

AFTER RECORDING, RETURN TO:

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Attorney at Law
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Klamath Falls OR 97601

SECOND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TIMBERMILL SHORES TRACT 1430

Declarants Pine Cone, LLC. and TimberMill Shores, Inc., owners of the real property described on Exhibit "A" to the Declarations of TimberMill Shores, recorded in Volume M01 at Page 29962 of the Deed Records of Klamath County, Oregon, do hereby adopt the following Supplemental Declarations, which shall replace the supplemental Declarations recorded in Volume M05 at page 61837 of said records and shall apply to all of the real property included in Tract 1430 TimberMill Shores, City of Klamath Falls, Klamath County, Oregon. All of the land included in said Tract 1430 shall be held, improved, conveyed, hypothecated, encumbered, used, occupied, and administered subject to the Declarations of TimberMill Shores and to these second Supplemental Declarations of TimberMill Shores. These Second Supplemental Declarations shall run with the real property and shall be binding on all parties having or acquiring any right, title, or interest in the described properties or any part thereof and shall inure to the benefit of each owner thereof.

1. **Purpose.** The initial Declarations of TimberMill Shores provide architectural building design standards that create a harmonious environment of design excellence in the development of the TimberMill Shores property. The Covenants, Conditions and Restrictions for TimberMill Shores control the quality of the site design as well establish a sound basis for architectural continuity between the buildings. The Declarants' desire that the architectural building design language and other improvements within Tract 1430 reflect the historic use of the Modoc Lumber Co. mill site that comprises TimberMill Shores. The TimberMill Shores development shall have a visual identity that separates it from the core of the City of Klamath Falls while maintaining linkage with the adjacent downtown area and the historic buildings located therein. These Supplemental Declarations provide specific design criteria for guidance of property owners and the Architectural Review Committee established by the Declarations of TimberMill Shores.

2. **Use of the Land.** TimberMill Shores is an urban mixed-use development, and each lot in TimberMill Shores may be developed for residential, commercial, and other similar uses. No manufacturing or industrial uses, or use of a lot or building for adult business, mortuary, crematory, cemetery or as a resale/thrift store will be allowed within Tract 1430. The City of Klamath Falls Community Development Ordinance, which maybe accessed at www.ci.klamath-falls.or.us/Planning/CDOHomePage.htm, defines the said uses, and sets forth the City's development standards and site plan review process. The City's development standards are minimum standards and are supplemented by the Declarations and the Second Supplemental Declarations of TimberMill Shores.

76' ref old Rob Shaw

3. Review Application and Submittal Requirements. All proposed new developments will require a completed review application and be submitted to TimberMill Shores, Inc. The construction application and submittal form are available at the *offices of TimberMills Shores located at 404 South 4th Street, Klamath Falls, Oregon.*

4. Review Process and Responsibilities. It shall be the responsibility of each property owner and/or his agents to read and fully comprehend the Declarations, Covenants and Restrictions and the Second Supplemental Declarations (CC&R's) for the TimberMill Shores development. The Declarants recognize that it may not be commercially reasonable for a lot purchaser to provide final detailed plans and designs to the Committee prior to taking title. Therefore, a lot purchaser may elect, at the lot purchaser's risk, to close the sale of the Property and complete the following plan review process thereafter or Purchaser may elect to use the following review process prior to closing:

Preliminary Design Review. The preliminary review process allows the site and building concept to be analyzed at the initial stage where design concerns are more easily addressed and less costly. A conceptual site plan, building plan and building elevation should be provided at this meeting. The prospective land owners are encouraged to attend the preliminary review meeting as there is great benefit to obtain advice from the Architectural Review Committee (ARC) prior to the final review. The preliminary review shall not be deemed as final approval for construction. There will be no fee for the Preliminary Design Review.

