

When Recorded Return to:

Recorded in MULTNOMAH COUNTY, OREGON  
C. Swick, Deputy Clerk  
C73 36 ATKLM  
Total : 196.00  
2005-143025 08/01/2005 10:28:09am

Fairview Village Development Corp.  
PO Box 1912  
Fairview, OR 97024

**CERTIFICATE OF AMENDMENT  
OF  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
FAIRVIEW VILLAGE NO. 4**

WITNESSETH:

WHEREAS, certain of the undersigned are the owners in fee simple of certain real property consisting of twenty six (26) lots, in the City of Fairview, County of Multnomah, State of Oregon, which property is more particularly described as:

Lots 190 - 197 and 200 - 217 according to the duly filed plat of FAIRVIEW VILLAGE NO. 4, duly recorded on January 8, 1998, in Book 1237, Pages 10 - 12, Document No. 98-2923, in the records of Multnomah County, Oregon.

("Lots 190 - 197 and 200 - 217");

WHEREAS, Lots 190 - 197 and 200 - 217 are subject to that certain Declaration of Covenants, Conditions and Restrictions for Fairview Village No. 4, recorded in the official records of Multnomah County, Oregon on February 24, 1998 as document number 98027957 ("Declaration");

WHEREAS, one of the undersigned is the owner in fee simple of Lot 198 according to the duly filed plat of FAIRVIEW VILLAGE NO. 4, duly recorded on January 8, 1998, in Book 1237, Pages 10 - 12, Document No. 98-2923, in the records of Multnomah County, Oregon ("Lot 198"), which has since been partitioned into three separate parcels, more particularly described as:

Parcels 1 through 3 minor partition of Lot 198 "FAIRVIEW VILLAGE NO. 4"

("Parcels 1 through 3");

WHEREAS, Note No. 7 to the duly filed plat of FAIRVIEW VILLAGE NO. 4, recorded on January 8, 1998, in Book 1237, Pages 10 - 12, Document No. 98-2923, in the records of Multnomah County, Oregon states:

Transnation Title Insurance  
Accommodation Recording  
# 092005-30 m

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The walls and appurtenant facilities within the private wall easements are to be maintained jointly by the owners of Lots 190 through 217, and said easement is hereby granted to said lot owners.

(“Plat Note No. 7”);

WHEREAS, all of the undersigned desire that Parcels 1 through 3 be subject to the Declaration;

WHEREAS, all of the undersigned desire that Parcels 1 through 3 be subject to Plat Note No. 7, and each pay an equivalent share as the owners of Lots 190 – 197 and 200 – 217 to maintain the walls and appurtenant facilities within the private wall easements; and

WHEREAS, ORS 94.590 requires that amendments to the Declaration resulting in a change to the method of determining liability for common expenses requires unanimous consent of the lot owners;

NOW, THEREFORE, the undersigned, as owners of Lots 190 – 197 and 200 – 217, and Parcels 1 through 3, hereby certify that the Declaration shall be and is hereby amended in each and all of the following particulars:

**I.** Recitals, Paragraph A of the Declaration is amended to read as follows:

**A.** Declarant owns, in fee simple, certain real property (the “Property”) consisting of twenty nine (29) Lots located in the City of Fairview, County of Multnomah, State of Oregon, which Property is more particularly described as:

Lots 190 – 198 and 200 – 217 according to the duly filed plat of FAIRVIEW VILLAGE NO. 4, duly recorded on January 8, 1998, in Book 1237, Pages 10 - 12, Document No. 98-2923, in the records of Multnomah County, Oregon.

and

Parcels 1 through 3 minor partition of Lot 198 “FAIRVIEW VILLAGE NO. 4”

**II.** Article II, Section 1 of the Declaration is amended to read as follows:

**Section 1.** “Lot” shall refer, severally, to the twenty nine (29) Lots within the Property which are numbered 190 – 197 and 200 – 217, and Parcel Nos. 1, 2, and 3 of Lot 198.

III. The first sentence of Article IV, Section 2.1 is amended to read as follows:

Owners of Lots and their contractors shall comply with the Architectural Guidelines (Exhibit "A") for construction of the initial twenty-nine (29) residences.

IV. Article VI is amended to read as follows:

Easements

Section 1. Easements for Utilities and Drainage Facilities. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the Plat. Within these easements no structure or planting or other material shall be placed or be permitted to remain which may change the direction or flow of drainage channels in the easement. The easement area of each Lot and all improvements in it shall be maintained continuously by the Owner except for improvements for which a public authority or utility company is responsible.

