

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 IV.

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, and for North Shore Terrace Condominium Stage III, recorded the 4th day of June, 1993 in Book 262, page 1392 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 a 5/8" x 30" iron rod with a plastic cap, and said initial point located 268.56 feet north and 2069.21 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, and that the boundary of the land which is platted is described as follows:

Beginning at the initial point; thence North 15° 51' 42" West, 85.17 feet to the south line of Stage 1 of North Shore Terrace Condominium; thence North 72° 58' 30" East, 32.70 feet; thence South 17° 00' 00" East, 10.87 feet; thence North 81° 21' 35" East, 39.82 feet; thence North 73° 55' 00" East, 51.63 feet to the southeast corner of Stage 1; thence South 16° 02' 53" East, 53.98 feet; thence South 14° 14' 47" East, 52.26 feet; thence North 89° 29' 12" West, 127.93 feet to the initial point. Containing 11,515 square feet.

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5. In the initial annexation disclosure, the maximum number of units for the project, if fully developed, would be forty. This annexation involves four units, which added to the pre-existing 20 units in Stage I, Stage II and Stage III makes a combined total of 24 units upon completion of this Stage IV annexation.

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 IV of North Shore Terrace Condominium, in the process thereof creating four 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 and III Supplemental Declarations except as hereinafter supplemented, to permit the creation of four 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 and the Supplemental Declaration for Stage III, recorded June 4, 1993 in Book 262, page 1392 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 and III 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 supplemented by the Supplemental Declaration for Stage II and III shall be supplemented to include the plat, floor plans, and other similar materials recorded with this Supplemental Declaration for Stage IV in addition to the initial definition of plans contained in the original Declaration and subsequently supplemented by the Supplemental Declaration for Stage II and for Stage III.

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

Beginning at a 5/8" x 30" iron rod with a plastic cap, and said initial point located 268.56 feet north and

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2069.21 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, and that the boundary of the land which is platted is described as follows:

Beginning at the initial point; thence North 15° 51' 42" West, 85.17 feet to the south line of Stage 1 of North Shore Terrace Condominium; thence North 72° 58' 30" East, 32.70 feet; thence South 17° 00' 00" East, 10.87 feet; thence North 81° 21' 35" East, 39.82 feet; thence North 73° 55' 00" East, 51.63 feet to the southeast corner of Stage 1; thence South 16° 02' 53" East, 53.98 feet; thence South 14° 14' 47" East, 52.26 feet; thence North 89° 29' 12" West, 127.93 feet to the initial point. Containing 11,515 square feet.

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

General Project Description: The project now consists of a tract of real property 67,486 feet in size of irregular dimension.

The project now consists of four 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 is located between the first building and the second building. It is comprised of seven units. The description of this building remains the same as contained in the Supplemental Declaration for Stage III.

The fourth building (located upon the real property, the subject of this Supplemental Declaration for Stage IV) is located south of the initial building in the initial stage, and as a result thereof is located in the southeast corner of the real property. It is comprised of four units.

Each unit as more particularly described hereinafter

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shall have adjacent to it on the northwest a limited common element sidewalk and entry. Further, each unit shall have adjacent to it and on the south a fenced limited common element backyard.

Due to the topography all units in Stage IV will have as a limited common element as more particularly hereinafter described, a supplementary sewer pumping system to pump sewage from the units in this stage to existing sewerlines within the project so as to thereafter be disposed of gravitationally.

Each unit contains three floors. The basement floor is comprised of a daylight basement, consisting of approximately 635 square feet of heated living space. It is connected to the first floor by an interior stairway. Adjacent to each unit on the south is a concrete patio more particularly hereinafter described as a limited common element. The first floor, containing approximately 670 square feet of living space, includes a living room/dining area, a kitchen, entry hallway and half bath. It is connected to the second floor by an interior stairway. Adjacent to each unit on the south is a deck more particularly hereinafter described as a limited common element. Also on the first floor level, adjacent to each unit on the north, and as a part of the unit, is an enclosed double car garage of approximately 405 square feet.

