

See other ccr

242-518
242-531
251-2249

L.C.T. 930312

330.262 PAGE 1392

SUPPLEMENTAL DECLARATION
ANNEXING CERTAIN PROPERTY TO THE NORTH SHORE TERRACE CONDOMINIUM
AND SUBMITTING SAID ANNEXED PROPERTY UNDER
PROVISIONS OF ORS 100.005 TO 100.910 THE OREGON CONDOMINIUM ACT
FOR NORTH SHORE TERRACE CONDOMINIUM STAGE III

R E C I T A L S

1. Declarant, A&D Development General Partnership, consisting of DVM, Inc., an Oregon corporation (Managing Partner) and Hines Enterprises, Inc., an Oregon corporation, general partners, submitted certain property to the provisions of ORS 100.005 to ORS 100.910 The Oregon Condominium Act by Declaration recorded the 1st day of April, 1992 in Book 242, page 518-530 Lincoln County Film Records. (The By-laws of the condominium were recorded the same day in Book 242, page 531 through 545.)

2. Said original Declaration disclosed that Declarant reserved the right therein to annex additional real property to the condominium project.

3. Declarant did in fact annex additional real property to the condominium project with a Supplemental Declaration for North Shore Terrace Condominium Stage II, recorded the 15th day of October, 1992 in Book 251, page 2249, Lincoln County Film Records.

4. Declarant now desires to annex a further portion of the property which was contained in the initial Declaration as potentially annexable property, said additional portion more particularly described as follows:

Beginning at the initial point located 533.09 feet North and 2016.14 feet west of the quarter corner on the East line of Section 32, Township 10 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon, the boundary of which said platted land is described as follows: Beginning at the initial point; thence North 16° 05' 00" West 20.11 feet; thence South 73° 55' 00" West, 113.52 feet; thence North 59° 12' 57" West, 7.87 feet; thence North 38° 57' 27" West, 15.01 feet; thence North 12° 06' 59" West, 19.09 feet; thence North 8° 55' 56" East, 32.90 feet; thence North 0° 51' 23" West, 23.68 feet; thence East, 92.86 feet; thence North 73° 03' 46" East, 53.27 feet to Highway 101; thence South 16° 38' 48" East, 86.14 feet; thence South 73° 28' 34" West, 40.00 feet to the point of beginning.

5. In the initial annexation disclosure, the maximum number of units for the project, if fully developed, would be forty. This annexation involves seven units, which added to the pre-existing 13 units in Stage I and Stage II makes a combined total of 20 units completion of this Stage III annexation.

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AFTER RECORDING RETURN TO:

LINCOLN COUNTY TITLE
& ESCROW COMPANY
36 S.W. Nye Street
Newport, Oregon 97365

JUN 4 1993

6. It is therefore the desire of Declarant to annex the above described property by this Supplemental Declaration for the purposes of making same Stage III of North Shore Terrace Condominium, in the process thereof creating seven additional units, together with additional general and limited common elements.

DECLARATION

Now, therefore, Declarant hereby publishes and declares that the hereinabove and hereinafter described annexed property is subject to the Declaration hereinabove referenced, and the Stage II Supplemental Declaration except as hereinafter supplemented, to permit the creation of seven new units and additional general and limited common elements, and that said initial Declaration recorded April 1, 1992 in Book 242, page 518-530 in the records of Lincoln County and the Supplemental Declaration for Stage II, recorded October 15, 1992, in Book 251, page 2249 in the records of Lincoln County shall remain in full force and effect.

Those supplements, making specific reference to the Declaration, the Supplemental Declaration for Stage II the and By-laws hereinabove described, are declared and published to be as follows:

DECLARATION SUPPLEMENT

1. The provisions of Article 1 Definitions sub-paragraph (f) "Plans" heretofore supplemental by the Supplemental Declaration for Stage II shall be supplemented to include the plat, floor plans, and other similar materials recorded with this Supplemental Declaration for Stage III in addition to the initial definition of plans contained in the original Declaration and subsequently supplemented by the Supplemental Declaration for Stage II.

2. The provisions of Article 2 Land Description of the initial Declaration and the provisions of the Supplemental Declaration for Stage II as it pertains to land description are further supplemented by annexation to include the following additional real property:

Beginning at the initial point located 533.09 feet North and 2016.14 feet west of the quarter corner on the East line of Section 32, Township 10 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon, the boundary of which said platted land is described as follows: Beginning at the initial point; thence North 16° 05' 00" West 20.11 feet; thence South 73° 55' 00" West, 113.52 feet; thence North 59° 12' 57" West, 7.87 feet; thence North 38° 57' 27" West, 15.01 feet; thence North 12° 06' 59" West, 19.09 feet; thence North 8° 55'

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56" East, 32.90 feet; thence North 0° 51' 23" West, 23.68 feet; thence East, 92.86 feet; thence North 73° 03' 46" East, 53.27 feet to Highway 101; thence South 16° 38' 48" East, 86.14 feet; thence South 73° 28' 34" West, 40.00 feet to the point of beginning.