b. **Final Design Review.** The applicant shall not submit its site plan to the City of Klamath Falls or seek any other governmental reviews and approvals until such time as the final site plan and building design drawings have been approved by the ARC. Each development application will be reviewed on a case by case basis. Final approval is subject to compliance with the design standards as interpreted by the ARC. The final review meetings are closed session, only ARC members, the independent architect consultant and a representative of TimberMill Shores will be present at the meeting. All conditions written by the ARC as a result of the preliminary review must be addressed in the final review submittal. The lot purchaser (applicant) shall provide the following documents to the ARC, prior to the date set for the closing of the sale of the lot:

- **Design Review Application Fee and Refund Policy**
 - Provide a check made to TimberMill Shores Inc. in the amount equal to \$1/sf of proposed building area which includes all floors for multi-story buildings with a maximum fee of \$10,000 and a minimum fee of \$2,500. *A \$1,500 administration fee will be retained with the balance being refunded to the lot purchaser or applicant upon successful completion of the project and any punch listed items identified as a result of the ARC's final inspection. The ARC will reserve the right to make partial refunds in cases where non-compliant issues have not been addressed by the owner.*
- Completed Application, Submittal to Build Form,
 - Application must be signed by the owner

- Include current address and phone number on the cover sheet
- All pages in the application must be completed
- Legal Description of the Property.
- Site Plan (2 copies):
 - the location of the proposed improvements including, but not limited to precise locations of all buildings,
 - grading plan showing existing contours and proposed contours at 2' intervals minimum and on-site drainage/containment systems,
 - **Finished Floor Elevation** of the first floor of the building
 - property lines, setbacks and easements,
 - utility stub locations and proposed extension locations to the building(s),
 - parking areas and stall layout with accessible parking,
 - sidewalks and pedestrian access areas, retaining walls and decks,
 - site construction materials,
 - trash enclosure area,
 - site lighting layout with cut sheet of fixture type ,
 - landscape plan with types and locations of existing and new vegetation to be incorporated in the landscaping plan,
 - site signage types and locations, indicate if signs are lit.
 - north arrow
- Conceptual Building Elevations in Color (2 copies)
 - a list of building materials that will be used on the exteriors of the buildings.
 - Drawing scale to be ¼"=1'-0" or as appropriate to clearly illustrate the building exterior,
 - Exterior building features including but not limited to, exterior lighting, roof, siding, railings, trims, stairways, overhead service doors, etc.
 - Proposed buildings main floor line in relation to the finished grade.
 - Accurate finished grades and existing grades drawn and noted.
- Floor Plans (2 copies)
 - Drawing scale to be ¼"=1'-0" or as appropriate to clearly illustrate the building floor plan, ***note the ARC does not intend to dictate the layout of any floor plan submitted for review however , the floor plans will be reviewed for compliance with compatibility with the building elevations and compliance with building entrance and exit locations.***
- Roof Plan (2 copies)
 - Drawing scale to be ¼"=1'-0" or as appropriate to clearly illustrate the building roof plan,
 - Roof mounted HVAC units,
 - Roof mounted accessories and chimneys,
- Samples of exterior building materials and colors including but not limited to exterior paint samples, masonry samples, exterior siding samples, roofing samples and exterior glazing samples. (1 sample each)
- , A written description of the intended building uses, and the time at which the lot improvements will be completed.

Within ten (10) days of receipt of said documents, the ARC shall review the documents for completeness. If additional information is required before the review can be completed, the ARC shall so notify the applicant, in writing. The ARC shall take no further action until said complete documentation is received from the applicant. The ARC shall, thereafter, have twenty (20) days to complete its review of the design information provided by the applicant, and it shall provide the applicant with its findings and written decision. The decision may deny the preliminary plans in whole, it may approve the preliminary plans, or it may approve the preliminary plans with conditions of approval. If the preliminary plans are approved with conditions, the applicant shall thereafter, within ten (10) days, advise the ARC of its acceptance of the conditions of approval. If the applicant fails to advise the committee of its acceptance of the conditions, then the application shall be deemed denied and the sale shall be terminated with any earnest money refunded to the applicant and the agreement for the sale and purchase of the lot shall be null and void. If the plans are approved or if the applicant accepts the conditions of approval, the sale of the lot shall be completed as provided in the sale agreement. A copy of the final letter provided the ARC will be sent to the purchaser and the purchasers design and/construction agent(s). The applicant shall make no changes to the parcel until it has received final approval of its detail site plan and design information from the ARC. Any improvements thereafter constructed shall be constructed in strict conformance with the design approved by the ARC. No changes shall be made without prior written approval of the ARC. The improvements approved by the ARC shall be completed within two years after final approval by the ARC. The time limitation contained in this section may be extended or otherwise modified by agreement between the Applicant and the ARC.

