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STATE OF OREGON
COUNTY OF DESCHUTES



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DO NOT REMOVE THIS CERTIFICATE

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**I hereby certify that the attached instrument was received
and duly recorded in Deschutes County records:**

DATE AND TIME: Oct. 24, 2000; 1:35 p.m.

RECEIPT NO: 27660

DOCUMENT TYPE: ByLaws, Declarations

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A handwritten signature in cursive script, reading "Mary Sue Penhollow".

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

**SYLVAN KNOLLS - BOONES BOROUGH
PROPERTY OWNERS' ASSOCIATION, INC.
REVISED BY-LAWS**

**ARTICLE I
NAME AND PURPOSE**

The name of this Association shall be SYLVAN KNOLLS - BOONES BOROUGH PROPERTY OWNERS' ASSOCIATION, INC. The purpose of the Association is to protect property values and the mutual enjoyment of property use by all property owners, to facilitate endeavors of common interest to the members, and to preserve the existing natural environment.

**ARTICLE II
MEMBERSHIP**

All owners of property within the SYLVAN KNOLLS - BOONES BOROUGH development shall automatically become members of the Association. Any person purchasing a parcel of land within said development under an agreement of sale shall be deemed the owner. Owners are entitled to one vote per parcel of land owned. Joint owners must advise the Secretary, prior to any meeting or mail vote as to who will exercise the vote for each parcel jointly held. Votes may be cast in person, by mail, or by proxy. Proxies must be in writing, signed by the voting member(s) and submitted to the Board before or at the time of voting.

**ARTICLE III
ORGANIZATION AND PROCEDURES**

SECTION 1 - Election Procedures for Board of Directors

The management of the Association shall be vested in a Board of Directors of five (5) persons, each of whom is a member of the Association residing in the development. All five (5) Board Members will be elected by the members of the association. For continuity of experience, directors will serve staggered terms. At annual elections, candidates will be nominated to fill vacancies only, and will serve two (2) year terms if elected. Incumbents may run for reelection. Terms of newly elected Board Members will begin fifteen (15) days after they are elected.

The officers of the Association shall be President, Vice-President, Secretary, Treasurer, and Member-at-Large, and shall be selected by the Board, from among its members, at its first regular Board Meeting. All officers shall hold office at the discretion of the Board. All officers shall perform the duties usually pertaining to such offices and such other duties as may be delegated to them by these By-Laws or by the Board.

SECTION 2 – Board Vacancies and Recalls

If a vacancy on the Board of Directors occurs before the completion of a term of office, the Board shall appoint a member of the association to serve the remainder of the vacating member's term. A directorship shall be deemed vacant in the case of any director who resigns their position on the Board, or in the case of any director who fails to attend three consecutive regular meetings, after having received customary notice of these meetings, unless the person has a reason for their absences that is acceptable to the Board. A Director may be recalled by a majority vote of the membership at a special or Annual meeting.

SECTION 3 – Duties and Powers of Board

The Board shall administer all business carried on by the Association consistent with actions voted upon by the Association membership and by these By-Laws. The Board shall issue annually a full report of its work during the year and of the condition of the Association. The Board shall submit an Annual Financial Statement to the Association membership.

The Board shall also have the following powers:

1. To establish advisory committees, as deemed appropriate, of individuals to serve without compensation.
2. To provide information and other services for members or potential members as the Board deems advisable.
3. To enforce building and use restrictions, as set out in these By-Laws, on behalf of all property owners, and appoint a Plan Review Committee.

SECTION 4 – Plan Review Committee

The Plan Review Committee will be made up of at least 3 and no more than 5 property owners living within the subdivision, none of whom shall be members of the Board of Directors or engaged in the building trades within the subdivision. All will serve at the discretion of the Board of Directors.