3. The provisions of Article 5 General Project Description of the initial Declaration and the Supplement thereto contained in the Supplemental Declaration for Stage II are further supplemented as follows:

General Project Description: The project now consists of a tract of real property 55,959 square feet in size of irregular dimension.

The project now consists of three buildings. The initial building in the initial stage is comprised of six units located in the middle of the southerly portion of the real property. The description of this building remains the same as contained in the initial Declaration.

The second building is located in the middle of the northerly portion of the project and is comprised of seven units. The description of this building remains the same as contained in the Supplemental Declaration for Stage II.

The third building (located upon the real property, the subject of this Supplemental Declaration for Stage III) is located between the first building and the second building. It is comprised of seven units.

Each unit contains two floors. The first floor includes 509 square feet of living space comprised of an entry, a dining room, kitchen and living room. It also consists of a single car enclosed garage. Adjacent to each unit on the north is a deck more particularly hereinafter described as a limited common element. The second floor consists of 459 square feet of living space, and includes two bedrooms and a bathroom. The two floors are connected by an interior stairway.

The structure of this third seven-plex is the same as the first six-plex, and the second seven-plex, namely wood frame construction with concrete foundation. The roof is 3-tab composition shake, and the siding is Louisiana-Pacific Inner Seal Vertical Siding.

4. The provisions of Article 6 Unit Description from the initial Declaration and as supplemented by the Supplemental Declaration for Stage II are further supplemented as follows:

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(n) Unit N. Unit N is a two-floor unit, located on the west end of the middle building condominium seven-plex the subject of this Supplemental Declaration for Stage III. This unit consists of a single car garage of 242 square feet on the north end thereof. The living space located south of the garage consists of an entry-way, accessible from the exterior of the unit and from the garage. It includes a dining area, kitchen and living room, consisting of approximately 514 square feet. The second floor of the unit consists of two bedrooms and a bathroom and is 467 square feet. This second floor is located immediately above the first floor. In addition to the entry way described above on the north side thereof, it contains an entry-exit on the south side thereof on the first floor.

(o) Unit O: Unit O is identical to Unit N as described above; is located adjacent to and immediately east of said Unit N.

(p) Unit P: Unit P is identical to Unit N as described above; is located adjacent to and immediately east of Unit O.

(q) Unit Q: Unit Q is identical to Unit N as described above; is located adjacent to and immediately east of Unit P.

(R) Unit R: Unit R is identical to Unit N as described above; is located adjacent to and immediately east of Unit Q.

(s) Unit S: Unit S is identical to Unit N as described above; is located adjacent to and immediately east of Unit R.

(t) Unit T: Unit T is identical to Unit N as described above; is located adjacent to and immediately east of Unit S. This unit is also the most easterly of the units in the seven-plex.

5. The provisions of Article 8 Common Element Description in the initial Declaration and as supplemented by the Supplemental Declaration for Stage II are further supplemented as follows:

Common Element Description:

Limited Common Elements for Unit N are:

The use of the following limited common elements is reserved and allocated 100% to Unit N.

(1) The individual entry-way area consisting of a deck and a 5 foot wide yard and sidewalk area, the latter parallel with and adjacent on the west to the outside of the garage, said garage located on the northerly side of the unit;

(2) The deck on the south side of the unit;

(3) The yard adjacent to the unit on the south side thereof.

Limited Common Elements for Unit O are:

The use of the following limited common elements is reserved, and therefore allocated 100% to Unit O.

(1) The individual entry-way area consisting of a deck and a four foot wide yard area, the latter parallel with and adjacent on the east to the outside of the garage, said garage located on the northerly side of the unit;

(2) The deck on the south side of the unit;

(3) The yard adjacent to the unit on the south side thereof.

The use of the following limited common element is reserved for the use of Units O and P and is therefore allocated 50% to Unit O.

(4) The rectangular 4 foot walkway located between, and therefore dividing, the 4 foot wide yard area of Unit O from the 4 foot wide yard area of Unit P, (as hereinafter described) all as located immediately north of Units O and P

Limited Common Elements for Unit P are:

The use of the following limited common elements is reserved, and therefore allocated 100% to Unit P.

(1) The individual entry-way area consisting of a deck and a four foot wide yard area, the latter parallel with and adjacent on the west to the outside of the garage said garage located on the northerly side of the unit;

(2) The deck on the south side of the unit;

(3) The yard adjacent to the unit on the south side thereof.

The use of the following limited common elements is reserved for the use of Units O and P and is therefore allocated 50% to Unit P:

(4) The rectangular 4 foot walkway located between and therefore dividing, the 4 foot wide yard area of Unit P from the 4 foot wide yard area of Unit O, all as located immediately north of Units P and O.

Limited Common Elements for Unit Q are:

The use of the following limited common elements is reserved, and therefore allocated 100% to Unit J.

(1) The individual entry-way area consisting of a deck and a four foot wide yard area, the latter parallel with and adjacent on the east to the outside of the garage said garage located on the northerly side of the unit;

(2) The deck on the south side of the unit;

(3) The yard adjacent to the unit on the south side thereof.

