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Shevlin Ridge Subdivision, Phase 1

Declaration of Covenants, Conditions & Restrictions

Architectural Review Board
Rules & Guidelines
Landscaping Guidelines
Maintenance Practices

Adopted February, 2003

After Recording Return To:
David Evans & Assoc.
709 NW Wall Street, Ste. 102
Bend, OR 97701.

DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SHEVLIN RIDGE SUBDIVISION, PHASE 1

This Declaration of Covenants, Conditions, and Restrictions ("Declaration") is made this 19th day of February, 2003 by

McClain Investments, LLC,
Latham Development, LLC, and
Transcend Ekistics, LLC,
as Tenants in Common,

collectively as owners ("Owners") of that certain real property in the City of Bend, Deschutes County, Oregon, described herein as Exhibit "A," attached hereto and incorporated by reference ("Phase 1"); and

Whereas, Owners, together "Declarant," own the entirety of Shevlin Ridge Subdivision, Phase 1, and together, by this Declaration do hereby wish to establish such contractual obligations between the owners of Shevlin Ridge Subdivision, Phase 1 ("Property"), as are set forth herein; and

Whereas Declarant has subdivided the Property into fifteen (15) separate lots and common area, together comprising a subdivision platted as "Shevlin Ridge Subdivision, Phase 1" and described herein as Exhibit "B" as a CC&R Exhibit, attached hereto and incorporated by reference; and

Whereas Declarant is developing the Property as a part of a phased subdivision for purposes of accommodating residential homes in a design and function described herein; and

Whereas Declarant is providing for common use, maintenance, and construction of such common area improvements as are presently in existence or may be desired in the future, by this Declaration as described in detail herein; and

Whereas Declarant, as owner, is providing for reciprocal use, maintenance, and construction of such individual parcel improvements as are presently in existence or may be desired by lot owner(s) in the future by this Declaration as described in detail herein; and

Whereas Declarant is causing this Declaration to be recorded to subject the Property to the covenants, conditions, and restrictions set forth herein;

Now, therefore, Declarant makes the following declarations:

I. Definitions

A. Common area: Any areas not included in respective lots or areas claimed by municipal or quasi-governmental entities by easement or other right of record which excludes owner association control or responsibility.

B. Declarant: **[McClain Investments, LLC, Latham Development, LLC, and Transcend Ekistics, LLC, Tenants in Common.]**
Any one of the three entities comprising Declarant may represent the interests, authority, or responsibilities of the others as "Declarant," with express and written consent of the other entities.

C. Declaration: This declaration of Covenants, Conditions and Restrictions for Shevlin Ridge Subdivision, Phase 1, and changes or amendments as may be made from time to time.

D. Developer: The original respective owner of a lot as depicted in Exhibit B.

E. Improvements: Including, but not limited to, buildings, outbuildings, private roads, driveways, parking areas, fences, barriers, retaining walls, stairs, decks, electrical and gas and water and sewer and fiber optic and telephone and satellite and communication lines or pipes or conduits or equipment, hedges, windbreaks,

plantings, planted trees and shrubs, signs, loading areas and all other structures or exterior landscaping, vegetation or ground cover of every type and every kind above or below the land surface.

F. Lot: Each and every of the individually subdivided real property lots shall be described individually as a "lot," as described by Exhibit B, attached hereto and incorporated by reference.

G. Owner: The holder of a fee simple interest in a lot, or the holder of a vendee's interest in a lot under a recorded installment contract of sale. The holder of only a leasehold interest in a lot, a building, or a portion of a building is not an owner for purposes of this definition. If there are two or more co-owners of a lot, they shall collectively constitute only one owner for purposes of this Declaration, and shall have only one vote on any matter on which owners may vote. An owner may appoint a representative as noted herein.

H. Shevlin Ridge Architectural Review Board: That subcommittee of the HOA, for purposes including, but not limited to, reviewing plans for construction or improvement of lots as necessary, pursuant to provisions herein, also to be referenced as SRARB.

I. Shevlin Ridge Homeowner's Association: That Association of owners forming an owners association, pursuant to provisions herein, for purposes including, but not limited to, administering, maintaining, improving, protecting, and performing any other such services as are necessary for prudent operation of the Property, common areas, and reciprocal rights and responsibilities of the Property, also to be referenced as "SRHOA."

J. Shevlin Ridge Subdivision, Phase 1: The subject real property referenced above as Exhibit A, and all real property now or hereafter the subject of this Declaration.

K. Street: Any paved surface constructed for the purpose of transporting automotive vehicles or bicycles and designed to function as a vehicular thoroughfare within or adjacent to the Property and shown on any current and valid recorded subdivision or partition map or survey map of record, whether designated thereon as a street, boulevard, place, drive, road, way, or functional equivalent of same.

II. Shevlin Ridge Homeowner's Association

The declarants have established a Homeowner's Association (HOA) to implement these Rules and to manage common areas. The HOA shall exercise the functions for which it is given responsibility by the declarants as provided in the Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Shevlin Ridge and for the modification and enforcement of its rules governing the use and maintenance of homesites and the improvements thereon.

