

Washington County, Oregon 2004-013847
02/12/2004 03:53:25 PM
D-R/BAM Cnt=2 Stn=11 C WHITE
\$15.00 \$5.00 \$6.00 \$11.00 - Total = \$37.00



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I, Jerry Hanson, Director of Assessment and Taxation and Ex-Office County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Jerry R. Hanson, Director of Assessment and Taxation, Ex-Office County Clerk



AFTER RECORDING RETURN TO:
Landye Bennett Blumstein LLP
3500 Wells Fargo Center
1300 SW Fifth Avenue
Portland, OR 97201

**AMENDMENT TO THE DECLARATION OF
PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS
AFFECTING BURNTWOOD WEST**

The Declaration of Protective Covenants, Conditions and Restrictions affecting Burntwood West I were recorded on October 24, 1984 as Fee No. 84041717 in the Washington County, Oregon, deed records. The Declaration of Protective Covenants, Conditions and Restrictions affecting Burntwood West Lots 57-264 was recorded on April 21, 1989 as Fee No. 8917643 which subjected Lots 57-264 to the Declaration of Protective Covenants, Conditions and Restrictions affecting Burntwood West I. Both documents shall be collectively referred to herein as the "Declaration."

On August 10, 2000, the members of Burntwood West voted in favor of amending the Declaration to revise Section 7.08 of the Declaration. The amendment was approved by more than the required percentage of votes in order to amend the Declaration.

AMENDMENT

The Declaration, Section 7.08 Business and Commercial Uses, is hereby deleted in its entirety and replaced with the following:

"7.08 Business and Commercial Uses. No trades, crafts, businesses, professions, or commercial or similar activity of any kind as appropriate to a residential neighborhood shall be conducted on any Lot except as approved in advance by the Board of Directors of the Association and as allowed by the City of Beaverton, Washington County or the State of Oregon. In no event shall any goods, equipment, vehicles, materials or supplies used in connection with any trade, service or business be kept or stored on any Lot, excepting the right of any contractor engaged in the construction or service of residences on any Lot, to store construction materials and equipment on said Lots in the normal course of said construction or service.

No vehicles will be allowed that will negatively impact the amount of traffic in the neighborhood or disrupt the aesthetic value of the community. This includes, but is not limited to:



- A. Vehicles exceeding 90" in height
- B. Vehicles with tools or implements on them
- C. Recreational vehicles, fifth wheel trailers
- D. Trailers used for business
- E. Vehicles with decals, graphics or logos larger than 36" wide x 24" high.

Approval may be revoked if the Board of Directors finds that such activity is conducted in such a manner that becomes offensive to the general population of the Association."

Pursuant to the Oregon Planned Community Act, ORS 94.590(3),

IT IS HEREBY CERTIFIED that the foregoing Amendment has been approved by the required percentage of members of Burntwood West and were adopted in accordance with the amendment provisions of the Declaration.

BURNTWOOD WEST HOMEOWNERS' ASSOCIATION

By: *Kirk Skeeland*
Chairman

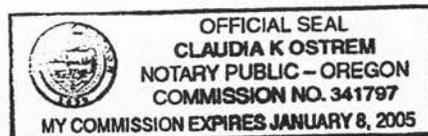
By: _____
Secretary
Scott Clarke
Board member

STATE OF OREGON)
County of Washington) ss.

Nov 20th, 2003

Personally appeared before me the above-named Kirk Skeeland and Scott Clarke who, being duly sworn, did say that they are the Chairman and Secretary of the Burntwood West Homeowners' Association and that said instrument was signed in behalf of said Association by authority of its Board of Directors; and they acknowledged said instrument to be its voluntary act and deed.

Claudia K. Ostrem
Notary Public for Oregon





STATE OF OREGON,

County of Washington } ss.

FORM No. 23—ACKNOWLEDGMENT.
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BE IT REMEMBERED, That on this 19th day of November, 2003,
before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within
named Kirk Skeeland (only)

known to me to be the identical individual..... described in and who executed the within instrument and
acknowledged to me that he..... executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Jason Roper
Notary Public for Oregon

My commission expires May 21, 2004



AMENDMENT TO DECLARATION OF
PROTECTIVE COVENANTS, CONDITIONS AND
RESTRICTIONS AFFECTING BURNTWOOD WEST I

85006563

WHEREAS, BENJFRAN DEVELOPMENT, INC., an Oregon corporation, hereinafter referred to as "Declarant", is the owner of a majority of the platted lots within BURNTWOOD WEST I situated in Washington County, State of Oregon; and

WHEREAS, BURNTWOOD WEST I is a duly recorded plat; and

WHEREAS, the Declarant desires to amend the original DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING BURNTWOOD WEST I, hereinafter referred to as "Declaration", recorded in Book 57 of Plats and Pages 24, 25, 26 of the Records of Washington County, State of Oregon; and

WHEREAS, the Declarant desires to establish additional residential covenants upon the ownership of real property within BURNTWOOD WEST I.

WHEREAS, in furtherance of the use and enjoyment of the park areas, the Declarant desires to establish a consistent covenant applicable to BURNTWOOD WEST I,

NOW THEREFORE, in consideration of the foregoing the Declarant does hereby declare that the following protective covenants, conditions and restrictions shall become and are hereby made a part of all conveyances within BURNTWOOD WEST I:

ARTICLE VII, Residential Covenants, shall be amended to include the following paragraph:

7.17.1 Exterior Finish

All dwellings must have cedar shingles or cedar shake roofs, or tile if approved in writing in advance by the Architectural Control Committee. All exterior walls must be finished with cedar siding, or other materials such as brick that has been approved in writing in advance by the Architectural Control Committee. In no case may grooved plywood siding be used on any dwelling in Burntwood West I.