5. Appeals. Appeals to the ARC will considered based on the merit of the request and must be submitted in writing within 14 days of the ARC's written decision.

6. Enforcement. As provided by the TimberMill Shores CC&R's, the ARC and/or its representative(s) shall be authorized , upon receipt of an application and submittal to build, to make onsite inspections of the development at any time to monitor the building site and insure the projects compliance with the written conditions of approval and overall TimberMill design guidelines. If a breach of the CC&R's is encountered the breaching party shall be subject to any and all legal ramifications including damages and destruction, removal or the enjoining of any offending improvement or condition. In the event that an owner or his agent fails to comply the ARC and/or its authorized representatives may proceed with enforcement as provided for in these TimberMill Shores CC&R's. Any violation(s) of these CC&R's that are discovered will be forwarded in writing to the owner and/or the owner's agent(s) along with a reasonable timeline to correct the violation(s). In the event the owner fails to comply within this specified time period the ARC and/or its authorized representatives may proceed with enforcement as provided by the TimberMill CC&R's.

7. Miscellaneous. The Design Review Application Fee may be changed at any time. If the fees have changed the owner will be required to pay the new scheduled review fee.

8. Building Permit Requirements. The governing jurisdiction of Klamath Falls requires

that a building permit be obtained through the city building department prior to any construction work being performed at the site.

9. **Utility Contacts.** (*List all local available utilities for site and list contact information for each*)

10. **Site Design Standards.**

- a. **Site Design Philosophy.** Site plans and site improvements shall reflect the character of TimberMill Shores. Declarants shall work with each land owner to enhance the identity of the use of each lot as part of TimberMill Shores architectural design philosophy. All new development should compliment adjacent existing buildings. Site development shall create visual links and be functional to pedestrian and bicycle paths, and Lake Ewauna. The site design should include courtyards and plazas that provide a continuity of experience between the inside and outside of the building, incorporating furniture and accessories that allow active use of the space.
- b. **Buildable Parcel Area.** Refer to the Klamath Falls Zoning Ordinance.
- c. **Building Height.**
 - a. Lake Front Parcels shall be no more than 4 stories with a maximum height of 45 feet.
 - b. Interior parcels shall be no more than 4 stories with a maximum height of 45 feet.
- d. **Setbacks for Lake Front Parcels**
 - a. Front Setbacks *from TimberMill Drive and Klamath Avenue*: minimum 5 feet, maximum 20 feet
 - b. Side Setbacks: minimum 0 feet, *10 feet from Lot one or future park*
 - c. Rear Setbacks *at lake front areas*: minimum 0 feet, maximum 20 feet *from 30 foot lake front easement, the preferred setback is 0 feet from the lakefront easement*
- e. **Setbacks for Interior Parcels**
 - a. Front Setbacks *from streets (TimberMill Drive, Fourth Street, Klamath Avenue and Plum Avenue*: minimum 0 feet, the preferred setback is 5 feet from the front lot line.
 - b. Side Setbacks: minimum 0 feet
 - c. Rear Setbacks: minimum 0 feet
- f. **Adjacent Properties.** Adjacent private properties may not be used for parking areas or staging areas by any contractor or sub-contractor during construction unless otherwise

approved by TimberMill Shores or the adjacent property owner's approval. In the event any damage is caused to the adjacent property the property owner and/or the property owner's agent(s) will be held responsible for any restoration of the effected property.

