

After Recording Return To:
Shade Tree, Inc.
40160 East First Street
Lowell, OR 97452



\$62.00

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07/16/2014 10:04:38 AM

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AMENDMENT TO:

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EQUITABLE SERVITUDES FOR

SUNRIDGE SUBDIVISION SUNRIDGE FIRST ADDITION SUNRIDGE SECOND ADDITION

WHEREAS, a "Declaration of Covenants, Conditions, Restrictions and Equitable Servitudes" was recorded by Declarant Shade Tree, Inc. on April 10, 2001, reception number 2001-020572; supplemented to add Sunridge First Addition on February 2, 2005 by reception number 2005-008204, supplemented to add Sunridge Second Addition on July 25, 2005 by reception number 2005-057010, and amended on January 31, 2005 by reception number 2005-007739 [collectively referred to hereafter as the "Declaration"]; and

WHEREAS, Section 1.6 of said Declaration provides that the Declaration may be changed by an instrument signed by the record owners of property which, taken together, comprises at least two-thirds (2/3), as measured in acres (and not as measured in number of Lots or parcels), of the sum total area of the Future Development Property and Sunridge Subdivision, as these terms are defined in said Declaration; and

WHEREAS, **SHADE TREE, INC., ROY NELSON, and LOOKOUT POINT LLC**, who together own property comprising the required 2/3 majority described above, wish to amend said Declaration, to clarify the original intent of certain provisions of the Declaration, and to make changes needed to facilitate orderly, sensible and desirable development within Sunridge Subdivision, in response to concerns identified by Shade Tree, Inc. and residents of the subdivision;

NOW, THEREFORE, the undersigned **SHADE TREE, INC., ROY NELSON, and LOOKOUT POINT LLC** hereby amend the "Declaration of Covenants, Conditions, Restrictions and Equitable Servitudes" recorded on April 10, 2001 by reception number 2001-020572, the supplemental declaration recorded on February 2, 2005 by reception number 2005-008204, the supplemental declaration recorded on July 25, 2005 by reception number 2005-057010, and the amendments recorded on January 31, 2005 by reception number 2005-007739, as follows:

Section 2.6 Delete "For Sunridge First Addition, the Lot may have two or more Elevation Limits, each corresponding to a particular area of the Lot, as illustrated on the Individual Lot Map." and/or "For Sunridge Second Addition, the Lot may have two or more Elevation Limits, each corresponding to a particular area of the Lot, as illustrated on the Individual Lot Map."

and Add: "The Lot may have two or more Elevation Limits, each corresponding to a particular area of the Lot, as illustrated on the Individual Lot Map." *(housekeeping simplification)*

Section 4.7 Change: "two (2) watts of power" to "30 lumens of light" and Change: "use ten (10) watts of power" to "produce 150 lumens of light" *(switch to lumens as unit of measure, to account for new types of lighting, and the new federal lighting labeling standards.)*

Section 4.8.4 *(to simplify enforcement and focus on the plants that are the worst invasives)*
Delete the words "nor any other plant identified in the future as highly or moderately invasive in the Southern Willamette Valley by the Native Plant Society of Oregon" and Delete the following from the list of prohibited plants:

Acer platanoides (Norway maple)
Aesculus hippocastanum (horse chestnut)
Buddleia davidii (butterfly bush)
Clematis vitalba (traveler's-joy)
Corylus avellana (European hazel, filbert)
Cotoneaster spp. (cotoneasters)
Crataegus monogyna (English hawthorn)
Daphne laureola (spurge laurel)
Digitalis purpurea (foxglove)
Geranium lucidum, robertianum (shining crane's-bill, herb Robert, stinky Bob)
Glechoma hederacea (ground ivy, creeping Charlie)
Hypericum perforatum (St. John's wort)
Impatiens glandulifera (policeman's helmet)
Inula helenium (alant, elecampane)
Iris pseudacorus (yellow flag iris)
Juniperus virginiana (eastern redcedar)
Leucanthemum vulgare (oxeye daisy)
Lamium galeobdolan (yellow archangel)
Lathyrus latifolius (sweet, perennial or everlasting pea)
Ligustrum vulgare (common privet)
Linaria genistifolia, dalmatica, vulgaris (dalmation toadflax, butter and eggs)
Lotus corniculatus (birdsfoot trefoil)
Lunaria annua (honesty, money plant)
Lythrum salicaria (purple loosestrife)
Lysimachia nummularia (moneywort)
Mentha pulegium (pennyroyal)
Melissa officinalis (lemon balm)
Myosotis scorpioides (common forget-me-not)
Myriophyllum spp. (parrot's feather, Eurasian milfoil)
Paulownia tomentosa (empress tree)
Phalaris aquatica, arundinacea (Harding grass, reed canarygrass)
Prunus lusitanica (Portugal laurel)
Prunus avium (sweet cherry)
Prunus cerasifera, domestica, spinosa (Thundercloud plum, domestic cherry, sloe)
Pyracantha spp. (firethorn)
Ranunculus ficaria (lesser celandine)
Ranunculus repens (creeping buttercup)
Robinia pseudoacacia (black locust)
Rorippa nasturtium-aquaticum (watercress)
Rosa eglanteria (sweet-briar)
Rosa multiflora (multiflowered rose)
Securigera (Coronilla) varia (crown vetch)

Sorbus aucuparia (European mountain-ash)
Umbellularia californica (California bay laurel, myrtlewood)
Verbena bonariensis (Brazilian verbena)
Vinca major, minor (periwinkle, vinca)

Section 5.2.3: Change three instances of "Lots" to "Lots and Future Development Property" *(to correct error in original CCRs and conform to height variance process in Section 8.2)*

Section 5.5 Change: "Metal roofs must be of the standing edge type, with no exposed fasteners." to "Except on Lot 31, sheet metal roofs including standing edge type and corrugated type are not allowed, due to reflective issues." *(Sunridge has learned that it is not possible to prevent glare from metal roofs)* and Add: "Fake mansard roofs, A-frame buildings and dome structures are prohibited. Roof colors must be black, dark grey, or weathered wood tones. Roof vents, fan housings, metal chimneys must be painted the color of roof." *(to incorporate provisions from the ARC Design Guidelines)*

Section 5.6 Add: "The colors previously approved by the ARC are: natural wood, earth tones, tan, brown, green, gray, and dark brick red. Prohibited colors are: white, yellow, orange, blue, true red, purple, and black, except that black accents are allowed, and white trim is allowed with white windows. Roof colors must be black, dark grey, or weathered wood tones. Gutters, downspouts, electrical boxes, vents, flashings, etc. must be painted the same color as the abutting surface." *(to prevent confusion decades from now, regarding what the ARC has approved)*

Section 5.7 Add: "Roof penetrations (vents, fan housings) must be placed on the downhill side and/or so that they will not be visible from the street whenever feasible." *(to incorporate a provision from the ARC Design Guidelines)*

Section 5.9 Change: "Pallet fences, barbed wire and wire mesh fences are expressly prohibited." to "Pallet fences, barbed wire and wire mesh fences, whether framed or unframed, are expressly prohibited. Wood-framed, galvanized wire grid (hog wire) fences are allowed with the following specifications: a) wire must be one-quarter inch (1/4") or larger; b) wire must be either hot-dipped galvanized or powder coated with colors meeting the requirements of this section; and c) the wire grid openings must be between three inches (3") and six inches (6")." *(to provide more choices for fencing)*

Section 5.12 Add as the third sentence: "Further provided, that tanks and similar apparatus within 5 feet of the house need not be screened if painted the same color as the adjacent house wall, or, if farther than 5 feet from the house, if painted to match surrounding vegetation." *(relaxation of standard to include exception for tanks)*