The Plan Review Committee will elect a chairperson from among its members, who will receive applications for plan reviews, assure that all the committee members have ample opportunity to review such plans, and report the majority decision of the committee to the applicants. The Plan Review Committee chairperson will also maintain complete records of plans reviewed and action taken, and shall notify the Board of Directors, through the Member-at-Large, within twenty-four (24) hours of the Committee's decisions with regard to Plan approval or disapproval. Plan Review records are to be retained for at least three (3) years from the date of each transaction and are to be open to inspection by

1 interested property owners at a reasonable time, upon written request. In the event of a
2 vacancy on the Plan Review Committee, the Board of Directors will act promptly to
3 appoint a replacement. During the period of vacancy, a majority vote of the remaining
4 members and the Member-at-Large of the Board of Directors will be required for plan
5 approval or disapproval.
6

7 **SECTION 5 – Annual Meeting and Agenda**

8

9 An annual Association meeting shall be held during the month of June or at such other
10 time as the Board of Directors may choose. The meeting agenda shall include an annual
11 report of the Board concerning Association activities, the Treasurer's Report, the election
12 or reelection of Board Members, and such other business as the Board or members of the
13 Association may introduce.
14

15 **SECTION 6 – Special Association Meetings**

16

17 Special association meetings may be called by the Secretary upon resolution of the Board,
18 or upon written petition of ten percent (10%) of the voting members. The petition shall be
19 submitted to the Secretary and shall state the purpose of the special meeting being
20 requested and is to specify a period of two weeks within which the meeting may be held,
21 provided, however, that the petition be delivered to the Secretary no less than one (1)
22 week before the specified period. The Secretary shall verify that the petition is signed by
23 ten percent (10%) of the voting members, and if the petition is so sufficient, shall issue
24 notice to the members, of the meeting, with an agenda reflecting the petitioner's statement
25 of the purpose of the meeting. The Board may, but is not compelled to call a special
26 meeting or conduct a vote on any issue they feel membership has voted upon within the
27 past six (6) months.
28

29 **SECTION 7 – Quorum and Approval of Rule-Making Decisions**

30

31 At any regular or special meeting of the Association, twenty-five percent (25%) of the
32 membership shall be physically present, vote by mail or vote by proxy to constitute a
33 quorum. Approval of any amendment to the by-laws will require a two third (2/3)
34 majority vote of the eligible voters represented at the meeting. Any membership meeting
35 at which a quorum is not present may be adjourned for from seven (7) to fourteen (14)
36 days. Notice will be given to all voting members of the adjourned meeting. At the
37 reconvened meeting, a quorum will consist of five percent (5%) of the membership that
38 are physically present, voting by mail, or voting by proxy.
39

40 **SECTION 8 – Transaction of Business at Association Meetings**

41

42 At an Association meeting, declarative resolutions may be adopted, and instruction may be
43 issued to the Board, provided they do not abridge powers specifically granted to the
44 Board by these By-Laws. At a special meeting of the membership, no business may be
45 transacted other than that stated in the agenda as the purpose of the meeting, without the

1 unanimous consent of the members present. At a regular or special meeting, each
2 membership shall be given an opportunity to be heard and to discuss the issues, but, the
3 presiding member of the Board may limit the time given to each member to speak, or set
4 forth other measures designed to conduct an orderly meeting.

5 6 **SECTION 9 – Complaint Procedure**

7
8 Any Association member, or group of members, may convey a written complaint about
9 Association matters, to the President, or other Board Members acting on behalf of the
10 President. The Board shall respond, in writing, to the complainant about the merits of the
11 complaint within thirty (30) days of receipt. The response of the Board shall include a
12 statement, which describes the Board's interpretation of the By-Laws as they pertain to
13 the complaint. If the complainant is not satisfied with the outcome, he/she may proceed to
14 a second stage by requesting of the President of the Board, in writing, a formal hearing.
15 The purpose of the hearing is to permit the complainant to present additional information
16 relevant to the original complaint or the Board's written response. Upon receipt of such
17 written request, the President of the Board will arrange a hearing as soon as practical, but
18 at least within thirty (30) days. At least 3 members of the Board with the power to act
19 must be present at the hearing. The complainant may invite other property owners who
20 have relevant information to be present. Within 15 days of the hearing the Board must
21 respond in writing to the complainant, by affirming its original decision, modifying its
22 initial decision or continuing the fact-finding process for another 30 days. The
23 complainant may request another hearing at the end of the fact-finding period. Following
24 the second hearing the Board shall respond to the complainant within 7 days and that will
25 be the final administrative step in the complaint process.