The HOA shall consist of at least three persons to be appointed by the declarants. Members of the HOA may be removed and replaced at any time by declarants, during such time as declarants own 20% or more of the lots contained in Phase I or until declarants elect to grant said authority to the HOA. The HOA shall supervise the ARB as necessary and shall sit on appeals on the Record of ARB decisions appealed to the HOA, as described below.

Except as otherwise provided herein, any majority of members of the HOA shall have the power to act on behalf of the committee without the necessity of a meeting and without the necessity of consulting the remaining member of the committee.

III. Shevlin Ridge Architectural Review Board

The declarants or their designated Representatives retain the right to Approve, Approve with Conditions or Disapprove submitted proposals and plans for development at Shevlin Ridge Phase I (as presented by the Application Checklist contained herein as Exhibit C) and to modify, revise and/or delete these Rules and Guidelines in part or whole at their sole discretion, such time as declarants own 20% or more of the lots contained in Phase I or until declarants elect to grant said authority to the ARB.

IV. SITE PLAN – DEVELOPMENT APPLICATION

Submit the following information, plans and elevations to the ARB for review. Applicant shall allow a minimum of two (2) weeks for response from the ARB. Incomplete plan submittals will be returned to the Applicant.

TWO SETS: (One marked up set will be returned following review)

A. PLAN SUBMITTAL

1. **Topographical site plan** prepared and signed by a licensed surveyor (with 1-foot contours). The scale of the site plan shall be a minimum 1" = 10' The site plan shall include the following:

   - property boundaries
   - topography of the site
   - the dimensioned location of the building(s)
   - walkways and decks
   - foundations
   - existing trees and rock outcroppings
   - driveways and parking areas
   - proposed utility lines
   - corner locations of homes on adjacent homesites
   - trees which are planned for removal

2. **Site Plan:** A site plan for the proposed lot plan shall be submitted at a minimum scale of 1" = 10' and must be prepared by a licensed surveyor. **String Layout**: The Applicant shall layout the foundations of all built structures, driveways and deck areas on-site for review with the ARB.

3. **Landscaping Plan**: Plans similar to those required for initial approval shall be submitted, indicating additions or modifications to be made.

4. **Building Elevations:** Four elevations (all sides) at a scale of ¼" = 1" shall be provided showing the elevations of the proposed improvement(s) as situated on the owner's homesite of the proposed structures.

5. **Floor Plans:** If applicable, floor plans at a scale of ¼" = 1' shall be submitted showing the square footage.

B. ALTERATION APPROVAL

1. Prior to improvement or alteration of building sites at Shevlin Ridge, whether by excavation, fill, exterior color change or renewal, cutting or removal of existing vegetation, such alteration must be approved by the ARB.

2. Alteration requests may require the submittal of additional information at the sole discretion of the ARB.

C. DEVELOPMENT RULES AND DESIGN GUIDELINES

1. **All development and construction shall meet City of Bend standards and specifications, local building codes, and zoning requirements.**

2. **Utilities and Services**

   - Electric power: Pacific Power and Light
   - Natural gas: Cascade Natural Gas

- Telephone: Qwest
- TV cable: Bend Cable Communications
- Sewer and water services: City of Bend
- Service connections have been extended to the property boundaries of each homesite for electricity, gas, cable, phone, water and sewer

3. Accessory Building/Structures

Only buildings to be used as temporary construction shelter may be placed on a homesite prior to construction of the main residence. Structures such as doghouses, tool sheds, and wood storage, areas. which are not integrated as part of the main residence, will generally not be allowed but in any event will need specific ARB approval. Separated garages are acceptable.

4. Adjacent Private Property

Adjacent property may not be used for access to any construction site under any circumstance. Adjacent property also may not be used as a parking lot or for the storage or staging of construction materials or construction debris by any contractor or subcontractor working on the homesite. In the event that adjacent lot construction causes damage to adjacent property, either directly or indirectly, the Shevlin Ridge property owner will be held responsible for restoration of the adjoining affected property.

It is imperative to keep adjoining property free of construction litter. Nuisances, including but not limited to noise, dust, litter, debris, and odor, is prohibited if such nuisance impacts other persons adversely.

5. Animal Runs and Animal Restraint Areas

All animal runs and animal restraint areas should be situated on a homesite so as to be completely concealed or screened from view from roadways and neighboring homesites. When allowed, the doghouses must be painted a color so as to blend or match the owner's home.

6. Corner Lot Development

Lots which are adjacent to perpendicular streets or a street and alleyway shall be designed and constructed in such a manner as to create architectural features of interest on respective building elevations, fencing and landscaping.

7. Chimneys

All exterior chimneys must be wood, stone or brick and must incorporate a metal flue shroud and spark arrestor. In some cases, a faux chase may be required, even if the gas fireplace is using a direct vent system. All visible metals (including metal chimneys within the flue shrouds) must be painted to blend with roof or wood chimney colors.

8. Decks, Porches, and Deck/Porch Skirting

Decks and/or porches which are more than 8-feet above existing grade shall be skirted. The skirting below all decks and/or porches shall be recessed to create shadows and alleviate the appearance of massive under deck/porch walls. Deck/porch skirting should be made of the same material as the home and be applied in the same direction, unless otherwise approved by the ARB.