The second floor of each unit, consisting of approximately 670 square feet, contains two bedrooms and two bathrooms. Each unit on this level has a small deck adjacent thereto, and on the south side thereof, a limited common element for each respective unit.

The structure of this four-plex is the same as the six-plex in the initial stage, the seven-plex in the second stage, and the seven-plex in the third stage, namely wood frame construction with concrete foundation. The roof is three 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 Declarations for Stage II and for Stage III are further supplemented as follows:

(u) Unit U. Unit U is a three-floor unit, located on the east end of the four-plex the subject of this Supplemental Declaration for Stage IV. The basement level of this unit is comprised of 635 square feet of enclosed

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living space. Immediately above the basement floor is the first floor. Access between the floors is by interior stairways. The first floor, comprised of approximately 670 square feet contains the kitchen, entry hall, a half bath, and a dining/living room area. Adjacent to the living area on the north and as a part of the unit, is a two car garage, approximately 405 square feet. It is fully enclosed. The second floor is directly above the first floor and is comprised of approximately 670 square feet, containing two bedrooms and two bathrooms.

(v) Unit V: Unit V is identical to Unit U as described above; is located adjacent to and immediately west of said Unit U.

(w) Unit W Unit W is identical to Unit U as described above; is located adjacent to and immediately west of Unit V

(x) Unit X: Unit X is identical to Unit U as described above; is located adjacent to and immediately west of Unit X. This is the most westerly of the units in the four-plex.

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

Common Element Description:

Limited Common Elements for Unit U are:

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

(1) The individual entry-way consisting of a deck on the south end of the entry way adjacent to the front door, and an 8 foot wide yard and sidewalk area, running northerly from the deck on the west side of the garage, a part of said Unit U, parallel and adjacent thereto for a length of 22 feet.

(2) The patio on the south side of the unit on the basement level.

(3) The fenced yard adjacent to the unit on the south thereof, the width of the basement floor, and running southerly from the unit and limited common element patio to the southerly boundary of the property described in this Stage IV.

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- (4) The deck on the first floor, south side of the unit.
- (5) The deck on the second floor south side of the unit.

The use of the following limited common element is reserved and allocated 25% to Unit U:

The supplementary sub-surface sewage system located underground south of the four-plex building, and including the pumping station at the southwest corner thereof, together with the line therefrom running northerly to the gravitational sewer system presently in existence, sub-surface, within the project.

Limited Common Elements for Unit V are:

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

- (1) The individual entry-way consisting of a deck on the south end of the entry way adjacent to the front door, and an 8 foot wide yard and sidewalk area, running northerly from the deck on the west side of the garage, a part of said Unit U, parallel and adjacent thereto for a length of 22 feet.
- (2) The patio on the south side of the unit on the basement level.

(3) The fenced yard adjacent to the unit on the south thereof, the width of the basement floor, and running southerly from the unit and limited common element patio to the southerly boundary of the property described in this Stage IV.

- (4) The deck on the first floor, south side of the unit.
- (5) The deck on the second floor south side of the unit.

The use of the following limited common element is reserved and allocated 25% to Unit V:

The supplementary sub-surface sewage system located underground south of the four-plex building, and including the pumping station at the southwest corner thereof, together with the line therefrom running northerly to the gravitational sewer system presently in existence, sub-surface, within the project.

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

(1) The individual entry-way consisting of a deck on the south end of the entry way adjacent to the front door, and an 8 foot wide yard and sidewalk area, running northerly from the deck on the west side of the garage, a part of said Unit U, parallel and adjacent thereto for a length of 22 feet.

(2) The patio on the south side of the unit on the basement level.

(3) The fenced yard adjacent to the unit on the south thereof, the width of the basement floor, and running southerly from the unit and limited common element patio to the southerly boundary of the property described in this Stage IV.