26 27 **ARTICLE IV** 28 **MAIL VOTE**

29
30 Whenever in the judgment of the Board of Directors any question shall arise that requires
31 a vote of the membership, except voting to amend the by-laws, and when the Board deems
32 it inappropriate to call a special meeting for that purpose, the Board may submit the
33 matter to the membership in writing by mail for vote and decision. The question thus
34 presented shall be decided according to a majority of the votes received by mail within two
35 (2) weeks after such submission to the membership, provided that in each case, votes of at
36 least twenty-five (25%) of the members shall be received. Action taken in this manner
37 shall be as effective as action taken at a duly called meeting.

38 39 **ARTICLE V** 40 **LIABILITIES**

41 42 **SECTION 1 – Restrictions on Liabilities**

43
44 Nothing shall constitute members of the Association as partners for any purpose. No
45 member, officer, agent or employee shall be liable for the acts or failure to act of any other

1 member, officer, agent, or employee of the Association. Nor shall any member, officer,
2 agent, or employee be liable for his acts or failure to act under these By-Laws, except only
3 acts of omissions arising out of his intentional misfeasance, nonfeasance, or malfeasance.
4

5 **SECTION 2 – Fees for Legal Services**

6

7 In the event of a dispute between parties to these By-Laws involving enforcement of the
8 By-Laws or Restrictions, the prevailing party will be entitled to recover any fees incurred
9 for legal services in excess of \$100.00.
10

11 **ARTICLE VI** 12 **DUES AND ASSESSMENTS**

13

14 Each owner of any lot, by acceptance of deed therefore, hereby agrees and is deemed to
15 pay, for each lot owned, to the Association the following:
16

- 17 1. Annual dues for the operation of the Association are due and payable
18 January 1st of each year and shall become delinquent February 28th of each
19 year.
- 20 2. Special assessments, when required, to meet the obligations of the
21 Association to cover unusual and/or expected expenditures.
22

23 The amount of annual dues and the amounts of special assessments for each membership
24 will be determined by the Board of Directors and authorization for the collection of these
25 amounts will require approval by a vote cast in the normal voting procedure as defined in
26 Article III Section 6.
27

28 Unpaid annual dues and unpaid special assessments, together with interest costs and
29 reasonable fees incurred in the collection thereof, shall become a lien against the property
30 against which each charge is made. Such charges are to be the personal obligation of the
31 person who was the owner of such property at the time when the charges fell due.
32 Anyone who has not paid his or her dues may not have a vote.
33

34 **ARTICLE VII** 35 **AMENDMENTS**

36

37 These By-Laws of the Association may be amended, repealed, or altered in the whole or in
38 part by a two-third (2/3) majority vote of the eligible voters represented at the meeting.
39

40 **ARTICLE VIII** 41 **BUILDING AND USE RESTRICTIONS**

42

43 **Introduction.** The SYLVAN-KNOLLS - BOONES BOROUGH subdivision is designed
44 for both year around and secondary home living, and is zoned for single family dwellings.
45 It is the intent of the developer to maintain a wooded environment with continuity of

1 building appearance being primary to protect property values. The Plan Review
2 Committee may withhold approval of any construction or alterations it feels would be
3 incompatible with the stated purpose of these restrictions. Additionally, as the residents
4 will wish to have the serenity of country living, the Association has established certain
5 building and activity restrictions to protect all residents within the subdivision. It is
6 intended that these restrictions be applied with common sense and discretion.

