



*After Recording Return To:
West Hills Development Co.
15500 SW Jay Street
Beaverton, Oregon 97006*

ADDENDUM TO ORENCO GARDENS P.U.D.:

**DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS
ESTABLISHMENT OF A HOMEOWNER'S ASSOCIATION,
DECLARATION OF INITIAL FEES**

*Creation of Orenco Gardens Phase 1, Plat 2; and Statement of
Homeowner's Association Fees Relating to Orenco Gardens Phase 1, Plats 1 and 2*

LEGAL DESCRIPTION OF PROPERTY

Orenco Gardens Phase 1, Plat 2 is the second plat in Orenco Gardens, a residential Planned Unit Development (P.U.D.) located in Washington County, Oregon. Phase 1, Plat 1 is a plat recorded in Washington County Deed Records as Documents No. 2001109979. Orenco Gardens Phase 1, Plat 1 and now Orenco Gardens Phase 1, Plat 2 are phases of a planned multi-phase development. Orenco Gardens will consist of three or more phases. It is located as a Replat of a Portion of lots 1-7, "Bohart's Subdivision" and a portion of the NE 1/4, NW1/4, SW1/4 and SE 1/4 of Section 34, T. 1N., R. 2W., W.M. City of Hillsboro, Washington County, Oregon and is governed by the terms of the conditions of approval contained in the City of Hillsboro Planning Department files numbered DDP 6-00, SUB 16-00 and CDP 3-00.

Orenco Gardens is a multi-phase development consisting of single family and multifamily residential structures. Initial plans call for three phases containing 7 plats. Each plat will contain a specific style or styles of residence with Covenants, Conditions and Restrictions (CCR's) and Homeowners Association Provisions (Provisions) unique to the applicable style residence. Those unique CCR's and Provisions will be in addition to P.U.D. wide CCR's and Provisions to be found in Washington County Deed Records No. 20001109983.

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DECLARATIONS

WEST HILLS DEVELOPMENT COMPANY, is owner of the herein described real property and is designated the **Declarant**.

It is Declarant's sole discretion to amend the Orenco Gardens CCR's and Homeowner's Association provisions to apply to subsequent phases of development. The Declarant has reserved the right to amend this and previous documents governing Orenco Gardens development to reflect incorporation of additional land and additional and/or different declarations as governmental, physical and market requirements dictate. Any additional land incorporated will be developed in a manner that is compatible with the existing. Owners in any additional phases will purchase their property subject to the then existing Homeowners Association benefits and obligations including voting rights and a pro-rata share of the Homeowners Association fees. Phases 1, 2, and 3 are planned to contain a total of 544 lots. The maximum number of lots, if any, which may be part of future phases has yet to be determined

NOW THEREFORE: by this document Declarant amends the "Declaration" for Orenco Gardens P.U.D as follows:

The terms of the CC&R'S and Provisions, as herein amended shall inure to the benefit of each owner of property in Orenco Gardens P.U.D and shall be binding on all parties having any right, title or interest in property contained within Orenco Gardens P.U.D. their heirs, successors and assigns. These amended CC&R'S and Homeowner's Association Provisions shall run with and attach to the subject property and bind all the real property within the Orenco Gardens P.U.D.

All terms contained in the original "Declaration" recorded in Washington County Deed Records No. 20001109983 and subsequent amendments or addendum thereto recorded prior to recordation of this document, which are not altered by the terms of this document, shall remain in effect and govern the lots and Tracts described in this addendum. If there is a conflict between the terms of this document, the original "Declaration" and subsequent amendments or addendum thereto, recorded prior to recordation of this document, the conflict shall be resolved by looking first to the terms of this document which shall be controlling. If confusion still exists the resolution shall be based upon the intent of Declarant herein to have the obligations contained in the original "Declaration" apply to all lots in all phases of the Orenco Gardens P.U.D. unless specifically altered.

The "Declaration" shall now also apply to lots 149 through 213 inclusive and Tracts "CC", and "DD". Said lots and Tracts shall become part of the Orenco Gardens Homeowner's Association with all rights and obligations which accompany membership in said Association.



Declarant shall install at least a four (4) foot high, vinyl coated, chain link fence adjacent to the wetlands buffer along the entirety of lots 149 and 201 through 213, inclusive. This fence will be owned and maintained to governing authority and Architectural Control Committee standards by the Homeowners Association

Tracts "CC", and "DD" are subject to a public storm drainage easement over their entirety. They shall be owned by the City of Hillsboro with a maintenance easement for the benefit of the Orenco Gardens Homeowners Association. The Homeowners Association shall maintain any retaining walls located within the herein mentioned Tracts. Said Tracts contain water quality swales which shall be maintained consistent with City of Hillsboro, Department of State Lands, U.S. Corps of Engineers and Clean Water Services regulations. No brushing, clearing or grubbing, grading, construction or storage of materials may occur within the tracts without obtaining permission from the respective entities.

