



After Recording Return To:

Attn: Neil R. Bryant
Bryant Lovlien & Jarvis, PC
591 SW Mill View Way
Bend, Oregon 97702

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Deschutes County Official Records **2012-051304**
D-CCR
Stn=1 PG **12/20/2012 11:03:30 AM**
\$20.00 \$11.00 \$10.00 \$16.00 \$6.00 **\$63.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Nancy Blankenship - County Clerk

**DECLARATION ANNEXING PHASE 7
TO
YARDLEY ESTATES SUBDIVISION**

THIS DECLARATION is made this 19 day of December, 2012, by BELL INVESTMENTS, INC., an Oregon corporation, (the "Declarant").

RECITALS

A. Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Yardley Estates Subdivision, Phase 1 dated October 25, 2001 and recorded October 25, 2001 in the records of Deschutes County, Oregon, as Document No. 2001-52446, (the "Master Declaration").

B. The Master Declaration provides that additional properties may be annexed to Yardley Estates Subdivision. Declarant previously annexed certain real property described in the plat of Yardley Estates Subdivision, Phases 2 through 6. Said Declarations recorded in the records of Deschutes County, Oregon as follows:

Phase 2, recorded August 5, 2003, Document No. 2003-52944,
Phase 3, recorded June 21, 2004, Document No. 2004-36355,
Phase 4, recorded January 5, 2005, Document No. 2005-00786,
Phase 5, recorded August 25, 2005, Document No. 2005-56517, and
Phase 6, recorded July 10, 2006, Document No. 2006-47228.

C. Declarant now wishes to annex certain real property described in the plat of Yardley Estates Subdivision, Phase 7, Lots 143 through 158, (the "Additional Property") to the Master Declaration upon the terms and conditions set forth in this Declaration.

NOW, THEREFORE, Declarant does hereby declare and provide as follows:

1. **DEFINITIONS.** As used in this Declaration, the terms set forth below shall have the following meanings:

1.1 Additional Property. Additional Property means the real property within the plat of Yardley Estates Subdivision, Phase 7 recorded in Deschutes County, Oregon, as described in "Exhibit A" attached hereto and made a part hereof.

1.2 Incorporation by Reference. Except as otherwise provided in this Declaration, each of the terms defined in the Master Declaration shall have the meanings as set forth therein.

2. ANNEXATION. The Additional Property is hereby annexed to Yardley Estates Subdivision and made subject to the Master Declaration on the terms and conditions set forth in this Declaration.

3. MASTER DECLARATION. The Additional Property shall be subject to all of the terms and provisions of the Master Declaration.

4. RIGHT OF ENTRY. In addition to any easements shown on the recorded plat and as set forth herein and in the Master Declaration, the Additional Property shall be subject to an easement for the benefit of utility service providers and their agents or employees to access all parts of the Owner's Lot and the Common Area on which utility services may be located, for the purpose of operating, maintaining or construction such facilities, inspecting the condition of pipes and facilities, and completing repairs. The Owner will be given advance notice if possible. In the case of an emergency, as determined solely by the utility service provider, no prior notice will be required. No such entry shall be deemed to constitute a trespass or otherwise create any right of action in the Owner of such Lot.

6. AMENDMENT. As to this Phase 7, Section 8.4 of the Master Declaration shall be amended to read as follows:

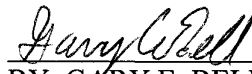
"The ARC shall consist of one member or more members appointed by the Declarant. The initial member shall be Gary Bell. A majority of the ARC may designate a representative to act for it. In case of death or resignation of Gary Bell, the Declarant may appoint a successor. Neither the members of the ARC nor its designated representative shall be entitled to any compensation for services performed by said members, in the event of the deaths or resignations of all members of the ARC occurs without successors having been appointed, the Declarant shall appoint the successors. When 100% of the homes are completed, or sooner if Declarant chooses, the existing ARC members will be replaced by owners, the majority of the owners will elect the new members of the ARC. In case of death or resignation of any member, the remaining member or members shall appoint a successor.

8. BINDING EFFECT. The Additional Property, including all Lots and Common Areas therein, shall be held, conveyed, hypothecated, encumbered, used occupied, and improved only in accordance with the provisions of the Master Declaration, as modified by this instrument, which easements, covenants, restrictions and charges shall run the Additional Property and shall

be binding upon all parties having or acquiring any right, title or interest in the Additional Property, or any part thereof, and shall inure to the benefit of each Owner thereof.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first set forth above.

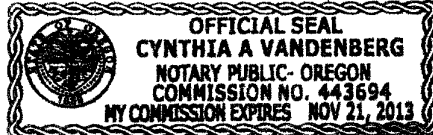
DECLARANT:
BELL INVESTMENT, INC.



BY: GARY E. BELL
ITS: PRESIDENT

STATE OF OREGON)
) SS.
County of Deschutes)

The foregoing instrument was acknowledged before me this 19 day of December, 2012, by GARY E. BELL, President of Bell Investment, Inc.



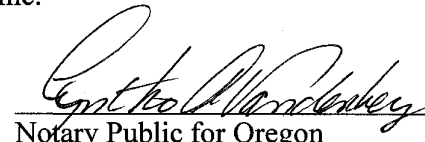

Notary Public for Oregon
My Commission Expires: 11/21/2013

EXHIBIT A

Additional Property

Land Classification:

Property Description:

Lots: 143-158

as shown on the Plat of Phase 7