9. Driveways

All driveways shall be designed in compliance with City of Bend rules and regulations. Front driveways will be limited to one per homesite, unless otherwise approved the ARB, and driveway widths shall be kept to one car width (14') where possible and, in general, the amount of paved areas exposed to view from adjacent roadways or homesites shall be kept to a minimum. If the curb cut is relocated and the original curb cut is not used, the sidewalk and curb area must be restored to City of Bend sidewalk and curb standards, at the owner's expense.

Alley access (back) driveways with rolled curbs may span widths as large as necessary to access garage openings. Driveway material shall be asphalt, concrete or masonry with a material, or color accent at edges, or construction breaks. No driveways or parking areas of asphalt, concrete or pavers of any kind are permitted closer than 5' to any side property line (the driveways of flag lots are exempt) without ARB approval.

The City of Bend requires that a curb cut permit be obtained prior to construction of any driveways in Shevlin Ridge.

10. House Design Originality

- Duplication of a house design within Shevlin Ridge is discouraged.
- Premanufactured homes or structures are prohibited.

11. Excavation

Each homesite shall be developed with minimal modification of the existing topography. All dirt and debris resulting from excavation must be incorporated in the landscaping or removed from the site. All areas disturbed during construction must be restored to their original appearance or in accordance with an approved landscape plan.

12. Exterior Colors and Stains

All exterior colors are subject to review and approval by the ARB (original painting and subsequent repainting).

Care shall be taken to avoid duplicating colors of nearby homes.

Natural wood siding, peeled logs and natural shakes must be stained or treated an accent or complimentary color.

13. Exterior Lighting

All exterior lighting shall meet applicable requirements and codes. The object is to eliminate glare, upward light, and annoyance to adjacent property owners.

Location of all exterior lighting must be submitted with initial construction or alteration submittals. Catalog cuts or drawings must be provided for review and approval. Direct lighting (maximum of 60 watts) may be used to enhance and identify the entrance of the home, but only two fixtures with transparent or opaque glass will be permitted on the building structure(s).

All other exterior lighting must be shielded and directed downward. Colored light sources are prohibited.

Decorative landscape and/or walkway/driveway lighting must be approved in advance and may have limitations placed upon them by the ARB. Exterior wall-mounted flood and spotlights must be covered with a shroud.

From the Saturday after Thanksgiving through the first weekend in January, a variance is granted for the use of exterior decorative lights.

14. Exterior Walls and Trims

Exterior material treatment used on the building walls shall be continuous and consistent on all elevations for a residence in order to achieve a uniform and complete design and to avoid a "veneer" look. Exterior siding material must be carried down to within eight inches of grade and sloped, or stepped. No extensive amounts of exposed foundation are permitted.

The following materials are suggested for use on exterior walls and trims; subject to approval by the ARB.

- Wood – (treated with semi-transparent or solid body stains or paints)
- Lap and cement based siding material

- Board and batten type siding
- Log style homes
- Brick, natural and cultured stone
- Textured masonry block units not to exceed eight inches in height – medium to dark colors unless approved by the ARB
- Stucco and synthetic stucco

NOTE: Siding applications which involve a mix of directions (horizontal, diagonal, and vertical) are discouraged.

15. Fencing

Individual fences are discouraged in Shevlin Ridge and require specific approval from the ARB. Fences shall be limited to 60-inches in height, shall be connected to the house structure and shall blend with the terrain and landscape. Long runs of fencing shall be staggered vertically. Solid wood fences, which completely surround a homesite and/or run along property boundaries are not permitted.

The use of monofilament line, netting or electric fences for the protection of any part of the landscaped area, individual beds or along property perimeters is strictly prohibited.

Inconspicuous fencing may be permitted with ARB approval around individual plants or shrubs.

Dog runs may exceed the 42-inch height if attached to a structure. All fencing is subject to approval by ARB.

- Fencing on Skyline Ranch Road to be designed and installed by Developer.
- See Landscape guidelines for approved fencing materials, design and construction.

16. Firewood

Firewood must be screened from the view of the public and other homesites by the use of service yards attached to the home or in garages. In most instances, the addition of gates will be required to screen firewood adequately. The storage area should be high enough (not more than 4') and large enough to accommodate one cord of wood.

17. Garages and Carports

Garage/carports shall reflect and relate to the design of the residence. Carports shall be enclosed to provide screening of autos from neighboring views and roadways. Carports are not to be used for storage of boats, firewood, recreational vehicles, trashcans or other personal belongings. When the garage stalls face the street, and there are more than two stalls, the additional stalls must be recessed back at least 3 feet.

18. Garbage and Trash

Construction Phase: Owners are responsible for their own garbage and trash removal during and after construction. Construction sites must be kept clean from trash and debris at all times.

Post Construction Phase: Trashcans must be stored in an area that is not visible from the street, alleyway or adjoining homesites.

Burning or dumping of garbage, landscape debris or trash anywhere in Shevlin Ridge is prohibited. Use of burning barrels is limited to City of Bend ordinance criteria and regulations.

19. Grading

To the maximum extent feasible, all grading shall conform to existing lot grades and must be approved by the ARB, and be in compliance with City rules and regulations.

