
County Clerk Fee \$ 61<sup>00</sup>