- g. **Staging Area.** Each construction approval submittal shall designate on the site plan an area for construction staging. The staging area shall not negatively impact the adjacent properties or common roadways.
- h. **Parking.** Parking areas shall provide for the necessary parking spaces and stall sizes and contribute to the high-quality design character of TimberMill Shores. Each parking area should be conveniently located, and screened from any primary street frontage (TimberMill Drive, Klamath Avenue and 4th Street), and/or lake frontage by buildings, parking should not be the prominent object on the site. *In the event a lot will contain only one building the parking must be screened from the lake or any public way by either landscape, decorative screen wall or a combination of the two. All landscape and screen wall buffers are subject to review and approval by the ARC.* Parking areas shall be sited on the lots in a manner allowing ready-use of shared parking with adjoining lots and providing ease of pedestrian movement from the parking lot to adjoining businesses. At least one paved access from the parking area to the building should be provided. Parking areas should be adjacent to the building, and located at the rear of the lot where buildings are fronting the streets. If adjoining property owners choose to functionally connect their parking lots to allow a shared parking scenario the landscaping requirements and number of spaces is subject the ARC and City of Klamath Falls review and approval. The parking requirements of the City of Klamath Falls shall be considered minimum requirements One out of every 12 parking stalls shall contain trees or landscaping. The number of continuous parking stalls shall not exceed 10. No parking shall be allowed in alleys or easements, it is the owner's responsibility to see that their guests or lessees abide by this condition. No vehicles shall be parked in the street for more than 24 hours. Any boats, trailers, buses, motor homes or commercial vehicles shall be stored on site other than in an enclosed structure. The parking enclosure must be reviewed and approved by the ARC.
- i. **Excavation and Site Drainage.** *All excavation and site drainage must be compatible with the drainage philosophy established in the master drainage plan and City of Klamath Falls drainage guidelines. In the event onsite drainage must be incorporated* all excavation spoils must be removed from the site. Areas that are disturbed during construction must be restored to their original appearance or in accordance with an approved site plan. A drainage plan is required to be submitted as part of all construction and landscape submittals and is subject to the ARC review and approval. For purposes of drainage all site grading must be sloped away from all structures on a site.
- j. **Pedestrian Access.** Horizontal surfaces should have pedestrian pathways expressed

with a material contrasting to asphalt. The site plans for each of the lots adjoining a pedestrian access way, as shown on the Final Plat Map of Tract 1430, shall incorporate the pedestrian access ways in the site design, so that the pedestrian access ways complement the site design and convenient pedestrian access is available from each adjoining lot to the pedestrian access way.. ***Pedestrian Access Easements at lots 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 shall be nicely landscaped along the paths and shall provide a continuous flow of landscape appearance between lots. Pedestrian paths shall be constructed of concrete, 4 feet wide and flow together between lots.***

- k. **Recreational Easement Development.** The development plans for lots 2, 3, 5, 6, and 7 shall provide for the improvement of the Lake Ewauna Recreational Easement. The waterfront should welcome the user to Lake Ewauna, provide stopping points along the trail, places to rest and appropriate amenities. The character of the lake edge should be a transition between a recreated natural lake environment and the adjacent development. The lot owner shall coordinate the improvement of the easement area with the Klamath County, the easement owner, and the City of Klamath Falls, the easement manager. The trail when fully completed shall include a concrete walkway not less than ten feet wide, ample landscaping including grass and native plants and trees, an automatic irrigation system, benches at regular intervals, and lighting. If the easement area has not theretofore been improved, the lot owner, in conjunction with the landscaping of its lot, shall make minimal improvements to the easement area, including construction of a gravel trail ten feet in width and removal of weeds and other undesirable vegetation. The lot owner is encourage to make additional improvements and may be entitled to development credits from the City of Klamath Falls for such improvements. Following initial improvement of the easement area, maintenance of the easement area shall be provided by the TimberMill Shores Property Owners' Association, and the lot owners shall have no further responsibility for maintenance or improvement of the recreational easement area.
- i. **Landscaping.** Landscaping is required as a part of any site development and is required for all parcels and may be a condition of approval in some areas. All sites shall be maintained to present a neat and orderly appearance to all on and off-property vantage points. The landscaping requirements of the City of Klamath Falls shall be considered minimum requirements. Landscaping considerations shall include:
- a. All landscaping must be completed within six months of the completion of the building construction.
 - b. The front and side setbacks along the public right of way shall be adequately landscaped.
 - c. Underground sprinklers shall be utilized unless xeriscape design is approved by the ARC.
 - d. To the extent reasonably possible, larger trees and shrubs shall be used in landscaping plantings with a suggested minimum tree caliper of three inches and a suggested minimum shrub size of five gallons.
 - e. Street tree species, number of trees and locations at the areas between the curb

