

DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS

THIS DECLARATION made as of February 24, 1993 by J A Atwood Corporation, an Oregon corporation, Jimco Construction, an Oregon corporation, and Jim Atwood, hereinafter called "Declarants."

WHEREAS Declarants are the owners of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Amberwood subdivision in the County of Washington, State of Oregon.

NOW, THEREFORE, the Declarants do hereby declare that all of said property is and shall be held, sold, conveyed and occupied upon and subject to the conditions, covenants, and restrictions hereinafter set forth; all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said property. These conditions, covenants, and restrictions constitute covenants to run with the land and shall be binding of all present and future owners of the property until terminated, revoked or amended as herein provided:

- # CC&Rs

Restrictive Covenants & Private Land Use Arrangements

Covenants

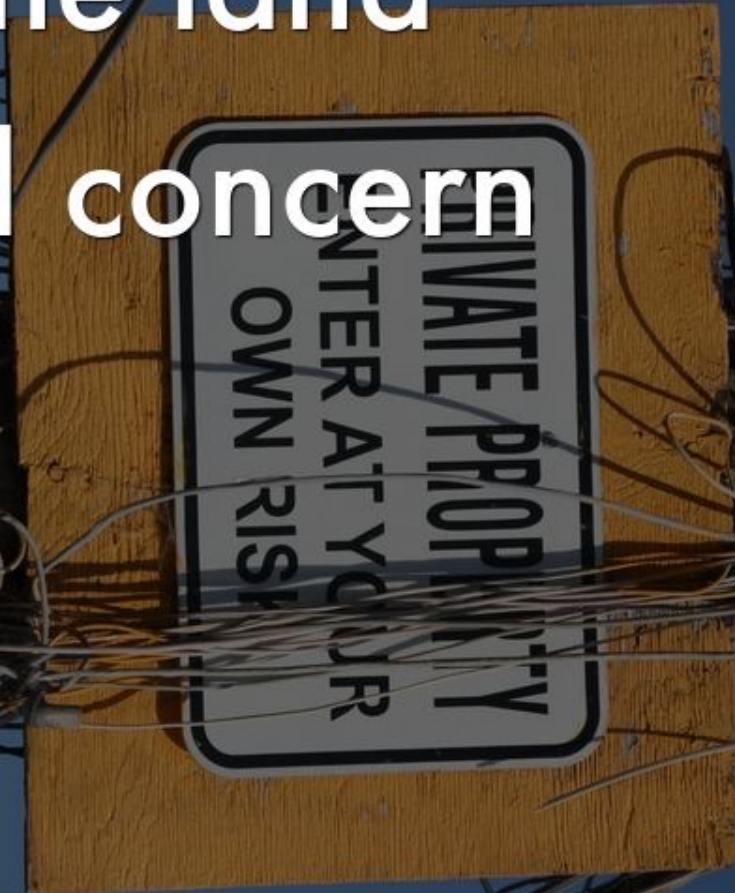
- Promise
- Between owners
- Adjacent parcels
- Applies to current owners
- Applies to subsequent owners

