



After recording return to:  
Melvin D. Ferguson, Esq.  
514 Walnut Ave.  
Klamath Falls, OR 97601

**FIRST AMENDMENT  
TO  
THIRD RESTATED AND AMENDED  
DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS OF TIMBERMILL SHORES**

This First Amendment to the Third Restated and Amended Declaration of Covenants, Conditions and Restrictions of TimberMill Shores (CCRs) amends Section 4 as follows:

1. The language of Section 4(1)

“(1) The right to act as the Architectural Review Committee described below;” is deleted. The following language is substituted in its place:

“(1) The right to serve on the Architectural Review Committee described in Section 4.1;”

2. The following Section 4.1 is added:

“4.1 ARC. The Architectural Review Committee (ARC) shall be composed of a representative of Timber Mill Shores, Inc. or its successor in interest, not more than three (3) non-owner community representatives appointed by TimberMill Shores, Inc., an architectural or engineering consultant retained by TimberMill Shores, Inc., and not more than three (3) additional TimberMill Shores property owners. Each property owner that desires to serve on the ARC shall notify TimberMill Shores, Inc. in writing. Property owners shall be added to the ARC

on a first come, first serve basis. All ARC members shall serve a term of one year but shall be eligible for reappointment subject to reapplication and reappointment. A property owner or non-property owner community representative may withdraw its membership on the ARC at any time by providing notice of such withdrawal to TimberMill Shores, Inc. Each property owner ARC member shall designate a principal or employee to represent it on the ARC and may remove or change the representative at any time.

TimberMill Shores, Inc. will provide copies of all proposed development information submitted electronically by an applicant to the members of the ARC. All other information provided by an applicant shall be available for review at the office of TimberMill Shores, Inc. at reasonable times upon request by a member of the ARC. TimberMill Shores, Inc. will provide electronic notice of all meetings of the ARC to ARC members as soon as reasonably possible. An ARC member may participate electronically in ARC meetings. An ARC member shall not participate in the consideration of a development application as a member of the ARC for any property or proposed development where the ARC member, or a person or entity in which the ARC member holds an interest has an ownership or other actual or potential financial interest in the property or proposed development.


A majority of ARC members then eligible to serve shall constitute a quorum. Any decision or other action of a majority of the members of the ARC participating in a meeting or determination of the ARC, a quorum being present, shall constitute a decision of the ARC. The Association shall indemnify and hold harmless the members of the ARC for actions or decisions taken or made within the course and scope of their duties as members of the ARC. The

Association shall reimburse the ARC for architectural/ engineering, legal, insurance and other fees and expenses incurred on behalf of the ARC. Property owners and non-property owner community representatives shall receive no compensation nor reimbursement of costs incurred for serving on the ARC, except for incidental expenses.”

As amended by this instrument the Third Restated and Amended Declaration of Covenants, Conditions and Restrictions of TimberMill Shores is ratified, confirmed and republished.

Dated this 5<sup>th</sup> day of July, 2023.

Pine Cone LLC, an Oregon limited liability company

By:   
Robert J. Shaw, Manager

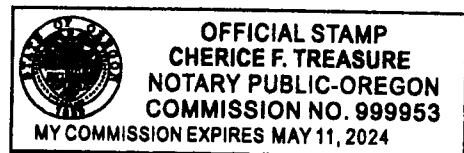
STATE OF OREGON           )  
  ) ss  
County of Klamath        )

On July 5<sup>th</sup>, 2023, before me, Cherice F. Treasure, a Notary Public, personally appeared Robert J. Shaw, Manager for Pine Cone LLC, an Oregon limited liability company. who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: 



I, Thomas J. Shaw, Trustee of the TJS Trust dated August 7, 1985, approve the Third Restated and Amended Declaration of Covenants, Conditions and Restrictions for TimberMill Shores.

TJS Trust dated August 7, 1985

By: Thomas J. Shaw  
Thomas J. Shaw, Trustee

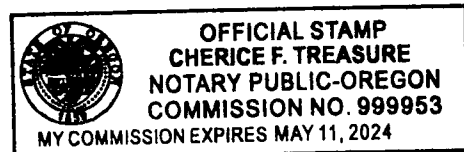
STATE OF OREGON           )  
  ) ss  
County of Klamath        )

On May 22, 2023, 2023, before me, Cherice F. Treasure, a Notary Public, personally appeared Thomas J. Shaw, Trustee of the TJS Trust dated August 7, 1985, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: Cherice F. Treasure





I, Steven R Erb, an authorized representative of People's Bank of Commerce approve the First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and Restrictions for TimberMill Shores.

People's Bank of Commerce

By: [Signature]  
Name: STEVEN R ERB  
Title: Executive Vice President

STATE OF Oregon )  
 ) ss  
County of Jackson )

On March 23, 2023, before me, Amanda Marie Caffey, a Notary Public, personally appeared Steven R Erb, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: Amanda Marie Caffey





I, DWIGHT UNTI an authorized representative of Tokola Holdings, Inc. approve the First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and Restrictions for TimberMill Shores.

