2023-005593 Klamath County, Oregon

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



07/07/2023 10:41:33 AM

Fee: \$157.00

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

FIRST AMENDMENT TO THIRD RESTATED AND AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF TIMBERMILL SHORES - Page 1 of 16

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

FIRST AMENDMENT TO THIRD RESTATED AND AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF TIMBERMILL SHORES - Page 2 of 16

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 the 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 5th, 2023, before me, Cherief. 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: Chewa J. Washer



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

Thomas J. Shaw, Trustee

STATE OF OREGON

County of Klamath

On May 22, 2023, before me, While Trees, 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:

OFFICIAL STAMP
CHERICE F. TREASURE
NOTARY PUBLIC-OREGON
COMMISSION NO. 999953
MY COMMISSION EXPIRES MAY 11, 2024

I, Cort Baney, an authorized representative of Baney Corp. approve the First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and Restrictions for TimberMill Shores.
Baney Corp
By: A Saney Name: Curt Baney Title: President
STATE OF Oregon)) ss County of Neschotes)
County of <u>Deschates</u>)
On Nay 10 th , 2023, before me, Nawn Mackey, a Notary Public, personally appeared 1, 1 + 13 feet, 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 <u>Mregorial</u> that the foregoing paragraph is true and correct.
Witness my hand and official seal.
OFFICIAL STAMP DAWNN J MACKEY NOTARY PUBLIC-OREGON COMMISSION NO. 1025784 MY COMMISSION EXPIRES II IL V 5. 2028

I, <u>Steven R Elb</u>, 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: Name: <u>SIEVEN REBB</u>
Title: <u>Executive</u> Vice President

STATE OF <u>Origon</u>) ss County of <u>Jackson</u>)

On March 23, 2023, before me, Steven R, a Notary Public, personally appeared Steven R & rb, 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 Original that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: Amanda Marie Caffey



I,, an authorized representative of Washington Federal approve the
First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and
Restrictions for TimberMill Shores.
Washington Federal
Washington 1 cucius
By: Name: Title:
Name:
Title:
STATE OF)
STATE OF)) ss County of)
County of)
On 2022 hafara ma
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.
Without High faile different sear.
Signature:

I, DUTCHT CATE 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 STATE OF Un County of Muthomah) ss On 5/2, 2023, before me, Heather Desch, a Notary Public, personally appeared Dwight Vnti, 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, John H. Gry Manuthorized 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

STATE OF MISSOUR

County of

On April 4, 2023, before me, Yeans, a Notary Public, personally appeared John Heeguson, 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 Wissour that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature:

REGINA STEVENS
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires May 15, 2023
Commission #15389222

I, Jouathan 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 STATE OF <u>Overfor</u>) ss County of <u>Klamuth</u>) On April 19, 2023, before me, Tracy Hullson, a Notary Public, personally appeared Janathan Facy, 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 Wigor that the foregoing paragraph is true and correct. Witness my hand and official seal. OFFICIAL STAMP **TRACY JOLEEN HUDSON NOTARY PUBLIC - OREGON**

COMMISSION NO. 988750

MY COMMISSION EXPIRES JUNE 20, 2023

Signature: May 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
Trialitati Holanigs, EDC
By:
Name:
Title:
STATE OF)
) ss
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
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.
mot differe.
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:

	ed and Amended Declaration	on of Covenants, Conditions an	
Nickleman, LLC			
By:Name:			
Title:			
STATE OF)) ss		
County of	.)		
to me that he executed the sa	ame in his authorized capac	, a Notar roved to me on the basis of sat the within instrument and ackn ity, and that by his signature on the person acted, executed the	n the
I certify under PENA the foregoing paragraph is tr	ALTY OF PERJURY under rue and correct.	the laws of the State of	that
Witness my hand and officia	al seal.		
Signature:			

I,, an authorized representative of Lake Ewauna Holdings LLC approve the First Amendment to Third Restated and Amended Declaration of Covenants, Conditions and Restrictions for TimberMill Shores.
Lake Ewauna Holdings LLC
By: Name: Title:
STATE OF
On
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, PATIZICK F BRALL 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

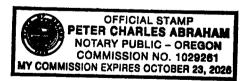
County of Washington) ss

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 Uregon that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: Lets A



I Jo HIN II (CICIUSON, 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 STATE OF Y/ISSOURI 2023, before me, Klaine 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. the foregoing paragraph is true and correct. Witness my hand and official seal. **REGINA STEVENS**

REGINA STEVENS
Notary Public - Notary Seal
STATE OF MISSOURI
County
My Commission Expires May 15, 2023
Commission #15389222

REGINA STEVENS
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires May 15, 2023
Commission #15389222

FIRST AMENDMENT TO THIRD RESTATED AND AMENDED DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS OF TIMBERMILL SHORES - Page 15 of 16

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 5th day of _______, 2023.

TimberMill Shores, Inc.

By:______Robert J. Shaw, President

STATE OF OREGON)
) so
County of Klamath)

On July 5th, 2023, before me, Chevice 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: Churce J. Mensure