7
8 **PART A**
9 **BUILDING RESTRICTIONS**
10

11 **SECTION 1 – Plan Review; Homes, Outbuildings, and Other Improvements**
12

13 All property owners must obtain written Plan Review Committee approval for all
14 construction before work on the project begins. Plans submitted to the Plan Review
15 Committee are to show location, and specifications, nature, kind, shape, height, materials
16 and color of exterior finish to be used. Construction is to be in compliance with all
17 applicable building codes. Topography, location in relation to other structures and
18 property lines and harmony of external design are factors to be considered before approval
19 to construct is granted. This also applies to fences, outbuildings, and all other
20 improvements, including radio antennas.

21
22 Special problems or questions encountered by the Plan Review Committee, in the conduct
23 of its assigned functions, are to be submitted to the Board of Directors for review after the
24 Plan Review Committee reaches its decision and before the applicant is notified of that
25 decision.

26
27 Each lot shall be used for single family residential purposes only, and not more than one
28 attached single, double, or triple garage or carport and two detached accessory buildings,
29 such as a home workshop, recreational vehicle storage, or stable, unless specifically
30 approved by the Plan Review Committee. Approval by the Plan Review Committee is
31 required for initial construction on the lot and for all later additions.

32
33 **SECTION 2 – Driveways**
34

35 All driveways must be composed of cinders, gravel, asphalt, or concrete and be a
36 minimum of ten (10) feet wide.

37
38 **SECTION 3 – Requirements for Structures**
39

40 **Buildings/Structures Generally.** Residential buildings must be suitable for year around
41 use and must be placed on permanent foundations, consisting of concrete, brick, pumice
42 blocks, or stone masonry. All structures must comply with the Deschutes County
43 Building Code and be constructed on the building site. No mobile, manufactured,
44 prefabricated, or modular homes are allowed. Buildings, fences and improvements must be
45 designed and located on the property so as not to detract from the appearance of the

property, or the value and enjoyment of other properties in the subdivision. All facilities must be constructed in workmanlike manner and kept in good repair. Exposed portions of foundations must be painted or sided if more than twelve (12) inches above the ground.

Roofing Materials and Colors. Roofs must be of wood shakes, cement tile, clay tile, cement/fiber tiles, fiberglass composite materials; this includes materials such as Celotex "Presidential", GS "High Sierra", GS "Architect 80", Elk "Prestige Plus", Timberline "Ultra", or material of like quality and appearance having a minimum of 30 year warranty, stone coated steel; this includes materials such as Gerard, painted metal shakes; this includes material such as "Aluminum Classic Products" or material of like quality and appearance approved by the Plan Review Committee. Roof colors must be brown or gray tones and approved by the Plan Review Committee. Roofing material types may not be mixed on the same building and property owners should insure that all buildings on the same lot are similar in appearance of siding and roofing material, and color.

Building Exteriors. All building exteriors are to be constructed of wood materials or wood fiber-cement materials with rustic appearance including but not limited to; lap, tongue and groove, channel, T-111 type, logs and must be approved by the Plan Review Committee. All building exteriors are to be finished with transparent, semi-transparent or solid stains or latex paint. Colors of stain and paint are limited to the following Olympic color ranges or equivalent. Stain and paint colors must be used that promote the subdivision's natural and rustic appearance. All exterior color changes must be approved by the Plan Review Committee.

SOLID STAINS: Pewter, Stonehedge, Monterey Gray, Cape Cod Gray, Sandstone, Willow Mist, Parchment, Harvest Gold, California Rustic, Russet, Chocolate, Cedar, Chamois, Taupe, Fawn, Butternut, Cocoa, Beachwood, Beige Gray.

SEMI-TRANSPARENT STAINS: 704 Redwood, 705 Russet, 707 Tobacco, 708 Walnut, 709 Black Walnut, 711 Coffee, 712 Black Oak, 713 Oxford Brown, 716 Natural Tone Cedar, 717 Natural Tone Redwood, 718 Natural Tone Fir/Pine, 723 Avocado, 726 Light Mocha, 727 Cinnamon, 728 Rosewood, 729 Dark Mahogany, 730 Teak, 905 Cinder, 906 Blueridge Gray, 908 Smoke Blue, 909 Light Oak, 910 Mushroom, 911 Cape Cod Gray, 916 Driftwood Gray, 917 Weathered Barnboard, 919 Beige Gray, 920 Aspen Tan.