20. Gutters and Downspouts

All gutters and downspouts shall be designed as a continuous architectural design feature. Exposed gutters and downspouts shall be colored or painted to blend in with the surface to which they are attached.

21. Heating and Cooling Systems

All exterior elements of heating and/or cooling systems must be screened from the view of neighboring property and roadways and, where applicable, must be acoustically insulated to reduce noise transmission to acceptable levels at adjoining properties. Specifically, heat pumps must be screened with a fence and insulated.

22. Landscaping

Submit landscaping plan prior to site construction for review by the ARB.

Extensive formal landscaping is not required on Shevlin Ridge homesites. All homesites, however, shall be constructed and maintained in such a way as to present a neat and pleasing appearance to all off-property vantage points (roadways and other homesites), to minimize fire danger in the area, maximize weed control, be harmonious with the natural course of groundwater in the area and to moderate the problem or wind-blown dust. If a homesite owner chooses to maintain the natural appearance of a homesite, steps must be taken to restore unsightly scarred areas due to construction activity and/or other damage. In addition, the owner must remove dead plant material and refuse from the site in a timely manner.

Areas of individual homesites exposed to other homesites and roadways should be treated in a natural, fluid manner so as to integrate comfortably with the natural setting. Lawn edges shall be undulating rather than straight and square cornered. Shrubs, trees and other plant materials should be arranged in groupings, not in straight rows. Initial landscape construction must be finalized within one year of substantial completion of the exterior of the home.

In some situations the ARB may require an owner to plant trees and/or add contouring to a site to screen onsite elements from off-site vantagepoints.

23. Mailboxes, Newspaper Receptacles and Street Addresses

Individual mailboxes are prohibited. Group mailboxes, located on designed rights-of-way will be installed by the declarant or developer.

24. Maintenance

Each property owner is required to keep his land, landscaping and all improvements in good repair and attractive condition. This includes keeping the unlandscaped areas of your property free of weeds, excess building materials, household items and other debris.

Commercial newspaper boxes are prohibited. Street addresses shall be located on "front" elevations facing the adjacent right-of-way subject to ARB approval.

25. Masonry

When masonry is used on the front of a home on Shevlin Ridge and it extends to any front corner, it must extend at least two feet around the adjoining side elevation.

26. Metals and Plastics

All exterior metals or plastics (vents, flashing, etc.) must be painted to blend in with surrounding material. The exception would be approved metals used as a decorative feature, such as copper.

27. Outdoor Play Equipment

Location of permanently placed outdoor play equipment such as swingsets, basketball backboards, trampolines and other such items must be approved by the ARB before they are placed or erected. Colors and textures shall be harmonious with landscape guidelines. This type of equipment must be maintained and screened, if possible, from the view of other homesites and roadways. Homesites which have backyards which are exceptionally exposed may require additional landscaping or screening. They must be painted or stained as approved by the ARB, to blend with the natural surroundings.

No large, brightly-colored plastic play equipment will be permitted to be left in permanent view of any Shevlin Ridge homesite.

No skateboard ramps will be permitted.

28. Parking and Screening

Motor homes, trucks, campers, boats, canoes, kayaks, trailers of any sort and cars under repair, etc. must be parked so as to be completely concealed from view of roadways and alleys and/or neighboring homesites.

If it is necessary for one of the above vehicles to be parked on a homesite in view of roadways or neighboring homesites (see service yards), such items may be parked on the owner's homesite (not on the street or alleyways) for no longer than one night.

If an owner has out of town guests who arrive with a recreational vehicle, the vehicle must be parked on the owner's homesite (not on the roadways, alleys, or cul-de-sacs) and may be there no longer than seven nights.

Vehicles which are "for sale" must be parked on an owner's property and not on neighborhood streets or alleyways.

29. Roofs

Slate and concrete tile, concrete and wood-simulated shakes, and layered fiberglass or composition roofing (arch 80 or comparable) with a least a 30 year warranty are considered as acceptable roofing applications for Shevlin Ridge. Textured metal with a matte finish may be considered on some homes. Wood shakes and wood roof shingles are discouraged and subject to approval. Roofing applications will be reviewed on an individual home/homesite basis. Even though the product is approved, some colors may not be permitted on homes in Shevlin Ridge. A minimum of a 5/12-pitched roof is encouraged. Lesser-sloped roofs are subject to approval.

30. Satellite Dishes and Antennas

Only 18" dishes, painted to blend with the homes, are permitted in Shevlin Ridge and must be approved by the ARB, particularly with regard to location and visibility from the street.

31. Service Yards

When not provided by other structures, each residence shall have a screened service yard enclosing garbage and trash containers, firewood, clothes drying apparatus, bicycles, landscape debris and outdoor maintenance. Service yards must be attached to the home or garage and gated to screen the areas from view from other homesites and roadways.

32. Setbacks

Conform to City of Bend Standards, and be compatible with neighboring uses.

33. Sidewalks

The sidewalks, curbs and streets are owned by the City of Bend. It is, however, the responsibility of each individual property owner to clear the sidewalks along adjacent property lines of snow and cinders in the winter and to keep debris and weeds off them during the summer months.

Planter strip maintenance includes seasonal watering, fertilization, mowing, pruning and weeding of plant material which meet good horticultural practice. Removal or addition of plant material shall be approved by the ARB prior to work.

