

**2022-013281**

**Klamath County, Oregon**

11/14/2022 12:52:02 PM

Fee: \$92.00

AFTER RECORDING RETURN TO:

Kathleen A. Profitt  
Profitt Law PC  
13568 SE 97<sup>th</sup> Ave., Ste. 203B  
Clackamas, OR 97015

**FIRST AMENDMENT TO  
SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR THE DIAMOND SUMMIT AT LEISURE  
WOODS II HOMEOWNERS ASSOCIATION, INC**

This First Amendment to the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Diamond Summit at Leisure Woods II Homeowners Association, Inc. ("First Amendment") is made on 11-03-2022, 2022, by the members of The Diamond Summit at Leisure Woods II Homeowners Association, Inc., an Oregon nonprofit corporation (the "Association"). The First Amendment is effective upon recording.

**RECITALS:**

- A. This First Amendment is made pursuant to Section 4, Chapter 67, Oregon Laws 2021 (House Bill 2534).
- B. The Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Diamond Summit at Leisure Woods II Homeowners Association, Inc. (the "Declaration") was recorded on October 30, 2007, as Document No. 2007-018620 of the Klamath County Records, and re-recorded on November 16, 2007, as Document No. 2007-019508 within the Klamath County Records to correct a typographical error.
- C. The Association, through the amendment procedures set forth in Section 4, Chapter 67, Oregon Laws 2021, and made part of ORS 94.550 to 94.783 is amending Declaration Section 4.17 to remove a restriction against the use of the community or the lots not allowed under ORS 93.270.

**NOW THEREFORE**, the Declaration is amended as follows:

1. **Amendment to Section 4.17.** Section 4.17 is hereby deleted in its entirety and replaced with the following:

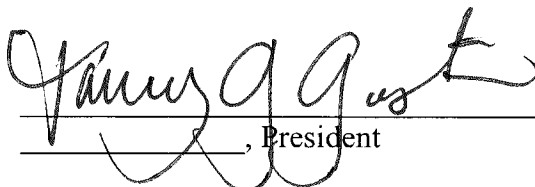
**4.17 Animals.** Subject only to reasonable accommodations required by fair housing laws, no animals, livestock or poultry of any kind, other than a reasonable number of household pets that are not kept, bred, or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, shall be raised, bred, kept, or permitted within any Lot. Owners whose animals cause any inconvenience or unpleasantness to other Owners shall take all steps reasonably necessary to prevent reoccurrence thereof. Owners whose animals damage other Owner's Lots or personal property shall reimburse such other Owners for reasonable costs actually incurred by such other Owners in repairing such damage. An Owner must have that Owner's dog leashed when on the Property and outside of such Owner's Lot so that all residents wishing to use the roadways for recreational walks, jogging, etc. feel safe to do so. An Owner will be required to permanently remove an animal from the Property on the receipt of the third notice in writing from the Board of a violation of any rule, regulation, or restriction governing animals within the Property.

2. **Approval.** This First Amendment is required by Section 4, Chapter 67, Oregon Laws 2021 (House Bill 2534) and is not subject to a vote of owners pursuant to Section 4(2), Chapter 67, Oregon Laws 2021.

3. **Effect of Amendment.** Except as expressly amended hereby, the Declaration remains unamended and in full force and effect.

IN WITNESS WHEREOF, the undersigned on behalf of the Association has executed this instrument this 7<sup>th</sup> day of November, 2022.

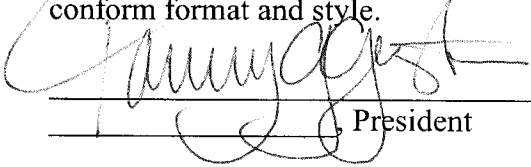
**THE DIAMOND SUMMIT AT LEISURE WOODS II HOMEOWNERS ASSOCIATION, INC.**

By: , President

By: , Secretary

## CERTIFICATE OF ASSOCIATION

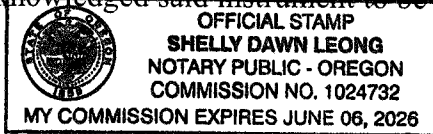
The undersigned President and Secretary of The Diamond Summit at Leisure Woods II Homeowners Association, Inc., an Oregon nonprofit corporation, hereby certify that the foregoing First Amendment does not change the Declaration except as required by Section 4, Chapter 67, Oregon Laws 2021 (House Bill 2534) and as may be necessary to correct scriveners' errors or to conform format and style.

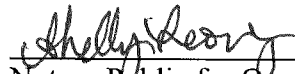
  
\_\_\_\_\_, President

  
\_\_\_\_\_, Secretary

STATE OF OREGON           )  
  ) ss.  
County of Washington    )

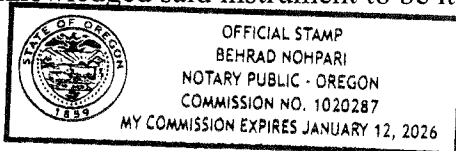
On this 7<sup>th</sup> day of November, 2022, personally appeared before me the above-named Tammy Gwen, who, after being duly sworn, did say that he/she is the President of The Diamond Summit at Leisure Woods II Homeowners Association, Inc., and that said instrument was signed on behalf of said organization by authority of its Members; and he/she acknowledged said instrument to be its voluntary act and deed.

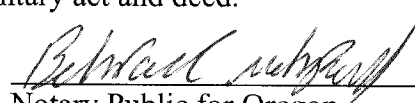


  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 06-06-2026

STATE OF OREGON)  
County of Clackamas    ) ss.

On this 14 day of October, 2022, personally appeared before me the above-named Linda Ingalls, who, after being duly sworn, did say that he/she is the Secretary of The Diamond Summit at Leisure Woods II Homeowners Association, Inc., and that said instrument was signed on behalf of said organization by authority of its Members; and he/she acknowledged said instrument to be its voluntary act and deed.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 01/12/2026