Section 5.12: Add: "All cables, wire, piping, etc. must be concealed from view when feasible. Electric meter boxes must not protrude more than 1" from the house wall, and must not be visible from the street. This provision does not apply to the meter itself, only to the box housing the meter." *(to incorporate provisions from the ARC Design Guidelines)*

Section 5.14: Add: "Stone can be all native basalt, or all quarried (gray) basalt from off-site, but the two types should not be mixed. Notwithstanding the following, concrete foundations and other walls are allowed in the following circumstances: a) foundations with less than 18" exposed; b) walls less than 36" tall that are attached to a structure and are finished with the same materials and colors as the adjoining structure; or c) walls that are not visible from outside the Lot." *(to incorporate ARC provision and provide exceptions for the limited use of concrete)*

Add Section 5.15: "Decks: Decks raised from 6-10 feet above the ground must be supported on columns at least 7" x 7". Columns supporting decks over 11 feet above the ground must be least 10" x 10". Columns may be boxed out to reach these required dimensions. Visible X or knee bracing is not allowed." *(to incorporate a provision from the ARC Design Guidelines)*

By executing and recording these amendments, the undersigned intend that all of Sunridge Subdivision, including all additions thereto, continue to be held, sold and conveyed subject to and restricted by the "Declaration of Covenants, Conditions, Restrictions and Equitable Servitudes" recorded on April 10, 2001 by reception number 2001-020572, the supplemental declaration recorded on February 2, 2005 by reception number 2005-008204, the supplemental declaration recorded on July 25, 2005 by reception number 2005-057010, and the amendments recorded on January 31, 2005 by reception number 2005-007739, as amended by the foregoing changes.

DATED this 1st day of July, 2014:



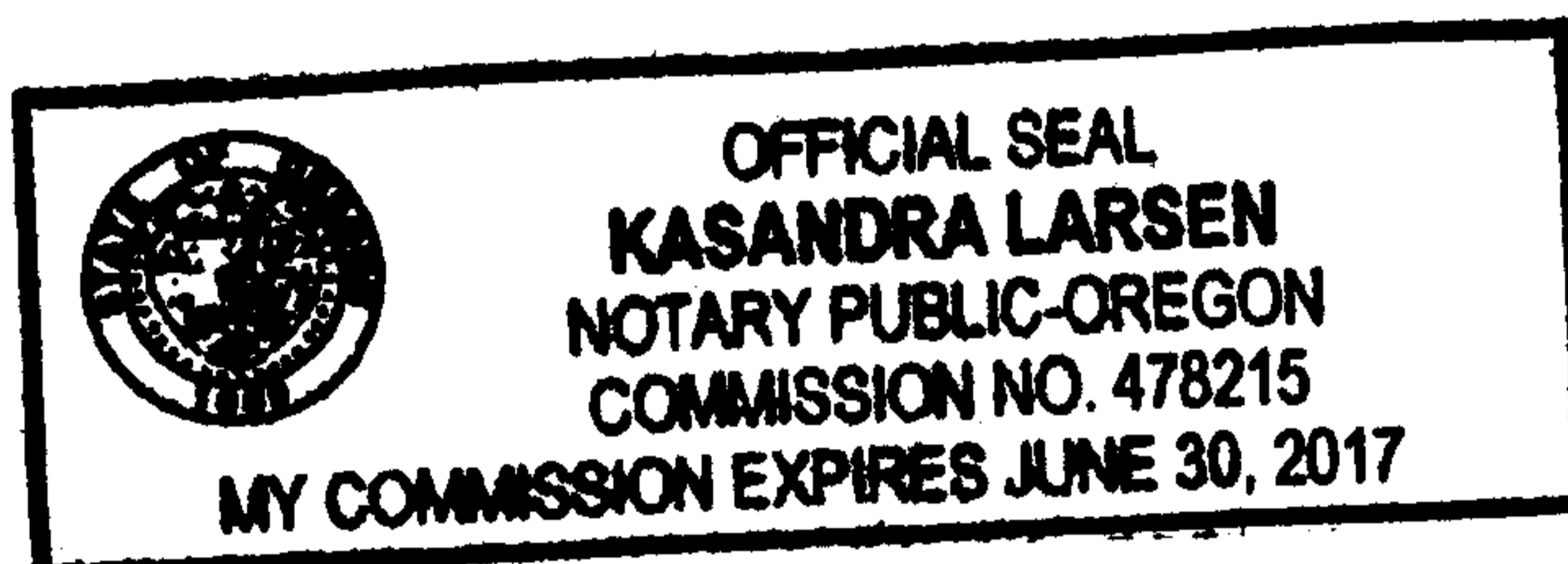
Shade Tree, Inc.
by Mia Nelson, President