Tokola

By: [Signature]  
Name: DWIGHT D. UNTI  
Title: PRESIDENT

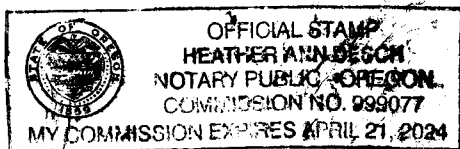
STATE OF Oregon )  
County of Multnomah ) ss

On 5/2, 2023, before me, Heather Desch, a Notary Public, personally appeared Dwight Unti, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of OR that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: [Signature]





I, John H. Ferguson authorized representative of Klamath Falls Hotel Partners, LLC  
approve the First Amendment to Third Restated and Amended Declaration of Covenants,  
Conditions and Restrictions for TimberMill Shores.

Klamath Falls Hotel Partners, LLC

By: John H. Ferguson  
Name: JOHN H. FERGUSON  
Title: MANAGER

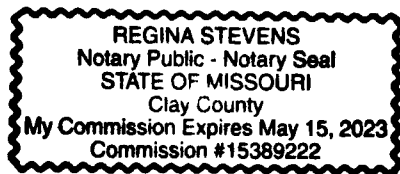
STATE OF Missouri )  
 ) ss  
County of Clay )

On April 4<sup>th</sup>, 2023, before me, Regina Stevens, a Notary Public,  
personally appeared John H. Ferguson, who proved to me on the basis of satisfactory  
evidence to be the person whose name is subscribed to the within instrument and acknowledged  
to me that he executed the same in his authorized capacity, and that by his signature on the  
instrument the person, or the entity upon behalf of which the person acted, executed the  
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Missouri that  
the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: Regina Stevens



I, Jonathan Fay, an authorized representative of Fayworks LLC approve the First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and Restrictions for TimberMill Shores.

Fayworks LLC

By: [Signature]  
Name: Jonathan Fay  
Title: owner

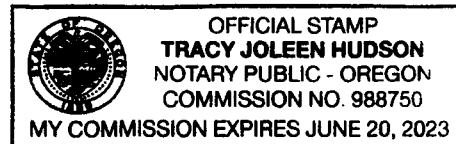
STATE OF Oregon )  
County of Klamath ) ss

On April 19, 2023, before me, Tracy Hudson, a Notary Public, personally appeared Jonathan Fay, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: Tracy Hudson



I, \_\_\_\_\_, an authorized representative of Klamath Holdings, LLC approve the First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and Restrictions for TimberMill Shores.

Klamath Holdings, LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss

County of \_\_\_\_\_ )

On \_\_\_\_\_, 2023, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of \_\_\_\_\_ that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: \_\_\_\_\_





I, PATRICK F BROWN an authorized representative of Beacon Hill Land LLC approve the First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and Restrictions for TimberMill Shores.

Beacon Hill Land LLC

By: [Signature]  
Name: PATRICK F BROWN  
Title: MEMBER MANAGER

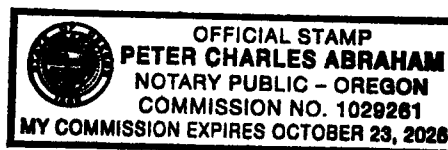
STATE OF Oregon )  
 ) ss  
County of Washington )

On March 20th, 2023, before me, Peter Abraham, a Notary Public, personally appeared Patrick Brown, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: [Signature]



John H. Ferguson, an authorized representative of Klamath Falls Venture I, LLC approve the First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and Restrictions for TimberMill Shores.

Klamath Falls Venture I, LLC

By: John H. Ferguson

Name: John H. Ferguson

Title: MANAGER

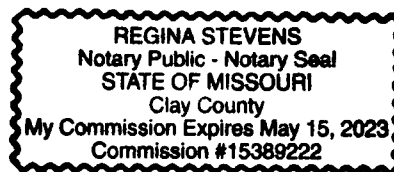
STATE OF Missouri )  
 ) ss  
County of Clay )

On April 4<sup>th</sup>, 2023, before me, Regina Stevens, a Notary Public, personally appeared John H. Ferguson, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Missouri that the foregoing paragraph is true and correct.

Witness my hand and official seal.


Signature: Regina Stevens



DECLARANT:

I, Robert J. Shaw, President for TimberMill Shores, Inc., as Declarant, confirm that 75% of TimberMill Shores property owners have signed the TimberMill Shores First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and Restrictions as required by the TimberMill Shores Declaration of Covenants, Conditions and Restriction on this 5<sup>th</sup> day of July, 2023.

TimberMill Shores, Inc.

By:   
Robert J. Shaw, President

STATE OF OREGON           )  
  ) ss  
County of Klamath        )

On July 5<sup>th</sup>, 2023, before me, Cherice F. Treasure, a Notary Public, personally appeared Robert J. Shaw, President for TimberMill Shores, Inc.. who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: Cherice F. Treasure

