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I, Jerry Hanson, 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.

Jerry Hanson  
Jerry R. Hanson, Director of Assessment and Taxation,  
Ex-Officio County Clerk



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

**1<sup>st</sup> AMENDMENT TO  
AMENDED AND RESTATED DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
OF KING CITY HIGHLANDS,  
A PLANNED COMMUNITY**

This 1<sup>st</sup> Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions of King City Highlands, a Planned Community, ("1st Amendment") is made this \_\_\_\_ day of July, 2005, by the King City Highlands Homeowners' Association, Inc., an Oregon nonprofit corporation ("Association").

**RECITALS**

A. King City Highlands is a planned community located in Washington County, Oregon, governed by Amended and Restated Declaration of Covenants, Conditions and Restrictions of King City Highlands, a Planned Community, recorded December 10, 1998 as Document No. 98139702, Records of Washington County, Oregon (the "Amended and Restated Declaration"). The property subject to the Amended and Restated Declaration is described in attached **Exhibit A**.

B. Association is King City Highlands Homeowners Association, Inc., an Oregon nonprofit corporation, governed by Bylaws of King City Highlands Homeowners Association, recorded August 23, 1988 as Document Number 88-37320.

C. The Association and owners wish to amend the Amended and Restated Declaration to allow cable television to be included as a "common expense" and chargeable to all owners equally as an assessment.

D. The amendment to allow cable television to be included as a "common expense" and chargeable to all owners equally as an assessment, when proposed to owners for approval, erroneously referred to a document codified in the Amended and Restated Declaration rather than the Amended and Restated Declaration. It is the determination of the Board of Directors that the



2005-91181

erroneous reference is of no consequence.

E. On and after the recording of this 1<sup>st</sup> Amendment, all owners will be responsible, on an equal basis, for the cost of cable television service which cost will be included in regular assessments.

**NOW, THEREFORE**, pursuant to Article XVI of the Amended and Restated Declaration, with the consent or approval of at least three-fourths (3/4) of all members, the Association hereby amends Article XI, Section 2 to read as follows:

- Section 2. Purpose of Annual Assessments. The annual assessments levied by the Association shall be used exclusively to promote the health, safety, and welfare of the Owners and Occupants, and to pay the common expenses of the Association. Common expenses shall include:
- a. Expenses of administration.
  - b. Expenses of maintenance of the Common Property after conveyance to the Association as provided for in Article VI, Section 2.
  - c. Cost of insurance or bonds as provided in Article XII.
  - d. Costs of funding reserves as provided in Section 3 of this Article.
  - e. Any deficit in common expenses for any prior fiscal year of the Association.
  - f. Any other items properly chargeable as an expense of the Association.
  - g. Any other items agreed upon as common expenses by Owners.
  - h. Cost of cable or satellite television pursuant to the terms of a service agreement between the Association and television provider. The cost may include the monthly or other periodic service fee, and the cost of maintaining, installing, or repairing equipment necessary to provide television to the Owners.



KING CITY HIGHLANDS HOMEOWNERS' ASSOCIATION, INC.

By: [Signature]  
President

By: [Signature]  
Secretary

**CERTIFICATION**

The undersigned President and Secretary of King City Highlands Homeowners' Association, Inc., hereby certify that the within 1<sup>st</sup> Amendment to Amended and Restated Declaration Covenants, Conditions and Restrictions of King City Highlands, a Planned Community has been approved by the owners in accordance with Article XVI of the Amended and Restated Declaration and ORS 94.590.

KING CITY HIGHLANDS HOMEOWNERS' ASSOCIATION, INC., an Oregon Corporation

By: [Signature]  
President

By: [Signature]  
Secretary

STATE OF OREGON            )  
  ) ss  
County of Washington    )

The foregoing instrument was acknowledged before me this 20 day of JULY, 2005 by LILLIAN S. HENOKS, President, and SABER L. BOOTH, Secretary, of King City Highlands Homeowners' Association, Inc., an Oregon nonprofit corporation, on its behalf.

Notary Public for Oregon [Signature]  
My Commission Expires: 1-10-06





## EXHIBIT A

The following described property located in Washington County, Oregon is subject to Amended and Restated Declaration:

KING CITY HIGHLANDS, recorded in Book 67, Page 22, Plat Records.

KING CITY HIGHLANDS NO. 2, recorded in Book 69, Page 34, Plat Records

KING CITY HIGHLANDS NO. 3, recorded in Book 70, Page 24, Plat Records

KING CITY HIGHLANDS NO. 4, recorded in Book 78, Page 34, Plat Records

KING CITY HIGHLANDS NO. 5, recorded in Book 83, Page 7, Plat Records

KING CITY HIGHLANDS NO. 6 recorded Book 84, Page 51, Plat Records

BOURBON ACRES recorded in Book 103, Page 25, Plat Records, a portion of Lot 1, LAMBERTS ADDITION TO PEACHVALE, described as follows:

Beginning at the point that is South 0°07'14" West, 568.66 feet, from the Section corner common to Sections 9, 10, 15, and 16, Township 2 South, Range 1 West, Willamette Meridian; thence South 89°28'30" West, 181.5 feet to the East right of way line of SW 128th Ave.; thence along said right of way line South 0°18'30" East, 181.5 feet to a point; thence North 0°18'10" West 240 feet to the point of beginning.