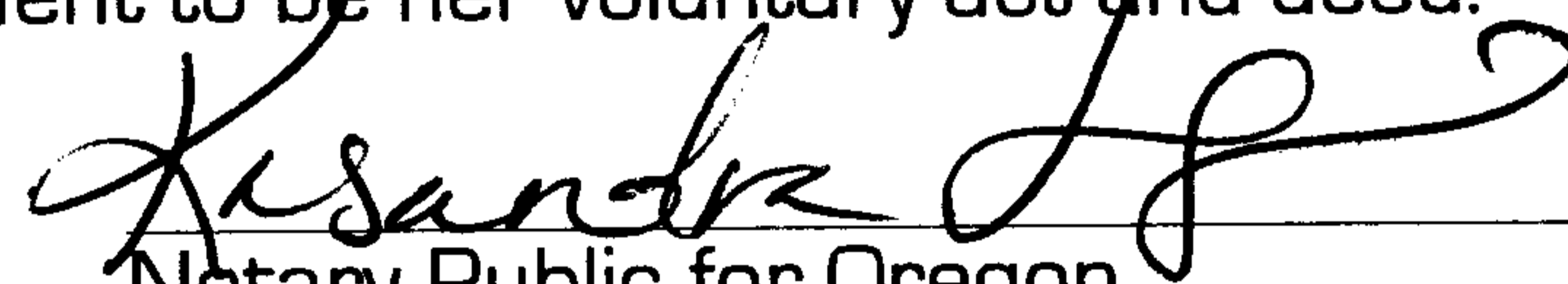



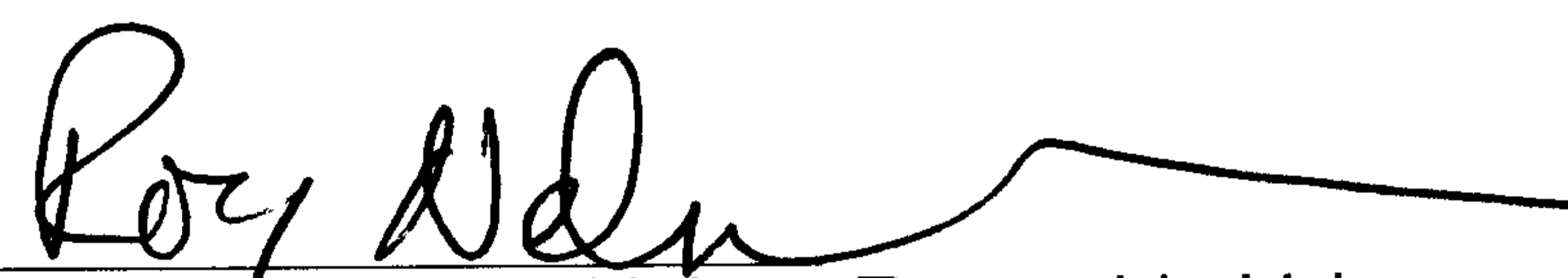
Lookout Point LLC, by the Nelson-Johnson Living Trust
dated 7/5/11, Member, by Mia Nelson, Trustee

STATE OF OREGON, County of Lane, ss.