and sidewalks will be subject to the review and approval by the ARC. This also applies to ground cover material.

- f. Benches and other pedestrian amenities shall be used where appropriate.
 - g. Pedestrian linkage with dedicated pedestrian access ways shall be required.
 - h. In some situations screening may be required to conceal an unsightly element on the owner's site, these areas will be reviewed by the ARC and will be addressed in written format to the land owner with required provisions.
 - i. It will be the land owner's responsibility to follow the landscape plan approved by the ARC.
 - j. Land owners that have contiguous properties should work together to create a continuous flow of landscape appearance and use plantings that are compatible in nature and look.
 - k. Underground irrigation shall be utilized and designed to irrigate all lawns and shrub areas using separate zones for each area.
 - l. Irrigation controllers shall be set up for 365 calendar day watering using odd or even day programs.
- m. **Driveways and Walkways.** Driveway entrances onto streets and alleys shall be limited to two per site, unless otherwise approved by the ARC. Shared driveway access is *strongly* encouraged between parcels *and should be located on the property line between the two properties*. Driveways shall be a maximum of 20' wide, except to radius the street. No driveways will be allowed along the greenbelt areas or pedestrian access ways. *All* proposed driveways will be subject to the ARC review and approval. The city of Klamath Falls requires a permit for all curb cuts for any driveway. Driveways may be constructed of concrete, asphalt or masonry pavers. Driveway aprons shall be constructed of concrete with a minimum thickness of 8". All sidewalks shall be constructed of concrete or masonry pavers and shall be geothermally heated unless the geothermal resource system is not available to the property. Sidewalks shall be a minimum of 4' wide.
- n. **Fences and Retaining Walls.** All fences and retaining walls will need to be reviewed by the ARC. The heights or elevations of fences and site walls shall be measured from the existing natural elevations of the property, fences shall be six feet high or less. Cyclone, metal mesh and chain link fences are not allowed, however metal fence posts may be used. Freestanding site walls shall be constructed of concrete, masonry, wood, wrought iron, stucco which is cement based or stone. All concrete and masonry walls shall be a minimum of 8" thick. Wood fences or walls shall be painted unless a clear natural wood is used. Site walls should generally match the building colors and materials.
- o. **Water Features.** All water features must have written approval by the ARC prior to their construction.
- p. **Trash Enclosures.** Each commercial building shall have a trash enclosure area that screens garage, recycling and landscape debris. The trash enclosure structure must

have adequate space to enclose commercial trash and recycle containers. Trash enclosures may be detached from buildings and independently located on the site. All trash enclosures should be constructed of masonry or wood that compliments the building architecture and building materials. Each land owner will be responsible for their own trash removal during and after construction.