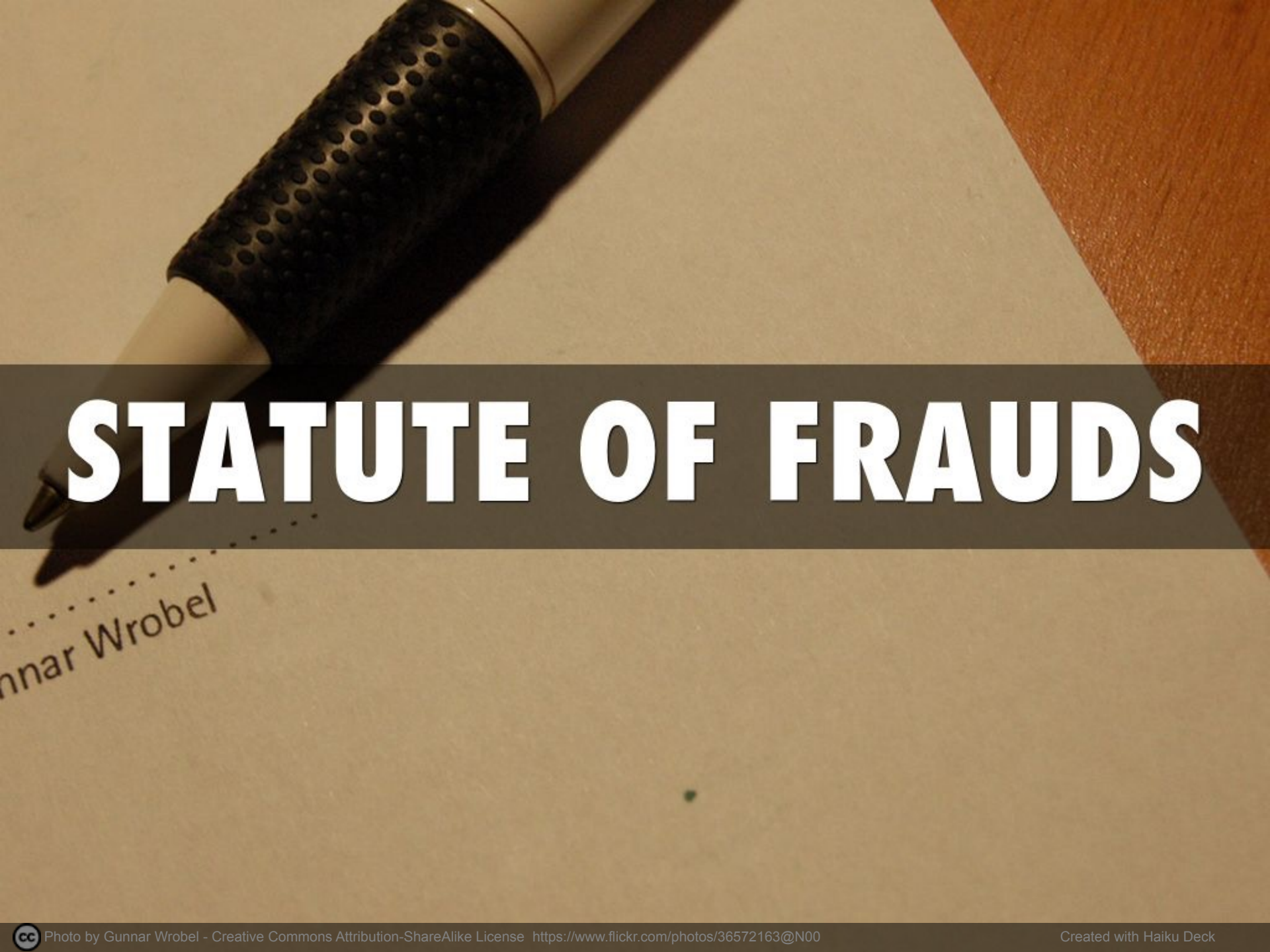
DECLARANT

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

Elements of Covenants

- Run with the land
- Touch and concern
- Recorded
- Written





STATUTE OF FRAUDS

...
Gunnar Wrobel

Developer hereby declares that the
subject to these covenants,
shall be held, sold and conveyed
ments, covenants, restrictions
with such property and shall be
ing or acquiring any right,
perty or any part thereof, and
each owner thereof.

Creation of Covenants

- By Deed
- Declaration / CC&Rs
- Plat references
- Agreement

TRACT A:

PRIVATE ROADWAY TO BE OWNED AND MAINTAINED
BY THE HOME OWNERS ASSOCIATION.

TRACT B

OPEN SPACE AREA TO BE OWNED AND MAINTAINED
BY THE HOME OWNERS ASSOCIATION.

TRACT C

GOLF COURSE OPEN SPACE AREA TO BE OWNED AND
MAINTAINED BY THE GOLF COURSE.



A photograph of three chickens standing on a wooden plank. The chicken on the left is brown with a red comb. The chicken in the center is white with a large red comb. The chicken on the right is black with a red comb. The background is made of horizontal wooden planks.

COVENANTS VS. ORDINANCES

Types of Communities

- **Planned Communities (ORS 94)**
- **Condominiums (ORS 100)**



← W D Ave

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Planned Communities

- Subdivision of lots
- Owners have obligations for common property or maintenance
- Association has authority to assess

Condominiums

- Units & Common Elements
- Reqs. approval by state
- Association with authority to assess
- Joint ownership interests

Governing Documents

- Declaration / CC&Rs
- Plat
- Bylaws
- Articles of Incorporation
- Rules & Regulations

An aerial photograph of a suburban neighborhood. The image shows a grid of streets with houses on either side. The houses are mostly two-story, with varying roof colors (grey, brown, white). There are green lawns, trees, and some swimming pools visible in the backyards. The overall scene is a typical residential area.

