

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 V.

RECITALS:

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 Bylaws of the condominium were recorded the same day in Book 242, page 531-545.)

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, for North Shore Terrace Condominium Stage III, recorded the 4th day of June, 1993, in Book 262, page 1392, Lincoln County Film Records and for North Shore Terrace Condominium Stage IV, recorded the 14th day of September, 1994, in Book 287, page 2465, 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:

A tract of land lying in the Southwest quarter of the Northeast quarter of Section 32, Township 10 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, more particularly described as follows:

Beginning at the initial point which is the Southwest corner of Stage IV of North Shore Terrace, said point being 268.56 feet North and 2069.21 feet West of the quarter corner common to Sections 32 and 33; thence North 89 deg. 29'12" West, 152.07 feet to the Southwest corner of the tract conveyed to A&D Development General Partnership by instrument recorded June 26, 1991 in Book 231, page 797, Microfilm Records for Lincoln County, Oregon; thence North 15 deg. 50'56" West, 88.26 feet along said A&D Development General Partnership tract; thence South 89 deg. 46'00" East, 149.12 feet to the West line of Stage I of North Shore Terrace; thence South 12 deg. 38'14" East, 4.73 feet; thence North 73 deg. 04'06" East, 2.32 feet to the Northwest corner of Stage IV; thence

North Shore Terrace Condominium, Stage V  
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South 16 deg. 05'31" East along said Stage IV, 85.14 feet to the initial point.

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 24 units in Stages I, II, III and IV makes a combined total of 28 units upon completion of this Stage V 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 V 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, III and IV 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, the Supplemental Declaration for Stage II, recorded October 15, 1992, in Book 251, page 2249 in the records of Lincoln County, the Supplemental Declaration for Stage III, recorded June 4, 1993, in Book 262, page 1392 in the records of Lincoln County and the Supplemental Declaration for Stage IV, recorded September 14, 1994, in Book 287, page 2465 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, Stage III and Stage IV and the Bylaws hereinabove described, are declared and published to be as follows:

**DECLARATION STATEMENT:**

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

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

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A tract of land lying in the Southwest quarter of the Northeast quarter of Section 32, Township 10 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, more particularly described as follows:

Beginning at the initial point which is the Southwest corner of Stage IV of North Shore Terrace, said point being 268.56 feet North and 2069.21 feet West of the quarter corner common to Sections 32 and 33; thence North 89 deg. 29'12" West, 152.07 feet to the Southwest corner of the tract conveyed to A&D Development General Partnership by instrument recorded June 26, 1991 in Book 231, page 797, Microfilm Records for Lincoln County, Oregon; thence North 15 deg. 50'56" West, 88.26 feet along said A&D Development General Partnership tract; thence South 89 deg. 46'00" East, 149.12 feet to the West line of Stage I of North Shore Terrace; thence South 12 deg. 38'14" East, 4.73 feet; thence North 73 deg. 04'06" East, 2.32 feet to the Northwest corner of Stage IV; thence South 16 deg. 05'31" East along said Stage IV, 85.14 feet to the initial point.

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, for Stage III and for Stage IV are further supplemented as follows:

General Project Description: The project now consists of a tract of real property 80,386 feet in size of irregular dimension.

The project now consists of five 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.

The fifth building (located upon the real property the subject of this Supplemental Declaration for Stage V) is located immediately west of the fourth building the subject of the Supplemental Declaration for Stage IV, and as a result thereof is located in the southwest corner of the real property. It is comprised of four units.

Each unit as more particular described hereinafter 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 an unfenced limited common element backyard.

Due to the topography all units in Stage V 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 sewer-lines within the project so as to thereafter be disposed of gravitationally.

Each unit contains two floors. The basement floor is comprised of a daylight basement, consisting of approximately 868 square feet of heated living space. This floor contains a bathroom, storage area, two bedrooms and a study. It is connected to the first floor by 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 1,072 square feet of living space includes a kitchen, half bath, master bedroom, full bath and dining/living room area. 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 462 square feet.

The structure of this four-plex is the same as the buildings in the previous stages, namely wood frame construction with concrete foundation. The roof is three tab composition shake, and the siding is Weyerhaeuser Hardi-Plant Horizontal.

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

(y) Unit Y: Unit Y is a two-floor unit, located on the east end of the four-plex the subject of this Supplemental Declaration for Stage V. The basement level of this unit is comprised of 868 square feet of enclosed living space. Immediately above the basement floor is the first floor. Access between the floors is by interior stair-

way. The basement floor is comprised of a bathroom, storage area, two bedrooms and a study. The first floor, comprised of approximately 1,072 square feet, contains the kitchen, master bedroom, bath, 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 462 square feet. It is fully enclosed.

(z) Unit Z: Unit Z is identical to Unit Y as described above; is located adjacent to and immediately west of said Unit Y.

(aa) Unit AA: Unit AA is identical to Unit Y as described above; is located adjacent to and immediately west of Unit Z.