Block wall maintenance includes regular sealing, repair of broken material, cleaning resulting from acts of vandalism and general upkeep.

34. General Signage Information

Conform to City of Bend Standards, and be compatible with neighboring uses.

No signs shall be displayed in the windows of homes (except approved block home stickers or alarm system stickers) or be nailed to trees. No information tubes or "handout" containers are permitted. Any signs which, in the sole judgement of the ARB, are deemed to be non-conforming will be removed and held by the ARB for 14 days, after which time they will be destroyed.

Political signage shall be subject to compatibility standars for aesthetics and placement only, without regard to content.

35. Skylights and Solar Devices

All glass, plastic or other transparent skylight or solar devices shall be treated to eliminate reflective glare. Clear, bronze or gray glazing is preferred over white translucent. Flat skylights are preferable to domes. Solar collectors are permitted in Shevlin Ridge; however, the collectors must be flat on the roof. In addition, the majority of the mechanical portion of the system must be contained within the structure and not positioned on the roof. ARB approval is required for all solar collection systems.

36. Solar Encroachment

Any planting or construction practices which interfere with the use of solar energy on an adjacent property is prohibited.

37. Solar Heating System

Any solar heating system must be reviewed on an individual basis and requires the approval of the ARB.

38. Staging Area

Each construction approval submittal must designate at least one staging area for a homesite, subject to approval by the ARB. Each staging and construction area must be kept clear of trash, debris, dust, and odor-causing items or substances.

39. Tarps and Other Weather Protective Materials

Tarps used for covering firewood or other usage and which are visible from roadways and other homesites must be brown in color. Green or blue tarps will not be permitted.

40. Tree Removal and Trimming

The removal of any tree larger than 6 inches in diameter (19 inches in circumference) without the approval of the Architectural Review Board is prohibited. Trees less than 6 inches may be removed. Any tree may be trimmed up six feet from ground level for fire safety. Any dead limbs above this height may be removed. All guidelines contained herein are subject to compliance with City standards.

41. Utility Meters

All utility meters (gas and electric) shall be installed according to the guidelines available from the utility companies. The gas meter and the electric meter housing must be painted the body color of the home or be masked from public view in service area.

All connections from trunk lines to individual structures must be underground; exposed plumbing and electrical lines are not allowed. Materials and installations must conform to Electrical and Plumbing Codes. Water and sewer hookups must be approved by the appropriate inspectors. All areas of excavation for site utility work must be restored.

42. View Preservation

Construction or installation of improvements and/or growth of owner-planted vegetation on a homesite shall not materially impair the view of other homesite owners. The ARB shall be the sole judge of such impairment.

If an owner perceives that his view is being impaired by vegetation on an adjoining property, whether native vegetation or vegetation placed by the homeowner, the following procedure will take place:

1. Complainant Owner (Complainant) shall submit a written complaint and the requested remedy to the ARB.
2. The ARB committee will decide if view is impaired and will rule accordingly. In all cases the benefited party pays for all costs of removal and disposal.
3. This decision may be appealed to the HOA in accordance with procedures noted above.

V. REVIEW, RESPONSE AND APPEAL PROCEDURE

A. At the time a completed application is received, the Shevlin Ridge ARB will notify contiguous property owners and owners whose property likely will be impacted by the Applicant's construction.

B. If the plan application is "Approved-with Conditions" the Applicant must respond to the Shevlin Ridge ARB review comments in writing prior to any excavation work being done on the site regarding condition compliance. If there are specific areas of concern, the Applicant may be required to provide further information to the ARB to discuss any issues prior to beginning construction.

C. If the ARB's decision is unacceptable to the Applicant, the Applicant may appeal the ARB's decision to the HOA, in writing, within 14 days after the ARB's issuance of a written decision. The HOA will consider the appeal by reviewing all information submitted to the ARB prior to ARB's decision issuance. No new material may be considered by the HOA in deciding the appeal. The HOA's decision will be issued in writing and not subject to further appeals.

D. Construction may begin after all issues (if any) are resolved and the owner's written response has been received and reviewed.

E. Outstanding issues or items which are missing from the original submittal (paint colors, drawings or catalog cuts of light fixtures, etc.) must be provided for review by the ARB.

F. A completed plan must be submitted for review and approval prior to execution of any such work. Landscaping shall be completed within one year of occupying the house.

VI. ENFORCEMENT

The Shevlin Ridge Architectural Review Board may, at any time, inspect a homesite or improvements and upon discovering a violation of these Rules and Design Guidelines, provide a written notice of noncompliance to the owner, including a

reasonable time limit within which to correct the violation. In the event an owner fails to comply within this time period, the ARB or its authorized agents may proceed with enforcement as provided for in the Shevlin Ridge Covenants, Conditions and Restrictions.

VII. NON-CONFORMING USES

Any existing improvement in noncompliance with these Rules and Design Guidelines at time adoption or hereafter amended, shall be considered "grand-fathered" and allowed to remain intact and in service. Modifications of 50% or greater value or size shall require a new application and compliance.