Fences, Gates, Dog Runs, and Corrals. Specifications for fences are as follows:

1. All adjacent property owners (on improved lots) will be notified by the Plan Review Committee of the intent to construct a property line fence prior to the start of said construction. "Adjacent" includes properties where there is a shared boundary.
2. Fencing materials may be of wood or rock.
3. Gates are not allowed across access drives to property. Fencing must be kept open, airy, natural in appearance, and rustic in style. Preferred construction would

1 be peeled post, rock and/or split rail. The use of woven or welded wire to create a
2 solid perimeter is prohibited. All existing structures that violate these regulations
3 concerning gates are "grandfathered," that is, allowed to remain, as of August 14,
4 1997.

- 5 4. The maximum height of any fence shall not be more than four (4) feet except for
6 corrals and as below in "dog runs."
7 5. "Dog Runs" may exceed the four foot maximum height limit and may be of chain
8 link material. Such structures shall be limited to one per lot, shall be of an area no
9 larger than one thousand (1000) square feet and shall be no closer than twenty (20)
10 feet from the property line. The builder shall endeavor to place the dog run in such
11 a location that it is effectively screened from adjoining residences and passers-by as
12 of 27 July 1989. All existing structures that violate these regulations concerning
13 dog runs are "grandfathered", that is; allowed to remain.
14

15 All alterations to existing structures, which violate these regulations, shall comply with
16 these regulations.
17

18 **SECTION 4 – Compliance With Laws and Regulations**

19

20 All property owners must comply with the laws and regulations, of the State of Oregon,
21 County of Deschutes, and any applicable municipality regarding fire protection, animal
22 control, building construction, outdoor lighting, water, sanitation and public health.
23

24 **SECTION 5 – Construction Time Limits and Temporary Structures**

25

26 No more than six (6) months' construction time shall elapse for the completion of
27 construction or exterior improvement of a permanent dwelling, outbuilding, or other
28 improvement, with the exception of special approvals of the Plan Review Committee, nor
29 shall a temporary structure, trailer, motor home or camper be used as living quarters
30 except during the construction of a permanent dwelling, or to accommodate guests for not
31 more than thirty (30) days per year. An exterior latrine shall be allowed only during the
32 construction of a permanent residence.
33

34 **SECTION 6 – Water**

35

36 Individual wells are not allowed. Property owners must connect to the water system
37 provided in the development.
38

39 **SECTION 7 – Septic**

40

41 Septic tanks and drain fields must meet Deschutes County Health Department standards.
42
43
44
45

PART B

USE RESTRICTIONS**SECTION 1 – Activity Restrictions**

No activity of a commercial or other nature may be conducted from or on any lot if it creates an annoyance or nuisance to the neighborhood. This restriction proscribes activities manifested by offensive sounds, sights, odors, damage to the property of others, excessive traffic, or other overt annoyances. This does not apply to activities normally required for the construction or maintenance of authorized structures or facilities provided that they are completed in a reasonable time span.

SECTION 2 – Tree Cutting and Removal

The cutting or removal of living trees is permitted where necessary for construction of buildings or improvements. Pruning, limbing or cutting of living trees around a home or major outbuilding is permitted to create a wild fire protection defensible perimeter, in accordance with guidelines provided by local fire-protection agencies.

SECTION 3 – Animals

No property may be used to raise, breed, or keep animals of any kind with the following exceptions: a reasonable number of household pets and no more than two horses may be kept on the property; not to be raised, bred, or kept for commercial purposes. The storage of hay and stabling of horses shall be done without annoyance or nuisance to the neighborhood. Fenced-in areas for horses shall be secure corral type of wood construction and permanently installed. Horses maintained on property on a daily basis must have approved stable facilities.

All pets must be kept within the confines of the owner's property, or on a leash, to protect pedestrians and to prevent littering and damage to landscaping of adjoining properties. In the case where dogs are found to be consistently outside their owner's property, Deschutes County Animal Control Office will be notified.