On this 1st day of July, 2014, personally appeared the above named Mia Nelson, and did say that she is the President of Shade Tree, Inc. and that this instrument was signed on behalf of the corporation and by the authority of its board of directors, that she is the Trustee of the Nelson-Johnson Living Trust, a Member of Lookout Point LLC, and that this instrument was signed on behalf of the Trust, on behalf of the LLC, and by the authority of the LLC's board of management, and acknowledged the foregoing instrument to be her voluntary act and deed.

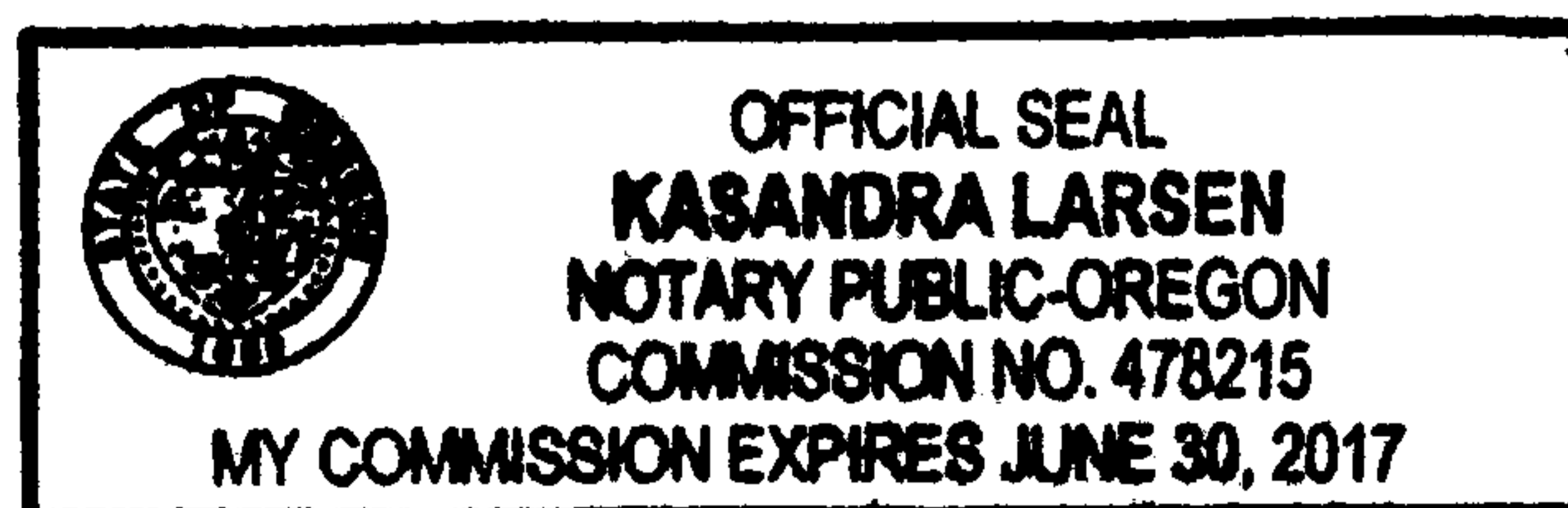




Notary Public for Oregon
My Commission Expires: 6-30-17


Roy Nelson
Lookout Point LLC by the Roy Nelson Revocable Living
Trust dated 8/22/02, Member, by Roy Nelson, Trustee

STATE OF OREGON, County of Lane, ss.

On this 1st day of July, 2014, personally appeared the above named Roy Nelson, and did say that he is the Trustee of the Roy Nelson Revocable Living Trust, a Member of Lookout Point LLC and that this instrument was signed on behalf of the Trust, on behalf of the LLC, and by the authority of its board of management, and acknowledged the foregoing instrument to be his voluntary act and deed.




Notary Public for Oregon
My Commission Expires: 6-30-17