Property Description

Legal Description / Metes & Bounds

EXHIBIT "A"

A part of the Hector Campbell Donation Land Claim in Section 25, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as:

Beginning at a point 9.38 chains South and 7.50 chains East of the Northwest corner of the Hector Campbell Donation Land Claim in Township 1 South, Range 1 East of the Willamette Meridian; thence West along the South line of Harvey Avenue 7.42 chains, more or less, to the East side of the county road and the true point of beginning of the tract herein described; thence South $0^{\circ}45'$ East 60 feet to a point; thence East 150.00 feet to a point; thence North 60 feet to a point in the Southerly line of Harvey Avenue; thence West along the Southerly line of Harvey Avenue 150 feet to the point of beginning.

No 65

Wm. Terwilliger
to
Chas. Pictl

Notes of Survey, made Oct. 30th 1874 at the request
of James Terwilliger, of a portion of his Donation
Land Claim.

Commenced at a fence post, in the East side line of the
Portland McAdam road, and at the South West corner
of the brick yard tract.

S 75° 30' E

Var. 21° 30' East tracing the South side line of the brick
yard tract. 6c 43l to an Ash 20 inches in diameter. 7c 85l
whole length of line to a point at low water in the
Willamette river.

S. 4° W.

Along low water line 64 links to a point

N. 75° 30' W

Parallel with the South side line of the brick yard tract
8 chains 15 links to a stake in the East side line of the
Portland McAdam Road.

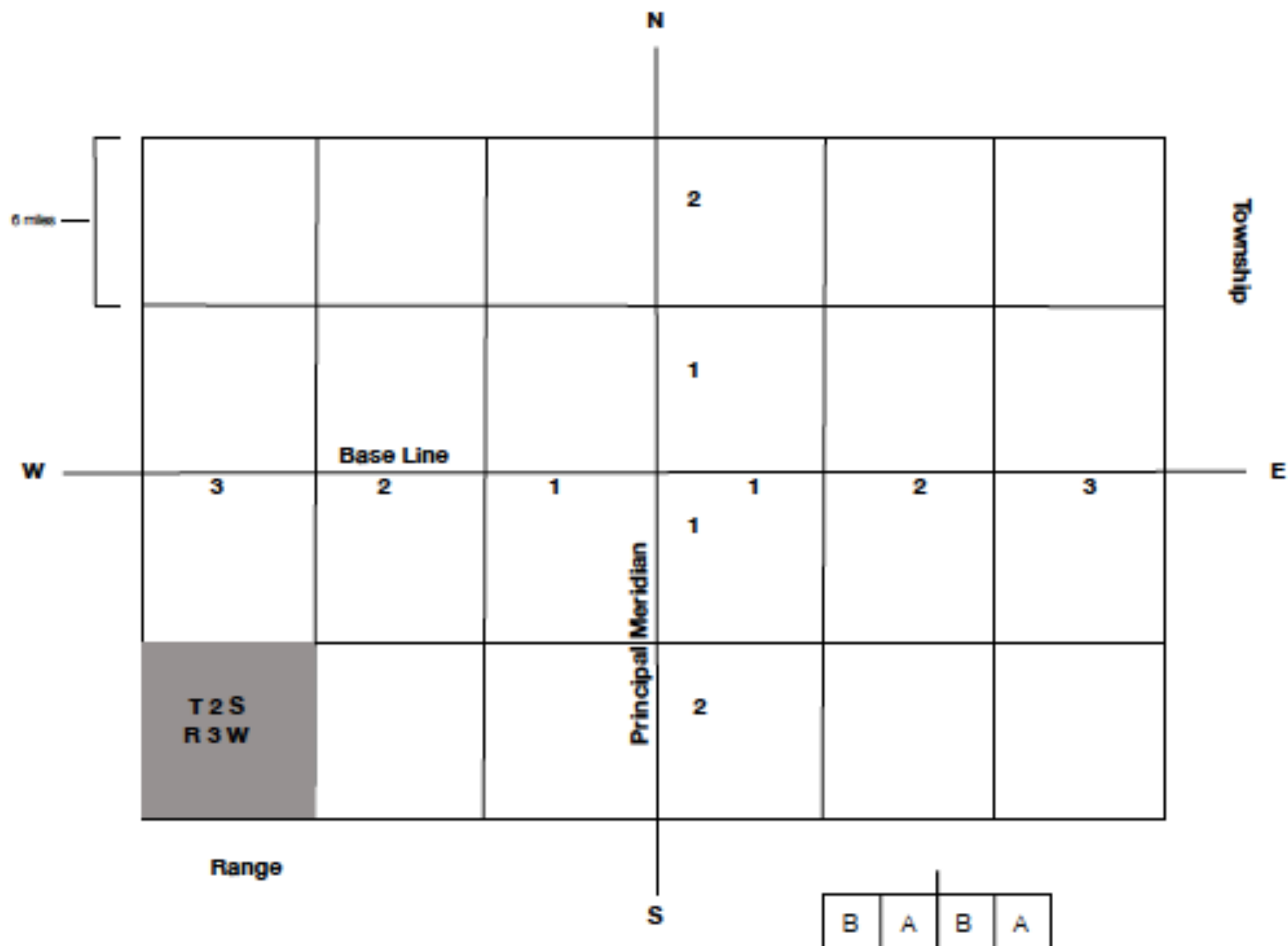
N. 31° E.