Section 2. Maintenance of Walls and Appurtenant Facilities Within the Private Wall Easements. The terms of Note No. 7 to the Plat relating to lots numbered 190 – 198 and 200-217 within the Property shall apply equally to all Lots, including Parcel Nos. 1, 2, and 3 of Lot 198. The walls and appurtenant facilities within the private wall easements are to be maintained jointly by the Owners of the Lots.

V. The third sentence of Article VII, Section 1 is amended to read as follows:

Each Owner's share shall be one twenty-ninth (1/29) of the total assessments levied.

VI. Article X, Section 3 is amended to read as follows:

Prior to the Turnover Meeting, this Declaration may be amended from time to time by Declarant. Thereafter, this Declaration may be amended only by an affirmative vote of the Owners of twenty-two (22) Lots. This Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association or the Owner of any Lot, their respective legal representatives, heirs, successors, and assigns, for a term of twenty-five (25) years from the date of this Declaration first written above. After twenty-five (25) years, this Declaration shall be automatically extended for successive periods of ten (10) years each, unless canceled or modified by a recorded instrument signed by the then Owners of twenty-two (22) Lots. For purposes of this Section 3, if there is more than one Owner of any Lot, such Owners shall together be considered a single Owner with respect to such Lot.

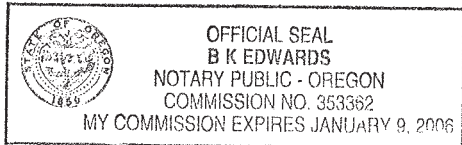
IN WITNESS WHEREOF, the undersigned, being the Owners of the Property, have caused this instrument to be executed effective as of January 1, 2005.

**Owner of Lot 190**

Gail M. Simmons \_\_\_\_\_

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

5 The foregoing instrument was acknowledged before me on this 23 day of April, 2004 by Gail M. Simmons, owner of Lot 190.



B K Edwards  
NOTARY PUBLIC OF Oregon  
My Commission Expires: 01-09-2006

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004 by \_\_\_\_\_, owner of Lot 190.

\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

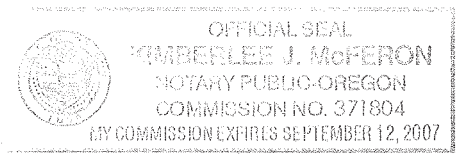
**Owner of Lot 191**

Brid Cameron

Brid Cameron

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

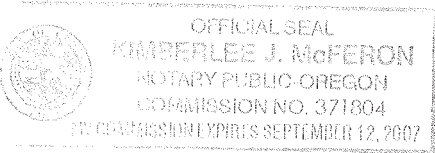
The foregoing instrument was acknowledged before me on this 15 day of April, 2004 by Brid Cameron, owner of Lot 191.



Kimberlee J. McFeron  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires:

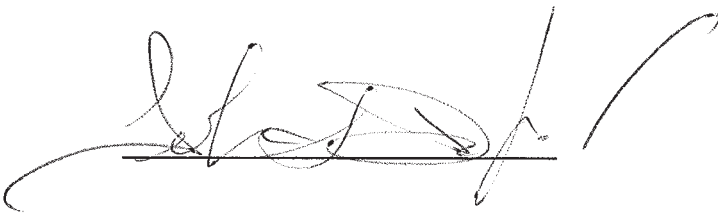
STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me on this 15 day of April, 2004 by Lynn Cameron, owner of Lot 191.



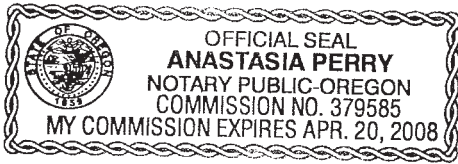
Kimberlee J. McFeron  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires:


Owner of Lot 192

\_\_\_\_\_ 

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me on this 21 day of June, 2004 by John Sutton Duval, owner of Lot 192.



  
NOTARY PUBLIC OF Oregon  
My Commission Expires: April 20, 2008

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2004 by \_\_\_\_\_, owner of Lot 192.

\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

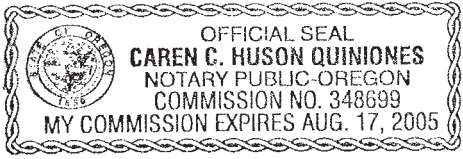
Owner of Lot 193

CHAD A. ELDER

\_\_\_\_\_

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on this 2<sup>nd</sup> day of APRIL,  
2004 by CHAD ELDER, owner of Lot 193.  
5



Caren C. Huson Quiniones  
NOTARY PUBLIC OF OREGON  
My Commission Expires: 8-17-05

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_,  
2004 by \_\_\_\_\_, owner of Lot 193.