- q. Utilities and Utility Meters.** All utility pipes and conduits to individual structures must be installed underground. Above ground exposed services are not allowed. All utility meters such as gas and electric meters shall be located in an area that is not visible from a roadway however, the meter should be located in such an area that is easily accessed by the utility companies for reading and maintenance. *Exposed utilities must be painted to match the color of the adjacent building surface and be screened from view by landscape.*
- r. Flagpoles.** Flagpoles and banners may be allowed but must be reviewed by the ARC prior to installation.
- s. Temporary Structures.** No structure of temporary use such as trailers, tents, shacks, barns, garages or other outbuildings shall be allowed on any lot at any time. Construction trailers shall be allowed only during the construction duration but must be removed upon completion of the building.
- t. Signage.** No off-site signage within TimberMill Shores may be used without prior approval by the ARC. The TimberMill logo shall be stamped on various locations such as sidewalks and concrete entrances, as determined by the ARC. All signs must be professionally produced. Plastic or store bought signs are prohibited. All signs shall incorporate the TimberMill sign frame and the sign base at monument signs shall be composed of same materials as the building façade. To the extent reasonably possible, signage shall incorporate the use of wood and other natural materials and shall avoid the use of plastic, fiberglass, and other manufactured materials. The display of all other signs, including “realtor” signs, “for sale” signs, “for rent” signs and public event signs shall require prior written approval of the ARC and shall strictly comply with design standards proscribed by the ARC. All signs must meet the City of Klamath Falls requirements as represented in the Klamath Falls Zoning Ordinance. *All proposed signage will be reviewed on a case by case basis by the ARC.*
- u. Exterior Lighting.** The exterior lighting design should eliminate glare and annoyance to the adjacent properties. Good lighting of pedestrian areas and parking lots shall be required using light fixtures that are approved by the Architectural Review Committee. Exterior light fixtures must have a downward and shielded directed light source. No part of the lamp may be exposed through perforated or opaque material. All holiday lighting must be completely removed by January 31. All exterior light fixtures that are installed with the approval of the ARC must be *approved by the ARC prior to being installed.* b.... .

c.

11. Architectural Building Design Standards

a. **Building Design Philosophy.** Buildings shall be designed to accommodate a mix of uses, shall be designed to fit into and contribute to the evolving context of TimberMill Shores, and shall enhance and contribute to the public experience. Buildings and spaces shall be of a quality of design and construction that encourage and set a standard for adjunct development. The building design shall incorporate elements into the building envelope which extend to the outdoor room, such as terraces, balconies, or loggias. Blank walls (walls without windows, showcases, displays or pedestrian access points) shall be limited to 50% of any ground level building element which abuts a public road, street, sidewalk and pathway. Service elements for buildings should be integrated into the building envelope and, when possible, be placed away from pedestrian ways and screened visually and acoustically. Upper levels of buildings facing the Lake should incorporate decks, balconies, loggias, or other devices that activate the wall enclosing the Lake.

b. **Building Heights and Locations.** Buildings should be placed to the street edge with a storefront character encouraging pedestrian commuters and public transportation. "Celebrate" the entrance to the building from the street. At least 75% of the front edge of the lot must have a building and 60% of the required building frontage must be at the front lot line. The preferred setback from the front lot line is 5 feet. Building facades that face the street should be tall to provide framework for the street. Street facing façades should be done with a gabled end, a flat roof behind a parapet or a false front. Single level buildings will be required to be a minimum of 20 feet in height along the street facing facade. Buildings and other improvements shall be sited to maintain view corridors toward the lakefront. Buildings on lots 5, 6, and 7 should be limited to three stories and a maximum height of 35 feet measured from the natural, undisturbed ground surface below the center of the building or improvement to the highest point on the building or improvement. Building and improvements on all other lots shall not exceed 45 feet as provided in the City's Development Ordinance.

c. **Building Materials for Exterior Walls and Trim.** The exterior design of each TimberMill Shores building shall consider the use of more than one exterior material. Building walls of more than one material shall change the materials along horizontal lines or other architectural features. (*See illustration*). Exterior materials that appear heavier should be used below the lighter exterior materials to maintain an architectural balance of building materials. The visible surfaces of buildings should encourage the use of natural materials such as brick, concrete masonry units, cast in place concrete, rock, cultured stone, stucco and wood with a semi-transparent or solid body stains or paints. Emphasis should be put on wood features such as large wooden beams, exposed rafter tails and/or architectural wood or steel bracket to help emphasize the design. Monolithic and synthetic materials often express the fact that they are faux and/or machine made and will not be approved for use on exterior surfaces of buildings and improvements in TimberMill Shores.