The use of the following limited common element is reserved for the use of Units Q and R and is therefore allocated 50% to Unit Q:

(4) The rectangular 4 foot walkway located between, and therefore dividing, the 4 foot wide yard area of Unit Q from the 4 foot wide yard area of Unit R, (hereinafter described) all as located immediately north of Units Q and R.

Limited Common Elements for Unit R are:

The use of the following limited common elements is reserved, and therefore allocated 100% to Unit R:

(1) The individual entry-way area consisting of a deck and a four foot wide yard area, the latter parallel with and adjacent on the west to the outside of the garage said garage located on the northerly side of the unit;

(2) The deck on the south side of the unit;

(3) The yard adjacent to the unit on the south side thereof.

The use of the following limited common element is reserved for the use of Units R and Q, and is therefor allocated 50% to Unit R:

(4) The rectangular 4 foot walkway located between, and therefore dividing, the 4 foot wide yard area of Unit R from the 4 foot wide area of Unit Q, all as located immediately north of Units R and Q.

Limited Common Elements for Unit S are:

The use of the following limited common elements is reserved, and therefore allocated 100% to Unit S:

(1) The individual entry-way area consisting of a deck and a four foot wide yard area, the latter parallel with and adjacent on the east to the outside of the garage said garage located on the northerly side of the unit;

(2) The deck on the south side of the unit;

(3) The yard adjacent to the unit on the south side thereof.

The use of the following limited common element is reserved for the use of Units S and T and is therefore allocated 50% to Unit S:

(4) The rectangular 4 foot walkway located between, and therefore dividing, the 4 foot wide yard area of Unit S and the 4 foot wide yard area of Unit T, (hereinafter described) all as located immediately north of Units S and T.

The use of the following limited common elements is reserved, and therefore allocated 100% to Unit T:

(1) The individual entry-way area consisting of a deck and a four foot wide yard area, the latter parallel with and adjacent on the west to the outside of the garage said garage located on the northerly side of the unit;

(2) The deck on the south side of the unit;

(3) The yard adjacent to the unit on the south side thereof.

The use of the following limited common element is reserved for the use of Units T and S and is therefore allocated 50% to Unit T:

(4) The rectangular 4 foot walkway located between, and therefore dividing, the 4 foot wide yard area of Unit T and the 4 foot wide yard area of Unit S, all as located immediately south of Units T and S.

6. The provisions of Article 8 Common Element Description and the Supplemental Declaration Stage II pertaining thereto are further supplemented to provide that the allocation of ownership interest in common elements is such that with this annexation, the common element ownership shall be allocated equally on a fractional basis with 1/20th of the common elements owned by each unit.

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7. The provisions of Article 17 Added and Miscellaneous Information at subparagraph (d) in the initial Declaration and the supplements thereto in the Stage II Supplemental Declaration shall be further supplemented by adding to these sections references to fence construction in Stage III, making provision for directional differences and responsible party as follows:

"The six foot 'good neighbor' fence of cedar in the initial Declaration and the Supplemental Declaration Stage II shall be located along the east and west boundaries of the limited common element southerly yards as described in Section 5 of this Supplemental Declaration for Stage III hereinabove set forth, as well as being along the entire south line of Stage III. The Declarant will build said fences in Stage III within 90 days of the date hereof and assess the cost to each unit owner in Stage III equally. As stated in the original Declaration and the Supplemental Declaration for Stage II, the fences, when constructed, shall themselves become a general common element.

8. The Declarant declares that the special construction right contained in the initial Declaration under Article 8 Common Element Description has no applicability to the seven units which are the subject of this Supplemental Declaration for Stage III.

IN WITNESS WHEREOF Declarant has hereunto set its hand on the 20th day of May, 1993.

A&D Development General Partnership
Dennis Moore
Dennis Moore, President
DVM, Inc., Managing Partner

STATE OF OREGON)
) ss.
County of Lincoln)

Personally appeared Dennis Moore who being duly sworn did say that he is the President of DVM, Inc., an Oregon corporation, managing partner of A & D Development General Partnership and that the foregoing Supplemental Declaration for Stage III was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged the same to be its voluntary act and deed.

BEFORE ME:

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BOOK 262 PAGE 1400



William G. Nisbet
Notary Public for Oregon
My Commission Expires: 4/18/94



THE FOREGOING SUPPLEMENTAL DECLARATION FOR NORTH SHORE TERRACE
CONDOMINIUM STAGE III IS APPROVED PURSUANT TO ORS 100.110 THIS
24th DAY OF May, 1993.

Steen T. Margulies
Morella Larsen
Real Estate Commissioner

The foregoing Supplemental Declaration for Stage III is
approved pursuant to OLR 100.110 this 4th day of June
1993.

Linda Pitzer by OR 6-4-93
Mary Kuenzli, Tax Collector
Linda Pitzer
Ed Todd by TMH 6-4-93
Lincoln County Assessor



STATE OF OREGON } ss.
County of Lincoln

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby
certify that the within instrument was received for record, and
recorded in the Book of Records of said county at Newport, Oregon.
Book 262 Page 1392

WITNESS my hand and seal of said office affixed
By Dana W. Jenkins Deputy
DANA W. JENKINS, County Clerk

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