65 links along the East side line of said road, to the
place of beginning.

Containing 1/2 acre

C. W. Burrage

Surveyor of Multnomah County, Ore.



Range

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Sections within a township

S

B	A	B	A
C	D	C	D
B	A	B	A
C	D	C	D

Quarter /
Sixteenth

NE 1/4 NW 1/4		NE 1/4 NE 1/4		Northwest Quarter (NE 1/4)
SW 1/4 NW 1/4		SE 1/4 NW 1/4		
N 1/2 SW 1/4			West Half of Southwest Quarter	E 1/2 SE 1/4
S 1/2 SW 1/4				

Section
Subdivisions





Use Restrictions

Residential / Nuisances

10.4.5 Animals and Pets.

10.4.5.1 No animals, livestock, or poultry of any kind may be raised, bred, or kept on any portion of the Property, except that 2 pets, each less than 50 pounds, may be permitted in a Unit. A Unit Owner may request the Board to waive the weight restriction in this Section by submitting to the Board a written request. It is in the Board of Director's sole and absolute discretion to either approve, or disapprove such request.

SECTION 4

No hunting or target shooting is permitted.

SECTION 5

All garbage, trash, cuttings, refuse, garbage and refuse containers, fuel tanks, clothes lines, TV dishes, stables, and other service facilities shall be screened from view from neighboring properties.

A background image of architectural blueprints, showing floor plans with various rooms and dimensions. The blueprints are in blue ink on a light-colored paper. The text "Architectural Restrictions" is overlaid in a large, bold, white font with a black outline, centered on a dark horizontal band.

Architectural Restrictions



Leasing / Rental Restrictions

Transient Purposes / Short Term Agreements / AirBnB

A satellite in orbit over Earth, featuring a large rectangular solar panel array and a prominent satellite dish and antenna structure. The Earth's surface shows a mix of blue oceans, white clouds, and green landmasses. The satellite's structure is dark and metallic, with various components visible. The solar panel array is a long, narrow structure with a grid-like pattern. The satellite dish and antenna are located on the left side of the frame, pointing towards the Earth. The text "Satellite Dishes & Antennas" is overlaid in a large, white, bold font across the center of the image.

Satellite Dishes & Antennas

Section 5. Poles, Antennas, Etc. No flag poles, exterior mounted television or radio antennae or discs, shall be installed or maintained on any portion of the Property. No exterior machinery or equipment for cooling and/or heating shall be installed or maintained on any portion of the Property without prior approval of the Architectural Committee; the Committee's approval of the installation of any one such device shall not constitute a waiver of this section nor obligate the Committee to approve the installation of any other such device.



Easements

Utility / Governmental / Access

ARTICLE 9. EASEMENTS.

9.1 In General. Each Unit has an easement in and through each other Unit for all support elements and utility, wiring, duct, heating, ventilation, air conditioning, service elements, and associated flues, and for reasonable access thereto, as required to effectuate and continue proper operation of each Unit.

9.2 Easement of Access. Each Unit has an easement of access and use of any pedestrian plaza, way, landscaped area, or open space that is part of or associated with the Vancouvercenter Condominium, subject to adopted rules and regulations.