SECTION 4 – Hunting and Shooting

No hunting or target shooting is permitted.

SECTION 5 – Screening Requirements

All garbage, trash, cuttings, refuse, garbage and refuse containers, fuel tanks, clothes lines, TV dishes, amateur radio antennas, stables, and other service facilities shall be effectively screened from view from neighboring properties and passers-by.

SECTION 6 – Maintenance of Lots and Improvements; Fire Hazards

1 Each lot and its improvements shall be maintained in a clean and attractive condition, in
2 good repair and in such a manner as not to create a fire hazard. Debris accumulated at the
3 time of construction shall be removed as soon as reasonable possible. Any open burning
4 must be done in strict compliance with the requirements established by the Bend Fire
5 Department. The use of trash or burn barrels for burning refuse is prohibited.

6
7 The use of fireworks must be in compliance with the law. Use of fireworks is prohibited
8 when dry, vegetative conditions, low humidity, or excessive winds create a high risk of
9 wild fire.

10
11 No property owner shall litter his/her property with unsightly objects, including but not
12 limited to inoperative cars, other vehicles, or vehicle parts, thus creating a visual
13 disturbance to the residents of the neighboring properties and to passers-by. Firewood
14 shall be cut into stove or fireplace length pieces and shall be neatly stacked.

15 16 **SECTION 7 – Vehicle Use**

17
18 Only vehicles licensed for highway travel and equipped with original equipment mufflers
19 may be operated within the subdivision. Such vehicles must be operated with proper
20 consideration for the safety and comfort of the residents. No racing is permitted.

21 22 **SECTION 8 – Parking/Storage of Vehicles**

23
24 Graded parking or garage storage must be provided for any vehicle in regular use.
25 Parking or storage of special purpose vehicles or boats must be done in such a manner that
26 it does not detract from the appearance of the property upon which it is stored or the
27 enjoyment by neighbors of their properties. No commercial vehicles, other than pick-up
28 trucks, may be parked on properties or roadways except for brief periods required to
29 make deliveries to a construction site or an established residence.

30 31 **SECTION 9 – Signs and Other Attention Getters**

32
33 Only one real estate sign, not to exceed 30 x 30 inches, may be placed on a property for
34 sale. Other sales signs, directional or informational real estate signs, either on the property
35 or at intersections within the subdivision, are prohibited, except between one hour prior to
36 and following the published hours of an open house. Signs not conforming to these
37 restrictions may be removed and/or destroyed by the Board of Directors or the Plan
38 Review Committee. Other attention getters, such as balloons, flags, ribbons, and
39 streamers are prohibited. No other commercial signs are allowed, or no commercial
40 advertising is allowed, excepting contractor signs which are not to exceed 30" x 30"
41 during construction periods only. Such signs shall not exceed 30" x 30" in size.

42 43 44 **SECTION 10 – Rental Agreements**

When the property owner rents out the home, the rental agreement shall include a requirement that the renters must comply with the applicable sections of these by-laws.

STATE OF OREGON

County of Deschutes

} ss.

BE IT REMEMBERED, That on this 23rd day of October, 2000
Before me, the undersigned, a Notary Public in and for said County and State, personally
appeared the within

Named: W Duncan Reid

**Known to me to be the identical individual described in and who executed the within
instrument and acknowledged to**

Me that W Duncan Reid executed the same freely and voluntarily.

**IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed my**

Official seal the say and year last above written.



Notary Public for Oregon

My commission expires

Aug 28, 2001

**SYLVAN KNOLLS – BOONES BOROUGH PROPERTY OWNERS' ASSOCIATION,
INC. P.O. BOX 5132, Bend, OR 97708-5132**

NOTE:

The above integrated text of previously approved By-Laws takes precedence over the following text and amendments thereto, previously filed as follows in Deschutes County, Oregon:

Document Number	Recorded Location
95-18424	374-2354 to 2372
95-21733	376-2909
96-24049	414-2842
97-28969	458-1115
98-25771	498-1812

By:

W Duncan Reid

W Duncan Reid, Secretary Dated 10/23/00