IN WITNESS WHEREOF, the Declarant caused its corporate name to be subscribed by its Vice President this 19 day of February, 1985.

BENJFRAN DEVELOPMENT, INC.,
an Oregon corporation. (Declarant)

BY: [Signature]
Vice President

State of Oregon)
County of Washington) SS

On this 19 day of February, 1985, personally appeared Michael A. Nelson who, being duly sworn, did say that he is the Vice President of BenjFran Development, Inc., and acknowledged the foregoing instrument to be his voluntary act and deed.

My commission expires: 4/19/88

Before me:

[Signature]
Notary Public for Oregon

STATE OF OREGON }
County of Washington } SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-

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STEWART TITLE

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TICOR TITLE
INSURANCE

3-17643
Washington County

DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS
AFFECTING BURNTWOOD WEST
Lots 57-264

34 141053

WHEREAS, on October 5, 1984, BenjFran Development, Inc., an Oregon corporation adopted certain Declaration of Protective Covenants, Conditions and Restrictions Affecting Burntwood West I (hereinafter referred to as "Covenants"). Said Covenants were recorded on October 24, 1984 as Fee No. 84041717, Washington County Deed Records, State of Oregon; and

WHEREAS, on September 4, 1985, BenjFran Development, Inc. adopted certain bylaws known as Bylaws of Burntwood West I Owners' Association, a non-profit Oregon corporation (hereinafter referred to as "Bylaws"). Said Bylaws were recorded on October 4, 1985 as Fee No. 85034695, Washington County Deed Records, State of Oregon; and

WHEREAS, on February 19, 1985, BenjFran Development, Inc. recorded certain Amendments to the Covenants. Said Amendments were recorded on February 19, 1985 as Fee No. 85006563, Washington County Deed Records, State of Oregon; and

WHEREAS, BenjFran Development, Inc. is the owner of the following lots of the planned community known as Burntwood West: Lot Nos. 57 through 264; and

WHEREAS, BenjFran Development, Inc. (hereinafter referred to as "Declarant") desires to have the Covenants and Bylaws, as amended, applied to the above-described lots of Burntwood West so that such property is held, conveyed,

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hypothecated, encumbered, used, occupied and improved subject to the Covenants and Bylaws, as amended; and

WHEREAS, Declarant has the power under Article II, Section 2.02B of the Covenants to annex certain property so as to bring it within the power of the Burntwood West I Owners' Association without the consent of the members.

NOW, THEREFORE, Declarant does hereby certify and declare, as of the date hereof, that the Covenants dated October 5, 1984, recorded October 24, 1984, as Fee No. 84041717, Washington County Deed Records, State of Oregon, and the Amendment thereto dated February 19, 1985, recorded February 19, 1985 as Fee No. 85006563, Washington County Deed Records, and the Bylaws dated September 4, 1985, recorded October 4, 1985, as Fee No. 85034695, Washington County Deed Records and any amendments thereto shall run with the land and become a part of all conveyances of the real property known as Lots 57 through 264 of Burntwood West.

WHEREAS, Declarant desires to establish special protective covenants, conditions and restrictions affecting Lots 57 through 264 of Burntwood West; and

WHEREAS, Declarant desires to declare the special protective covenants, conditions and restrictions of public record for Lots 57 through 264 of Burntwood West.

NOW, THEREFORE, in consideration of the foregoing Declarant hereby declares that the following protective covenants, conditions and restrictions shall become and are hereby made a

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part of all conveyances of Lots 57 through 264 of Burntwood West and any portion thereof and shall by reference become a part of any conveyances of said Lots or any part thereof, shall run with said Lots, shall be binding on all parties having or acquiring any right, title or interest therein and shall apply thereto as fully and with the same effect as set forth in full therein.

ARTICLE I.

Special Declarant Rights

1.01 Architectural Control. Notwithstanding provisions to the contrary contained in the Covenants for Burntwood West I, Declarant shall retain architectural control over the initial construction and/or development of Lots 57 through 264 of Burntwood West. Declarant shall retain such architectural control regardless of: (1) ownership of the Lots; and (2) whether or not Declarant is in control of the Association.

IN WITNESS WHEREOF, Declarant caused its corporate name to be subscribed by its vice-president, David R. Ramberg, on this 4 day of April, 1989.

DECLARANT

BenjFran Development, Inc.

By David R. Ramberg
David R. Ramberg, Vice-President

APR 21 1989

State of Oregon)
County of Multnomah) SS.

On this 4 day of April, 1989, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared David R. Ramberg, to me known to be the Vice-President of BenjFran Development, Inc., and executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

James P. Toland
Notary Public for Oregon
My Commission Expires: 11-19-95



STATE OF OREGON }
County of Washington } SS

I, Donald W. Mason, Director of Assessment and Taxation and ~~Ex-Officio~~ Recorder of Conveyances for ~~said county~~, do hereby certify that the within instrument of ~~which~~ was received and recorded in book ~~at~~ records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio ~~Recorder of Conveyances~~



Doc : 89017643
Rect: 8347 20.00
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