VIII. NONWAIVER

Consent by the HOA or the ARB to any matter proposed to it, or within its jurisdiction, or failure by the HOA or the ARB to enforce any violation of the Rules, shall not be deemed to constitute a precedent or waiver impairing the HOA or the ARB's right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent or to enforce any subsequent or similar violation of these Rules.

IX. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Declaration of Covenants, Conditions and Restrictions is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Declaration.

IN WITNESS WHEREOF, the undersigned Declarants have caused the execution of this Declaration on the date first above written.

DECLARANT:

By: PATRICK K. McCLAIN
McClain Investments, LLC

DECLARANT:

By: Kimberly A. McClain
McClain Investments, LLC

DECLARANT:

By: Mark Latham
Latham Development, LLC

DECLARANT:

By: Kristen Latham
Latham Development, LLC

DECLARANT:

By: STEVEN M GIST
Transcend Ekistics, LLC

DECLARANT:

By: REGINA M GIST
Transcend Ekistics, LLC

STATE OF Oregon)
COUNTY OF Deschutes) ss.

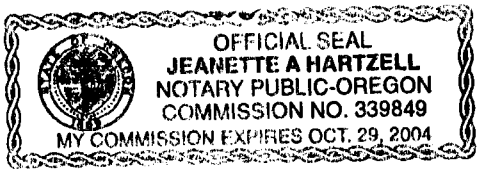
The foregoing instrument was acknowledged before me this 18th day of February, 2003, by Mark Latham.

OFFICIAL SEAL
JEANETTE A HARTZELL
NOTARY PUBLIC-OREGON
COMMISSION NO. 339849
MY COMMISSION EXPIRES OCT. 29, 2004

Jeanette A. Hartzell

STATE OF Oregon)
COUNTY OF Deschutes) ss.

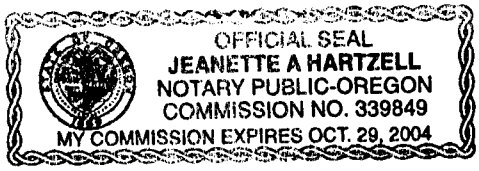
The foregoing instrument was acknowledged before me this 18th day of February, 2003, by Kristen Latham.



Jeanette A. Hartzell
Notary Public

STATE OF Oregon)
COUNTY OF Deschutes) ss.

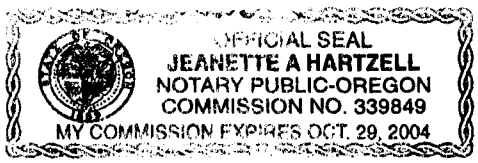
The foregoing instrument was acknowledged before me this 18th day of February, 2003, by Regina M. Gist.



Jeanette A. Hartzell
Notary Public

STATE OF Oregon)
COUNTY OF Deschutes) ss.

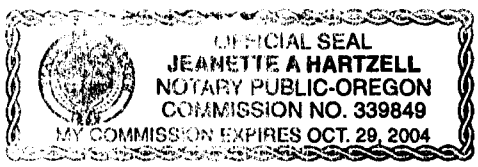
The foregoing instrument was acknowledged before me this 19th day of February, 2003, by Patrick K. McClain.



Jeanette A. Hartzell
Notary Public

STATE OF Oregon)
COUNTY OF Deschutes) ss.

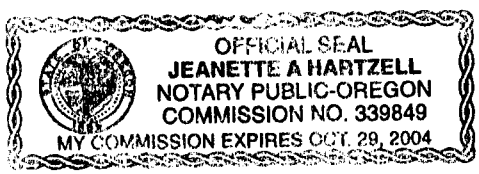
The foregoing instrument was acknowledged before me this 19th day of February, 2003, by Steven M. Gist.



Jeanette A. Hartzell
Notary Public

STATE OF Oregon)
COUNTY OF Deschutes) ss.

The foregoing instrument was acknowledged before me this 20th day of February, 2003, by Kimberly A McClain.



Jeanette A. Hartzell
Notary Public

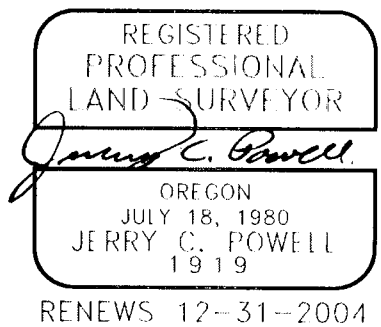
EXHIBIT A

SHEVLIN RIDGE

Phase 1

A parcel located in the northeast ¼ of the southeast ¼ of Section 26 in Township 17 South and Range 11 East of the Willamette Meridian, Deschutes County, Oregon as shown on the attached map and fully described as follows:

Commencing at the northeast corner of said northeast ¼ of the southeast ¼; thence South 00°23'01" West 24.31 feet to a 5/8" iron rod at the point of beginning; thence South 00°23'01" West 1287.31 feet to a 5/8" iron rod at the southeast corner of said northeast ¼ of the southeast ¼; thence North 89°45'23" West 185.00 feet to a 5/8" iron rod on the south line of said northeast ¼ of the southeast ¼; thence leaving said south line North 00°23'01" East 167.44 feet to a 5/8" iron rod; thence South 89°36'59" East 25.00 feet to a 5/8" iron rod; thence North 00°23'01" East 446.96 feet to a 5/8" iron rod; thence 131.81 feet along the arc of a 50.00 foot radius curve right (the long chord of which bears North 00°23'01" East 96.82 feet) to a 5/8" iron rod; thence North 00°23'01" East 576.54 feet to a 5/8" iron rod; thence South 89°36'59" East 160.00 feet to the point of beginning. Contains 4.89 acres.