d. **Exterior Colors and Stains.** All exterior colors will be subject to the review and approval by the ARC. Colors that are appropriate the character and style of the building are

strongly recommended. Bright colors that are out of character will not be allowed. All natural wood elements must be treated or stained.

e. **Awnings.** Awnings are encouraged at retail and pedestrian settings. All awnings shall fit the window bays to blend with or augment the architectural character of the building. Glass, metal, wood and fabric awnings are acceptable materials.

f. **Roofs.** Where pitched roofs are proposed, slate, tile, concrete wood simulated shakes and composition roofing are acceptable roofing applications. At low slope roofs single ply membrane roofs may be acceptable at areas where a cornices and parapets are used to conceal mechanical equipment from adjacent properties. Sloped roofs shall have a minimum pitch of 4:12. Eaves overhangs shall be at least 18 inches and shall be visibly supported by brackets or rafter tails. Eaves proposed less than 18 inches will be individually considered by the ARC.

g. **Gutters and Downspouts.** Gutters and downspouts are recommended and may be required on some buildings where either pedestrian traffic may occur or where roof or building surface drainage will need to be controlled. Gutters and downspouts shall be designed as a continuous architectural design feature. Exposed gutters and downspouts shall be colored or painted to blend in with the adjacent surface. All drainage pipes that are connected to downspouts must be concealed from view of neighboring properties.

h. **Windows, Glazing, Doors and Entrances.** Wood, vinyl or prefinished metal window frames are allowed. Glazing shall be clear or Low E units. No reflective glass is allowed. Aluminum window and door frames must be prefinished with a factory applied coating or anodized finish. Interior window treatments shall compliment the exterior façade. Entry doors shall be wood, embossed metal or fiberglass.

i. **Heating and Cooling Systems.** All heating and cooling systems and equipment must be screened from the view of neighboring properties and roadways.

j. **Overhead and Service Doors.** Overhead doors should be located in a way to accommodate vehicle loading and unloading but may not be visible from the street. Overhead doors may be of metal construction and must be painted to match the adjacent building to architecturally blend in with the exterior.

k. **Primary Building Entrances.** *Each building must have a primary entrance located on the primary street or lake front. Additional building entrances may be located on other facades or as required.*

l. **Satellite Dishes and Antennas.** No exterior satellite receivers or transmitters, television antennas, radio antennas or other receiving device shall be placed on any building, structure or tree without the review and approval of the ARC.

m. **Security.** All security concerns should be forwarded to the Klamath Falls Police

Department at (insert phone number). Any CC&R violation should be reported to the TimberMill Shores ARC at (insert phone number).

These Second Supplemental Declarations do not replace but supplement the Declarations that apply to all of TimberMill Shores. These Second Supplemental Declarations shall be effective and shall bind and burden the property upon recording in the Deed Records of Klamath County, Oregon.

TIMBERMILL SHORES, INC.
Post Office Box 257
Klamath Falls, Oregon 97601

PINE CONE, LLC.
Post Office Box 257
Klamath Falls, Oregon 97601

By: *Robert J. Shaw*
Robert J. Shaw, Its President

By: *Robert J. Shaw*
Robert J. Shaw, Its Operating Manager

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on October 28, 2005 by Robert J. Shaw, as the President of TimberMill Shores, Inc.

Patricia G. Palone
Notary Public for Oregon

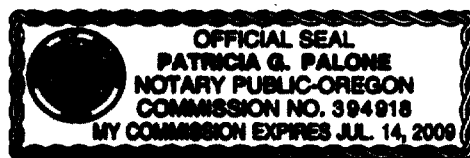


My Commission Expires: 7-14-09

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on October 28, 2005 by Robert J. Shaw, as the Operating Manager of Pine Cone, LLC.

Patricia G. Palone
Notary Public for Oregon



My Commission Expires: 7-14-09