9.3 Easements of Encroachment. There are reciprocal appurtenant easements of encroachment, and for maintenance and use of any permitted encroachment, between each Unit and portions of the Common Elements that are adjacent to the Common Elements and between adjacent Units due to the unintentional placement or settling or shifting of the improvements constructed, reconstructed, or altered. The easement of encroachment is limited to a distance of not more than 3 feet, as measured from any point on the common

Section 4. Easements For The Golf Course. The owner of the golf course shall have an easement of access to any streams, ponds or lakes on Common Property and the right to pump or draw therefrom water as is reasonably necessary to irrigate the golf course. The owner of the golf course shall further have an easement over and across the streets in the community for the purpose of providing access to the users of the golf course and their golf carts from one fairway to another; provided, however, that the owner or owners of the golf course shall be responsible for repairing any damage to the streets caused by such access.



Parking

Section 3. Vehicles. No trucks (except, pickups of 3/4 ton weight or less), campers, motorhomes, trailers, boats, golf carts, motorcycles, or similar recreational vehicle shall be parked on any Lot or street other than temporarily (in no case in excess of 24 hours) and then solely for the purpose of loading or unloading or a service call; provided, however, that such vehicle may be kept within an Owner's



Signs

Section 4. Signs. No signs shall be erected or displayed on any Lot, Living Unit, or any other portion of the Property without the prior written permission of the Board; provided, such permission shall not be required for one sign no larger than six inches by 24 inches displaying the name and/or address of the occupant, or one temporary sign no larger than 18 inches by 24 inches advertising the Lot or Living Unit for sale or rent, which shall be removed upon the sale or rental of the Lot or Living Unit.



Right of Entry

15.3 Right of Entry. The Board, acting on behalf of the Association, or a managing agent, manager, or any other person authorized by the Board, shall have the right to enter any Owner's Unit in the case of any emergency originating in or threatening such Unit or other Units or Condominium property or requiring repairs in such Unit to protect public safety, whether or not the Owner is present at the time. Each Owner shall also permit such persons to enter the Owner's Unit for the purpose of performing installations, alterations, or repairs to any Common Element, preventing damage to the Common Elements or another Unit, or inspecting the Unit to verify that the Owner is complying with the restrictions and requirements described in this Declaration, the Bylaws, and/or the Rules and Regulations, provided that requests for entry are made in advance and that such entry is at a time reasonably convenient to the Owner.

NADER and GONZALEZ Independent
OBAMA and BIDEN ++++++ Democratic

DO NOT VOTE IN THIS SPACE.
USE BLANK LINE BELOW FOR WRITE-IN.

REGIS
MIDDLESE
TARA E
11 Summit R

Voting Rights

TO LEGENDS CONDOMINIUM DECLARATION
SCHEDULE OF PERCENTAGE INTEREST IN COMMON ELEMENTS

	UNIT NUMBER	SQUARE FEET	% INTEREST IN C/E
1ST FLOOR			
	101	1,141	1.33358
	102	865	1.011
	103	865	1.011
	104	961	1.1232
	105	1,056	1.23424
	106	873	1.02035
	107	859	1.00389
	108	841	0.98295
2ND FLOOR			
	201	892	1.04256
	203	2,001	2.33868
	204	1,102	1.288
	205	877	1.02502
	206	911	1.06476
	207	687	0.80295
	208	999	1.16762
	209	687	0.77274

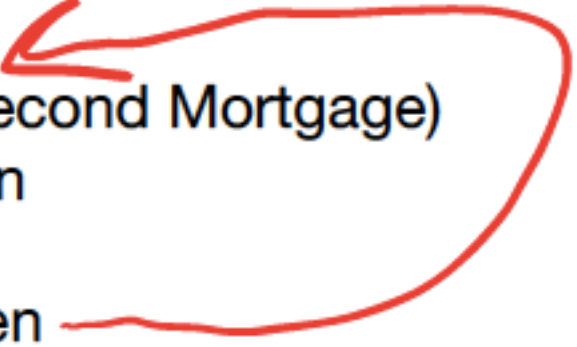


Assessment Authority

Lien Authority



Automatic Liens / Super Priority

1. First Mortgage
 2. Line of Credit (Second Mortgage)
 3. Construction Lien
 4. Judgment Lien
 5. HOA / Condo Lien
- 

A yellow tower crane is the central focus of the image, set against a dark blue night sky. The crane's lattice structure is illuminated, and its long jib extends diagonally across the frame. A small red light is visible at the top of the crane's mast. The title text is overlaid on a dark horizontal band across the middle of the image.

Declarant / Developer Rights

A photograph of a playground with blue slides and yellow railings. A brown dog is running in the foreground on a wood chip ground. The text "Common Property" is overlaid in large white letters, and "Title Vested in Association (PUD)" is overlaid in smaller white letters below it.