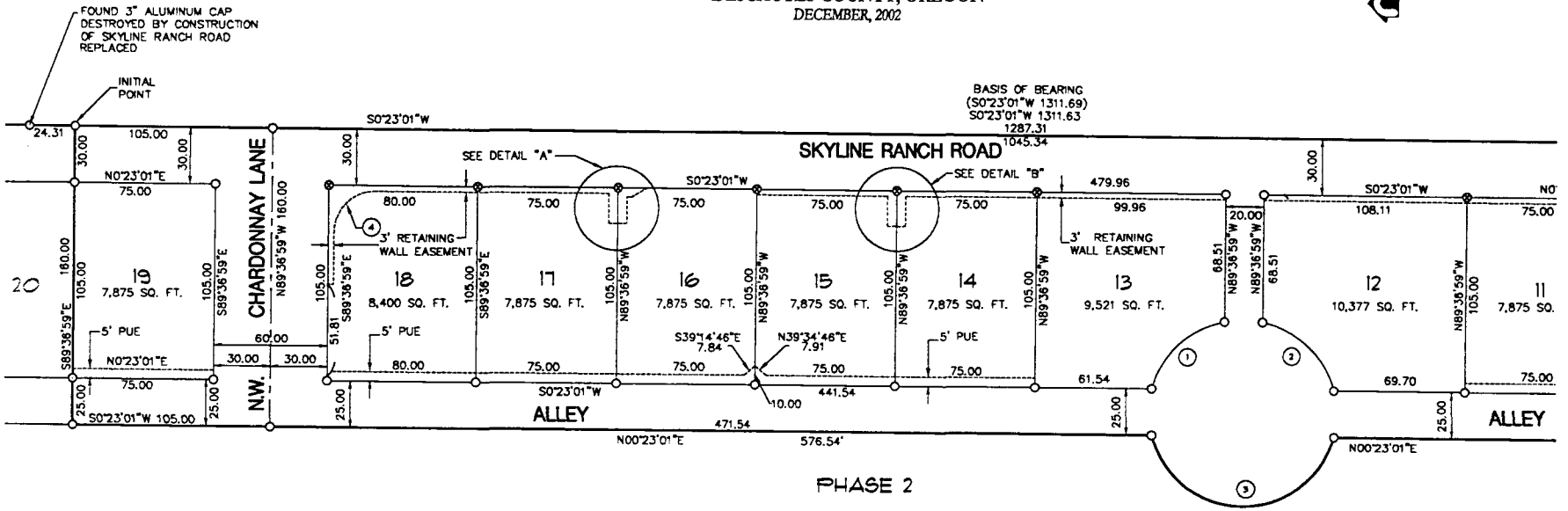


January 17, 2003
O:\mcla0001\Phase1.doc

PLAT No.

SHEVLIN RIDGE PHASE 1

LOCATED IN THE N.E. 1/4 OF THE S.E. 1/4 OF SECTION 26
T.17 S., R. 11 E., W.M.
DESCHUTES COUNTY, OREGON
DECEMBER, 2002

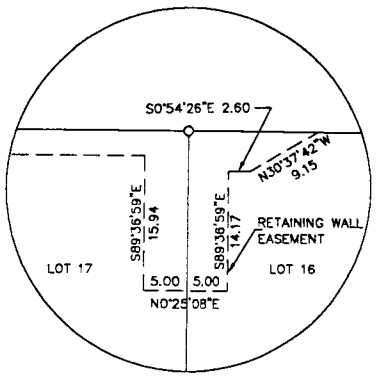


CURVE TABLE

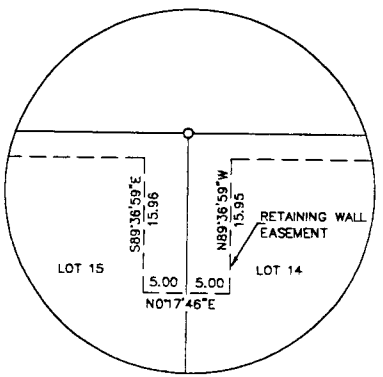
NO.	DELTA	RADIUS	ARC	LONG CHORD LENGTH	LONG CHORD DIRECTION
1	63°59'08"	50.00	55.84	52.98	N43°08'46"W
2	63°59'08"	50.00	55.84	52.98	S43°54'48"W
3	151°02'42"	50.00	131.81	96.82	N00°23'01"E
4	90°00'00"	22.00	34.56	31.11	S44°36'59"E

LEGEND

- ⊗ SET 1" BRASS OR COPPER CAP STAMPED "D.E.A. INC."
- ○ SET 5/8" IRON ROD WITH "D.E.A. INC" YELLOW PLASTIC CAP
- ● FOUND 5/8" IRON ROD UNLESS NOTED OTHERWISE
- IR IRON ROD
- ( ) RECORD DATA PER CS 02168, MP-6-86 BY RAY OMAN
- PUE PUBLIC UTILITY EASEMENT