(4) The deck on the first floor, south side of the unit.

(5) The deck on the second floor south side of the unit.

The use of the following limited common element is reserved and allocated 25% to Unit W:

The supplementary sub-surface sewage system located underground south of the four-plex building, and including the pumping station at the southwest corner thereof, together with the line therefrom running northerly to the gravitational sewer system presently in existence, sub-surface, within the project.

Limited Common Elements for Unit X are:

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

(1) The individual entry-way consisting of a deck on the south end of the entry way adjacent to the front door, and an 8 foot wide yard and sidewalk area, running northerly from the deck on the west side of the garage, a part of said Unit U, parallel and adjacent thereto for a length of 22 feet.

(2) The patio on the south side of the unit on the basement level.

(3) The fenced yard adjacent to the unit on the south thereof, the width of the basement floor, and running southerly from the unit and limited common element patio to the southerly boundary of the property described in this Stage IV.

(4) The deck on the first floor, south side of the unit.

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(5) The deck on the second floor south side of the unit.

The use of the following limited common element is reserved and allocated 25% to Unit X:

The supplementary sub-surface sewage system located underground south of the four-plex building, and including the pumping station at the southwest corner thereof, together with the line therefrom running northerly to the gravitational sewer system presently in existence, sub-surface, within the project.

6. The provisions of Article 8 Common Element Description and the Supplemental Declarations Stage II and for Stage III 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 1/24th of the common elements owned by each unit.

7. The provisions of Article 9 Allocation of Common Expenses, Right to Common Profit from the initial Declaration is supplemented further as follows:

An exception to the allocation of common expense and the right to common profits on the same basis as the allocation of the general common elements is that the allocation of the common expense and the right to common profit, if any, associated with the limited common element pressure sewage disposal system described in paragraph 5 above shall be allocated on the basis of the percentage of usage of said limited common element, namely 25% for each of the four units in this stage. In the event additional units in a subsequent stage or stages utilize said system, then the allocation of common expense and the right to common profit shall be adjusted to match the allocation of usage. In the context of this limited common element, common expense shall be defined as all reasonably incurred costs for maintenance and/or repair. The cost of electrical service to operate the pumping system shall be allocated on the same fractional basis as in paragraph 6 above.

8. 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 and Stage III Supplemental Declaration shall be further supplemented by adding to these sections references to fence construction in Stage IV, making provision for directional differences and responsible party as follows:

"In addition to the fences described in the

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

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

IN WITNESS WHEREOF Declarant has hereunto set its hand on the 24th day of August, 1994.

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

STATE OF OREGON)
County of Lincoln) ss.

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 IV 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.

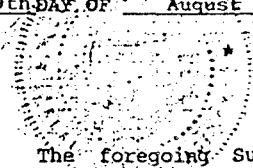
BEFORE ME:

Shirley J. Cook
Notary Public for Oregon
My Commission Expires: 9-2-94



BOOK 287 PAGE 2474

THE FOREGOING SUPPLEMENTAL DECLARATION FOR NORTH SHORE TERRACE
CONDOMINIUM STAGE IV IS APPROVED PURSUANT TO ORS 100.110 THIS
29th DAY OF August, 1994



By: Steph F. Morella
Morella Larsen
Real Estate Commissioner

The foregoing Supplemental Declaration for Stage IV is
approved pursuant to OLR 100.110 this 13th day of Sept
1994.

Linda Pitzer, S.P. 9110194
~~Mary Kuznetz~~, Tax Collector
Linda Pitzer
Ed Todd by SA 9-13-94
Lincoln County Assessor

STATE OF OREGON)
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.
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WITNESS my hand and seal of said office affixed.
Dana W. Jenkins
DANA W. JENKINS, Lincoln County Clerk
Doc : 6123729
Rect: 50747 60.00
09/14/1994 01:55:25pm



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SEP 14 1994