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I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



After recording, please return to:
Vial Fotheringham LLP
7000 SW Varns St.
Portland, OR 97223

GRANTOR: Mountain Gate Owners' Association
PO BOX 23782
Tigard, Oregon 97281

GRANTEE: Public

RECORDED BY LAWYERS TITLE INS. CORP. AS AN ACCOMMODATION ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

**FIRST AMENDMENT TO
AMENDED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MOUNTAIN GATE**

This First Amendment to Amended Declaration of Covenants, Conditions and Restrictions for Mountain Gate is made by Mountain Gate Owners' Association, an Oregon nonprofit corporation ("Association").

RECITALS

A. Mountain Gate is a planned community located in Washington County, Oregon, that is currently governed by be the following documents recorded in the Records of Washington County, Oregon:

Amended Declaration of Covenants, Conditions and Restrictions for Mountain Gate (the "Amended Declaration") recorded April 16, 1993, as Document No. 93029022,

Bylaws of Mountain Gate Owners Association, An Oregon Nonprofit Association (the "Bylaws") recorded May 12, 2009, as Document No. 2009-041810.

B. Mountain Gate Owners' Association is the association of owners formed as provided in the Amended Declaration and Bylaws and incorporated under the Oregon Nonprofit Corporation Act by Articles of Incorporation filed April 22, 1993, in the office of the Oregon Secretary of State, Corporation Division.

C. The property subject to the Amended Declaration and the jurisdiction of the Association is described in attached Exhibit A.

D. As of January 1, 2002, Mountain Gate is a planned community and subject to the provisions of the Oregon Planned Community Act (ORS 94.550 to 94.783) as provided in ORS 94.572.

E. The Association and owners desire to amend the Amended Declaration in the manner set forth below.

NOW, THEREFORE, pursuant to Section 8.3 of the Amended Declaration and ORS 94.572 and 94.590, with the affirmative vote of sixty-five percent (65%) or more of the owners, the Association hereby amends the Amended Declaration in the manner set forth below.

I. Section 3.10.1 is amended to read:

3.10. Designation. The officers of the Association shall be the President, Secretary and Treasurer, all of whom shall be elected by the Board. The same person shall not concurrently hold the office of President, Secretary or Treasurer. The Board may designate such additional officers as it deems appropriate.

II. Section 3.10.5 is amended to read:

3.10.5 Secretary. The Secretary shall not be required to be a Director. The Secretary shall keep the minutes of all proceedings of the Board and all other Association records and shall attend to the giving of all notices pursuant to this Declaration or required by law. The Secretary shall perform all other duties incident to the office of secretary of an association or as may be directed by the Board. The Secretary shall perform all of the foregoing duties at the expense of the Association, only if the Secretary is not a Director.

III. The following new Section 3.10.7 is added to Section 3.10:

3.10.7 Treasurer. The position of Treasurer shall be an office. The Treasurer shall not be required to be a Director. The Treasurer shall be responsible for the collection, deposit, and disbursement of Association funds and shall keep full and accurate financial records and books of account showing all receipts and disbursement of the Association. In addition to the signature of the Treasurer on checks for all accounts, the Treasurer will be required to have a second signature by a Board member who will also sign signature cards for all bank accounts. All bank statements and check book accounts will be compared and verified monthly by a Board member. The Treasurer is also responsible to ensure that Association mail is collected on a regular basis. The Treasurer shall perform all other duties incident to the office of Treasurer of an association or as may be directed by the Board.

IV. Section 6.3 is amended to read:

6.3 Landscaping and Maintenance. Each Owner shall maintain such Owner's Lot, and the Improvements thereon, at such Owner's expense. Required maintenance and repair shall include without limitation:

- (i) Maintenance of all parking areas, private drives, curbs, and walkways in a clean and safe condition, including cleaning and repairing as often as necessary;
- (ii) Maintenance of landscaping in an attractive, neat, orderly, trimmed, and cut condition at all times, free of brush, weeds, and debris;
- (iii) Cleaning, maintenance, and relamping of any external lighting fixtures; and
- (iv) Maintenance of exteriors of buildings in an attractive and neat condition at all times.

In addition, each Owner shall maintain in good condition and repair the sidewalks, street trees and grass and other landscaping, if any, between the sidewalks and curbs bordering on such Owner's Lot, whether located on the Lot or the adjacent right-of-way. Each Owner shall commence planting of landscaping materials not later than three months following the substantial completion of such Owner's Dwelling Unit. No Owner shall permit the growth of noxious or annoying weeds on such Owner's Lot. If the Board determines that maintenance and repairs are not conducted as required pursuant to this Declaration and the Owner fails to perform such maintenance and repairs within fifteen (15) days of the effective date of a notice from the Association setting forth the deficiencies in reasonable detail, the Association may conduct the necessary repairs or maintenance as provided in Section 7, and charge the Owner for any costs incurred.

**MOUNTAIN GATE OWNERS'
ASSOCIATION, an Oregon nonprofit corporation**

By: Aimee D. Wood
Aimee D. Wood, President

By: Mary A. Bush
Mary A. Bush, Secretary

EXHIBIT A

The following described property located in Washington County, Oregon:

MOUNTAIN GATE, recorded in Book 63, Page 7, Plat Records.

MOUNTAIN GATE NO. 2, recorded in Book 65, Page 29, Plat
Records

MOUNTAIN GATE NO. 3, recorded in Book 73, Page 22, Plat
Records

MOUNTAIN GATE NO. 4, recorded in Book 76, Page 34, Plat
Records