\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, the undersigned, being the Owners of the Property, have caused this instrument to be executed effective as of January 1, 2005.

Owner of Lot 190<sup>4</sup>

[Handwritten Signature] \_\_\_\_\_

STATE OF OREGON        )  
  ) ss.  
County of Multnomah    )

\* ~~2004~~ <sup>2005</sup> The foregoing instrument was acknowledged before me on this 21<sup>st</sup> day of April, ~~2004~~ by Florence L Stephens, owner of Lot 190<sup>4</sup>.



[Handwritten Signature]  
NOTARY PUBLIC OF Oregon  
My Commission Expires: 1/24/2007

STATE OF OREGON        )  
  ) ss.  
County of Multnomah    )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004 by \_\_\_\_\_, owner of Lot 190.

\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires:

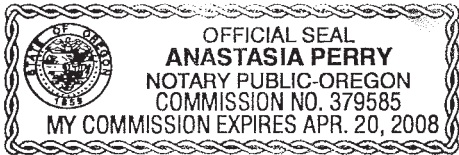


Owner of Lot 196

Lisa Barton Mullins \_\_\_\_\_

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on this 22 day of April, 2004 by Lisa Barton Mullins, owner of Lot 196.



Anastasia Perry  
NOTARY PUBLIC OF Oregon  
My Commission Expires: 4.20.2008

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2004 by \_\_\_\_\_, owner of Lot 196.

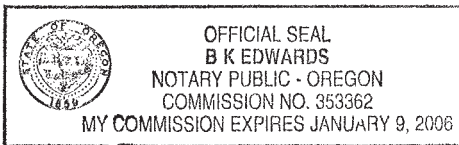
\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires:

Owner of Lot 197

Alice M. Black

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on this 23 day of April,  
2004 by Alice M. Black, owner of Lot 197.



B. K. Edwards  
NOTARY PUBLIC OF Oregon  
My Commission Expires: 01-09-2006

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_,  
2004 by \_\_\_\_\_, owner of Lot 197.

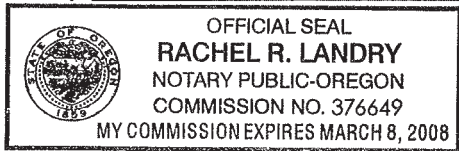
\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Owner of Parcel 1 of Lot 198

Fairview Village Dev. Corporation by [Signature] Pres.

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me on this 17 day of December, 2004 by Richard E. Holt, owner of Parcel 1 of Lot 198.



Rachel R Landry  
NOTARY PUBLIC OF March 8, 2008  
My Commission Expires:

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004 by \_\_\_\_\_, owner of Parcel 1 of Lot 198.

\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires:

Owner of Parcel 2 of Lot 198

Fairview Village Dev. Corp. by *[Signature]*, Pres

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on this 17 day of December, 2004 by Richard E Holt, owner of Parcel 2 of Lot 198.

*[Signature]*  
NOTARY PUBLIC OF March 8, 2008  
My Commission Expires:



STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2004 by \_\_\_\_\_, owner of Parcel 2 of Lot 198.

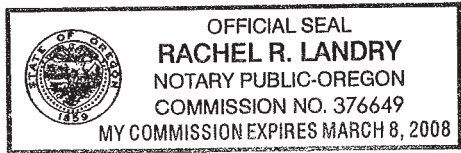
\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires:

Owner of Parcel 3 of Lot 198

Fairview Village Dev. Corp. by [Signature] Pres

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me on this 17 day of December, 2004 by Richard E Holt, owner of Parcel 3 of Lot 198.



Rachel R Landry  
NOTARY PUBLIC OF March 8, 2008  
My Commission Expires:

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2004 by \_\_\_\_\_, owner of Parcel 3 of Lot 198.

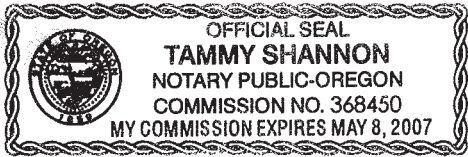
\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires:

Owner of Lot 195

MR. Gregory Roll \_\_\_\_\_

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me on this 10th day of MAY, 2004 by MR. Gregory Roll, owner of Lot 195.



Tammy Shannon  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires: 5-8-2007

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2004 by \_\_\_\_\_, owner of Lot 195.

\_\_\_\_\_  
NOTARY PUBLIC OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