DETAIL "A"
1"=10'



DETAIL "B"
1"=10'

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 18, 1980 JERRY C. POWELL 1919

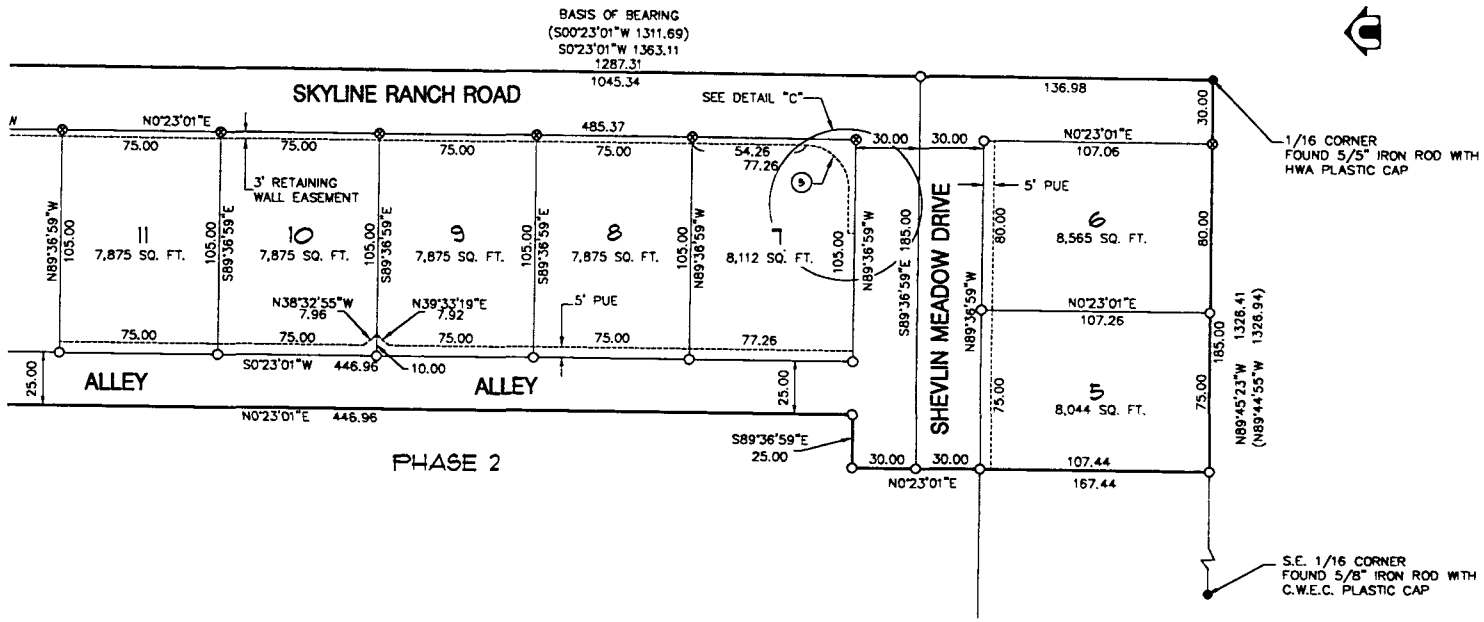
RENEWS 12-31-2004

David Evans and Associates, Inc. 709 NW Wall St. No. 102, Bend Oregon 97701

PLAT No.

SHEVLIN RIDGE PHASE 1

LOCATED IN THE N.E. 1/4 OF THE S.E. 1/4 OF SECTION 26
T.17 S., R. 11 E., W.M.
DESCHUTES COUNTY, OREGON
DECEMBER, 2002

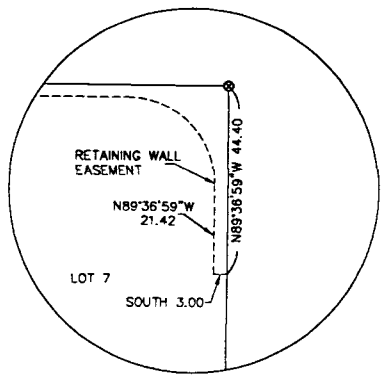


CURVE TABLE

NO.	DELTA	RADIUS	ARC	LONG CHORD LENGTH	LONG CHORD DIRECTION
5	90°00'00"	20.00	31.42	28.28	S45°23'01"W

LEGEND

⊗	SET 1" BRASS OR COPPER CAP STAMPED "D.E.A. INC."
O	SET 5/8" IRON ROD WITH "D.E.A. INC" YELLOW PLASTIC CAP
●	FOUND 5/8" IRON ROD UNLESS NOTED OTHERWISE
IR	IRON ROD
( )	RECORD DATA PER CS 02168, MP-6-86 BY RAY OMAN
PUE	PUBLIC UTILITY EASEMENT



DETAIL "C"
1"=10'

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 18, 1980
JERRY C. POWELL
1919

RENEWS 12-31-2004

David Evans and Associates, Inc. 709 NW Wall St. No. 102, Bend Oregon 97701