Common Property

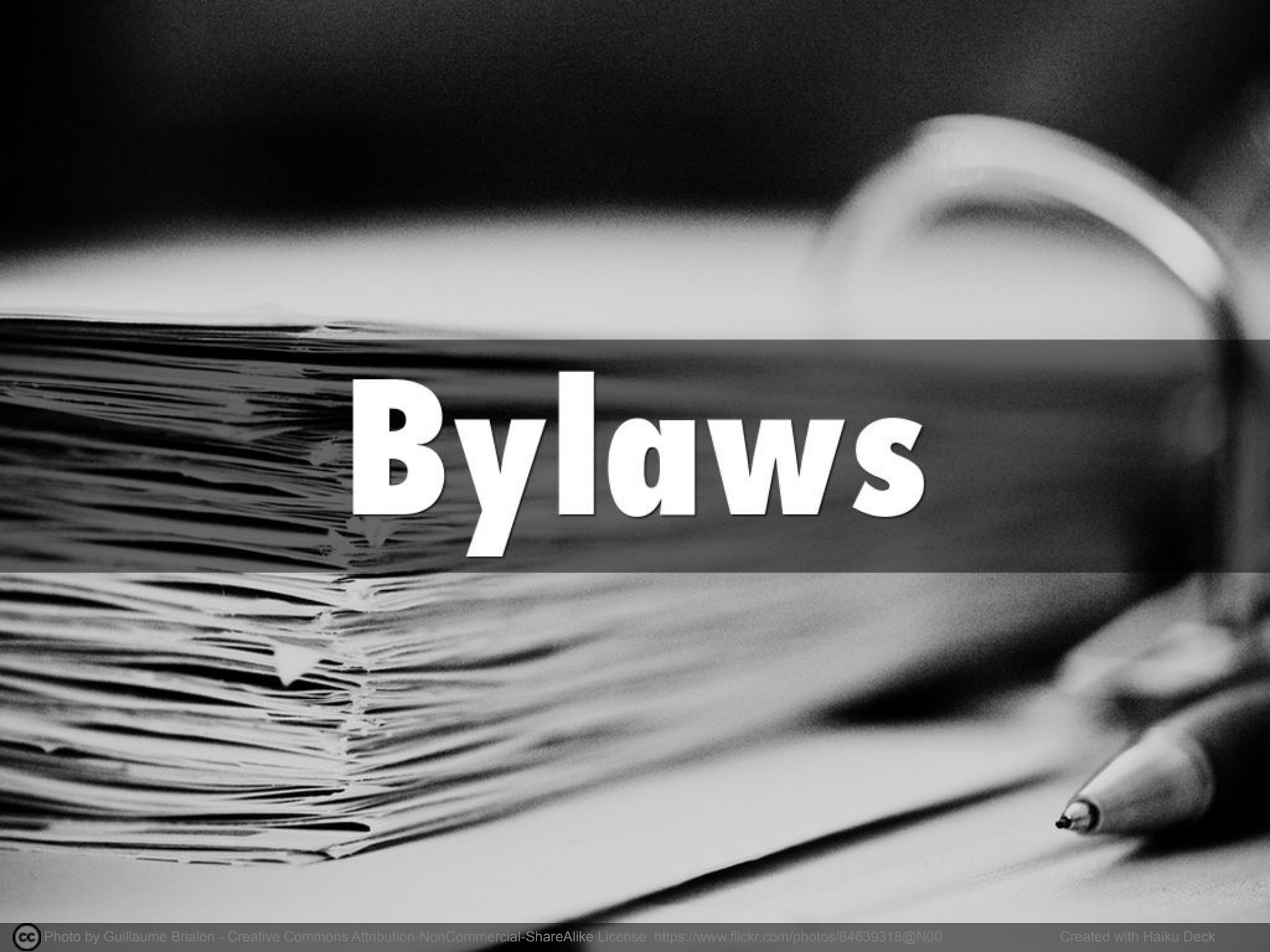
Title Vested in Association (PUD)

Enforcement

- Injunctive Relief
- Fines
- Restriction of access to common areas
- Monetary damages

Defenses to Enforcement

- **Termination**
- **Changed Conditions**
- **Waiver, Estoppel**
- **Unequal Enforcement**



Bylaws

Association Operations

- Owners elect board of directors
- Often professionally managed
- Directors have fiduciary duties toward owners

Bylaws

- Typically Recorded
- Low Threshold to Amend
- For Condos - Use Restrictions are Here



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