Tracts "CC", and "DD" are subject to a public sanitary sewer easement over their entirety to the City of Hillsboro.

Tract "CC" is for open space and tree preservation and is subject to a public pedestrian and bicycle access easement over its entirety.

DECLARATIONS RELATING TO HOMEOWNERS ASSOCIATION PROVISIONS

Orenco Gardens Homeowners Association (Association or Homeowners Association) is a Planned Community subject to the provisions of Oregon Revised Statutes Chapter 94.

THE INITIAL ANNUAL BASE HOMEOWNER'S ASSOCIATION FEE FOR ALL LOTS WITHIN ORENCO GARDENS WILL BE \$276 PER LOT. ADDITIONAL FEES RELATED TO AND DEPENDENT UPON IN WHICH PLAT A SPECIFIC PROPERTY IS LOCATED WILL BE ESTABLISHED AND THAT FEE IS DESCRIBED ELSEWHERE IN THIS DOCUMENT AS AMENDED. THE FIRST ANNUAL FEE, BOTH GENERAL AND SPECIFIC, IS PAYABLE TO THE DECLARANT ON BEHALF OF THE ORENCO GARDENS HOMEOWNERS ASSOCIATION AT TIME OF CLOSING. BEGINNING WITH THE SECOND ANNUAL FEE, FEES SHALL BE PAID QUARTERLY TO DECLARANT ON BEHALF OF THE ORENCO GARDENS HOMEOWNER'S ASSOCIATION UNTIL THE ADMINISTRATION OF THE HOMEOWNERS ASSOCIATION IS TRANSFERRED TO THE INDIVIDUAL MEMBERS AS HEREIN SET FORTH.

SPECIAL ANNUAL FEES:

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THE SPECIAL ANNUAL HOMEOWNER'S ASSOCIATION FEE FOR LOTS 1 THROUGH 10, 58 THROUGH 69, 94 THROUGH 141, AND 144 THROUGH 148, INCLUSIVE, SHALL BE \$396.

THE SPECIAL ANNUAL HOMEOWNER'S ASSOCIATION FEE FOR LOTS 11 THROUGH 57 AND 70 THROUGH 93, INCLUSIVE, SHALL BE \$504.

THE SPECIAL ANNUAL HOMEOWNER'S ASSOCIATION FEE FOR LOTS 142 AND 143 AND 149 THROUGH 213, INCLUSIVE, SHALL BE \$456.

The Board of Directors or, if no Board of Directors has yet been chosen, the Declarant, shall have the authority, without first submitting the question to owners to increase an Association fee assessment. The amount of each annual assessment shall be established and justified at the Board's annual meeting or if the Board of Directors has yet to be established pursuant to the Declaration, the amount of increase shall be based upon actual expenses experienced by Declarant. In no event, however, shall the annual Association fee assessment for any lot be increased by more than ten percent (10%) in any one year or an accumulated increase of more than fifty percent (50%) from the initial annual Association fee assessment associated with that lot without a vote of the owners as set forth elsewhere in the Association Provisions. The expenses referenced herein shall be borne by the lot owners equally with a pro rata share of the total being the responsibility of each lot owner(s).

CLARIFICATION OF DECLARATIONS PERTAINING TO PHASE 1, PLAT 1

Tract "C" is a private access strip which shall be owned by the Homeowners Association and maintained by the owners of lots 16 through 21 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2001109984, Washington County Deed Records.

Tract "G" is a private access strip which shall be owned by the Homeowners Association and maintained by the owners of lots 22 through 29 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2001109985 Washington County Deed Records.

Tract "J" is a private access strip which shall be owned by the Homeowners Association and maintained by the owners of lots 30 through 32 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2001109986 Washington County Deed Records

Tract "M" is a private access strip which shall be owned by the Homeowners Association and maintained by the owners of lots 33 through 35 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2001109987, Washington County Deed Records.



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Tract "P" is a private access strip which shall be owned by the Homeowners Association and maintained by the owners of lots 36 through 43 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2001109988, Washington County Deed Records.

Tract "S" is a private access strip which shall be owned by the Homeowners Association and maintained by the owners of lots 44 through 46 and 70 through 81 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2001109989, Washington County Deed Records.

Tract "V" is a private access strip which shall be owned by the Homeowners Association and maintained by the owners of lots 47 through 52 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2001109990, Washington County Deed Records.

Tract "X" is a private access strip which shall be owned by the Homeowners Association and maintained by the owners of lots 82 through 93 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2001109991, Washington County Deed Records.

IN WITNESS WHEREOF, the Declarant herein, has hereunto set their hands this 5th day of December, 2001.

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