(bb) Unit BB: Unit BB is identical to Unit Y as described above; is located adjacent to and immediately west of Unit AA. 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, for Stage III and for Stage IV are further supplemented as follows:

Common Element Description:

Limited Common Elements for Unit Y are:

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

(1) The individual entry-way consisting of a deck on the south end of the entry way adjacent to the front door, and an 9.62 foot wide yard and sidewalk area, running northerly from the deck on the west side of the garage, a part of said Unit Y, parallel and adjacent thereto for a length of 22.75 feet.

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

(3) The 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 V.

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

The use of the following limited common element is reserved and allocated 12.5% to Unit Y:

The supplementary sub-surface sewage system located underground south of the four-plex building in Stage IV and including the pumping station at the southwest corner of said Stage IV building, 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 Z are:

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

(1) The individual entry-way consisting of a deck on the south end of the entry way adjacent to the front door, and an 9.72 foot wide yard and sidewalk area, running northerly from the deck on the west side of the garage, a part of said Unit Z, parallel and adjacent thereto for a length of 22.75 feet.

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

(3) The 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 V.

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

The use of the following limited common element is reserved and allocated 12.5% to Unit Z:

The supplementary sub-surface sewage system located underground south of the four-plex building in Stage IV and including the pumping station at the southwest corner of said Stage IV building, 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 AA are:

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

(1) The individual entry-way consisting of a deck on the south end of the entry way adjacent to the front door, and an 9.84 foot wide yard and sidewalk area, running northerly from the deck on the west side of the garage, a part of said Unit AA, parallel and adjacent thereto for a length of 22.80 feet.

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

(3) The 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 V.

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

The use of the following limited common element is reserved and allocated 12.5% to Unit AA:

The supplementary sub-surface sewage system located underground south of the four-plex building in Stage IV and including the pumping station at the southwest corner of said Stage IV building, 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 BB are:

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

(1) The individual entry-way consisting of a deck on the south end of the entry way adjacent to the front door, and an 10.09 foot wide yard and sidewalk area, running northerly from the deck on the west side of the garage, a part of said Unit BB, parallel and adjacent thereto for a length of 22.80 feet.

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

(3) The 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 V.

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

The use of the following limited common element is reserved and allocated 12.5% to Unit BB:

The supplementary sub-surface sewage system located underground south of the four-plex building in Stage IV and including the pumping station at the southwest corner of said Stage IV building, together with the line therefrom running northerly to the gravitational sewer

system presently in existence, sub-surface, within the project.

[As a result of the four units in Stage V being connected to the existing supplemental sub-surface sewage system described above, the allocation of the use of this limited common element for the Stage IV units is changed from 25% to each unit to 12.5% to each unit.]

6. The provisions of Article 8 Common Element Description and the Supplemental Declarations Stage II, for Stage III and for Stage IV 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 1/28th 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 12.5% for each of the four units in Stage IV previously annexed and the four units in this Stage V. 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, Stage III Supplement Declaration and Stage IV Supplemental Declaration shall be further supplemented by adding to these sections references to fence construction in Stage V as follows:

At any time in the future that a given owner of a given unit in Stage V desires to erect a fence to enclose said unit's limited common element yard on the south side of the unit, said unit owner shall be entitled to do so at said unit owner's expense. Said fence, if constructed, shall be constructed along the entire perimeter of the



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west, south and east side of the limited common element yard. If constructed, the fence shall be a six foot good neighbor fence of cedar.

Additionally, if a given unit owner desires to fence and/or gate the northerly line of the limited common element entry way on the first floor at any time in the future, said unit owner may do so and said fence and gate area shall be constructed of cedar not to exceed a height of six feet. The style shall be "good neighbor."

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.

10. Pursuant to requirements of the State of Oregon, by and through the Real Estate Agency of the State of Oregon, the concurrence of all of the unit owners in Stage IV to the limited common element adjustment for the subsurface sewage system hereinabove described is attached hereto and by this reference made a part hereof.

IN WITNESS WHEREOF Declarant has hereunto set its hand on the 11 day of May, 1996.

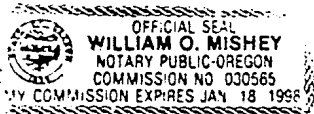
A&D Development General Partnership

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 V 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:



William O. Mishey  
Notary Public for Oregon  
My Commission Expires: 1-18-98

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THE FOREGOING SUPPLEMENTAL DECLARATION FOR NORTH SHORE TERRACE  
CONDOMINIUM STAGE V IS APPROVED PURSUANT TO ORS 100.110 THIS 31ST  
DAY OF MAY, 1996.

SCOTT W. TAYLOR  
REAL ESTATE COMMISSIONER

By Stan F. Mayberry

The foregoing Supplemental Declaration for Stage V is approved  
pursuant to ORS 100.110 this 6<sup>th</sup> day of June,  
1996.

