

MAY 09 2003

**MEADOWS AT OAK CREEK  
AMENDMENT TO DECLARATION OF PROTECTIVE  
COVENANTS, CONDITIONS, AND RESTRICTIONS**

**RECITALS**

WHEREAS, Schneider Homes, Inc., a Washington Corporation, is the developer of the subdivision known as Meadows at Oak Creek, for which the Plat for Lots 1 through 92 (Phase I of the subdivision) was recorded in the Linn County Book of Plats Volume 19, page 17 on March 14, 1996, Linn County, Oregon; and

WHEREAS, Schneider Homes, Inc. has previously subjected all Lots within Phase I of Meadows at Oak Creek to a Declaration of Protective Covenants, Conditions, and Restrictions recorded on June 12, 1996 at Volume 808, page 543, Microfilm Records of Linn County, Oregon, with Schneider Homes, Inc. as Declarant; and

WHEREAS, in Article F, Section 4 of said Declaration the Declarant expressly reserved the right to subject additional property within Meadows at Oak Creek to said Declaration; and

WHEREAS, the Declarant has now recorded the Plat for Phase II of the subdivision, consisting of Lots 94 through 114, on November 4, 2002 in the Linn County Book of Plats Volume 21, Page 13 (Phase II); and

WHEREAS, certain Phase II lots are subject to minor encroachments from fences that were intended to be built upon the boundaries between Phase I lots and the affected Phase II lots, and the Declarant now wishes to declare permanent easements across the affected Phase II lots to allow the continued existence of the fences in their current locations; and

WHEREAS, the Declarant desires to subject each of the lots in Phase II of Meadows at Oak Creek to the above-referenced Declaration of Protective Covenants, Conditions, and Restrictions.

**AMENDMENT TO DECLARATION**

NOW, THEREFORE, the Declaration of Protective Covenants, Conditions, and Restrictions recorded at Volume 808, page 543, Microfilm Records of Linn County is hereby AMENDED as follows:

1. The above-recitals are a material part hereof and by this reference incorporated herein.

2. All lots within Phase II of the subdivision known as Meadows at Oak Creek, consisting of Lots 94 through Lots 114, the Plat for which was recorded November 4, 2002 in the Linn County Book of Plats Volume 21, Page 13, are and shall hereafter be subject to the Declaration of Protective Covenants, Conditions, and Restrictions which is recorded at Volume 808, page 543 of the Microfilm Records of Linn County, Oregon.
3. Lots 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, and 104 in Phase II of Meadows at Oak Creek shall be subject to perpetual easements for the sole purpose of construction, maintenance, and continued existence of fences in the locations upon which the fences exist on this date. The exact locations of said easements are depicted and described as "fence encroachments" on sheet 2 of the Plat for Phase II of Meadows at Oak Creek Subdivision, recorded at Volume 808, page 543 of the Microfilm Records of Linn County, Oregon. The easements declared herein are intended to allow the continued existence and maintenance of the fences in their present locations, and to allow replacement or reconstruction of said fences, in their present locations, should such replacement or reconstruction become necessary in the future, and provided that the design and construction of such replacement or reconstructed fences complies in all respects with the requirements of Article B of the aforementioned Declaration, and any other applicable provisions thereof.
4. The owners of the properties benefitted by the fence easements declared herein shall have the right of ingress and egress to and from the properties burdened by said easements, for all reasonable purposes necessary for the use, enjoyment, operation and maintenance of the easement hereby granted, and all rights and privileges incident thereto.
5. During the course of any entry authorized by paragraph 4, the benefitted owner shall minimize the disturbance to the easement area to the greatest extent possible, and shall return the easement area to the condition it was in before entry was made, to the greatest extent possible.