Linda Pitzer by AP  
~~Mary Kuenzle~~, Tax Collector  
Ed Todd by AP  
Lincoln County Assessor

After Recording Return to:  
Mishey Real Estate  
433 N. Coast Hwy  
Newport Ore 97365

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CONCURRENCE

RECITALS:

1. A & D Development General Partnership, an Oregon general partnership, hereinafter referred to as A & D, is the developer of North Shore Terrace Condominium.
2. In Stage IV of the North Shore Terrace Condominium, A & D was required to install a subsurface sanitary sewer pump station to enable access to the subsurface sewage system serving the area. In the Stage IV Supplemental Declaration, A & D disclosed that each of the four units in Stage IV would have a 25% interest in this limited common element pump station.
3. In developing Stage V, also consisting of four units, A & D, as had always been its intent, availed itself of the use of the pump station above described for purposes of connecting the four Stage V units to said pump station and thereafter to the sanitary sewer system serving the area. Such a connection would mean that the eight units in Stages IV and V combined would each have an equal 12.5% interest in said limited common element.
4. A & D was advised by the Oregon Real Estate Agency that a recent Attorney General's opinion necessitated approval of the four unit owners in Stage IV before the Stage V Supplemental Declaration could be approved by the Real Estate Agency.
5. The hereinafter described unit owners of the four units in Stage IV are willing to acknowledge these circumstances.

ACKNOWLEDGEMENT:

1. The following are the present owners of Units U, V, W and X as depicted on the plat for Stage IV, North Shore Terrace Condominium:

Unit U -- Carla A. Willis Revocable Trust of February 7,  
1995, Carla A. Willis, Trustee  
Unit V -- Carol Arth Waters  
Unit W -- Robert G. Wienert, dba Wienert Investment  
Unit X -- Dennis L. and Rebecca A. Dotson,  
husband and wife

2. By signature hereunder, each of the unit owners hereinabove described covenants and agrees that all of the unit owners of their respective unit are hereinabove depicted.
3. By signature hereunder, the owners of Units U, V, W and X as above described do hereby acknowledge that Stage V consisting of four units is connected to the subsurface sewage pumping system located between the building in Stage IV and the building in Stage V.

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4. By signature hereunder, the owners of the respective units above identified do hereby covenant and agree that being aware of the foregoing they consent to the dilution of their limited common element right in and to said pump station from 25% to each unit to 12.5% to each unit. As a result, by signature hereunder each unit owner does hereby quit claim and release one-half of the respective limited common element right above described as it pertains to their respective unit, transferring the same unto the developer to enable the developer to plat Stage V to accomplish the joint equal use of the pump station by the four units in Stage IV and the four units in Stage V of North Shore Terrace Condominium resulting in each unit having 12.5% of said limited common element.

IN WITNESS WHEREOF, the parties have executed this Concurrence on the date opposite each party's signature.

UNIT U - Carla A. Willis Revocable Trust of February 7, 1995

By: Carla A. Willis Trustee Dated: 5-11-96  
Carla A. Willis, Trustee

UNIT V - Carol Arth Waters

By: Carol Arth Waters Dated: 05-11-96  
Carol Arth Waters

UNIT W - Robert G. Wienert dba Wienert Investments

By: Robert G. Wienert Dated: 5-13-96  
Robert G. Wienert

UNIT X - Dennis L. Dotson and Rebecca A. Dotson

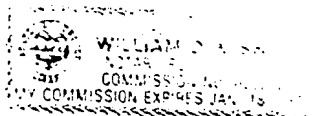
By: Dennis L. Dotson Dated: 5/11/96  
Dennis L. Dotson

By: Rebecca A. Dotson Dated: 5/11/96  
Rebecca A. Dotson

STATE OF OREGON )  
County of Lincoln ) ss.

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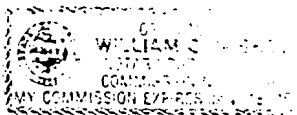
SUBSCRIBED AND SWORN to me this 11 day of May, 1996 by  
Carla A. Willis, Trustee of the Carla A. Willis Revocable Trust of  
February, 1995.



William O. Mishey  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1-18-98

STATE OF OREGON )  
County of Lincoln ) ss.

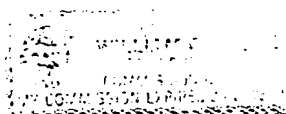
SUBSCRIBED AND SWORN to me this 11 day of May, 1996 by  
Carol Arth Waters.



William O. Mishey  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1-18-98

STATE OF OREGON )  
County of Lincoln ) ss.

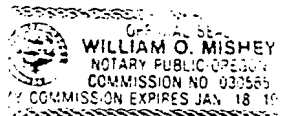
SUBSCRIBED AND SWORN to me this 13 day of May, 1996 by  
Robert G. Wienert, dba Wienert Investments.



William O. Mishey  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1-18-98

STATE OF OREGON )  
County of Lincoln ) ss.

SUBSCRIBED AND SWORN to me this 11 day of May, 1996 by  
Dennis L. Dotson.



William O. Mishey  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1-18-98