

## Amended Declaration of Covenants Conditions and Restrictions of Sahhali Shores at Neskowin

WHEREAS, on January 21, 1999, Declarant adopted an Amended Declaration of Covenants, Conditions and Restrictions of Sahhali Shores at Neskowin (“Amended Declaration”) which was recorded on May 26, 1999 Book 407, Page 762 in the deed records of Tillamook County, Oregon, and;

WHEREAS on June 11, 1999, Declarant executed a Supplemental Declaration annexing additional property to the Planned Community which Supplemental Declaration was recorded on July 16, 1999, Book 409, Page 223 of the deed records of Tillamook County, Oregon, and;

WHEREAS on November 14, 2002, Declarant executed a Supplemental Declaration annexing additional property to the Planned Community which Supplemental Declaration was recorded on November 18, 2002 in Book 441, Page 428 of the deed records of Tillamook County, Oregon, and;

WHEREAS on April 24, 2003 Declarant executed a Supplemental Declaration annexing additional property to the Planned Community which Supplemental Declaration was recorded on May 7, 2003 as document number 2003-420203 of records of Tillamook County, Oregon, and;

WHEREAS, on August 19, 2003, Declarant executed a Supplemental Declaration annexing additional property to the Planned Community which Supplemental Declaration was recorded on August 21, 2003 as document number 2003-424451 of records of Tillamook County, Oregon, and;

NOW, THEREFORE, the Sahhali Shores at Neskowin Consolidated Owners Association, (“Association”), hereby has duly voted, and hereby adopts the following Amendments to the Amended Declaration Section 1, Definitions, restating same as follows:

### SECTION 1 DEFINITIONS

1.1 “Articles” means the Amended Articles of Incorporation for the nonprofit corporation, Sahhali Shores at Neskowin Consolidated Owners Association, as filed with the Oregon Corporation Commissioner.

1.2 “Association” means Sahhali Shores at Neskowin Consolidated Owners Association, its successors and assigns.

1.3 “Board of Directors” means the Board of Directors of the Association.

1.4 “Bylaws” means the Bylaws of the Association.

1.5 “Common Property” means that area of land shown on the recorded plat or plats of the Property, including any improvements thereon, which are intended to be devoted to the common use and enjoyment of the Owners and which land has been conveyed to the Association.

1.6 “Declaration” means the covenants, restrictions, and all other provisions set forth in this Amended Declaration of Covenants. Conditions and Restrictions of Sahhali Shores at Neskowin.

1.7 “Declarant” means Sycan B Corp. And its successors and assigns as to any interest in the development of the Property.

1.8 “Fractional Ownership” means fee title or other legal claim of right to possession or occupancy of any Lot or Living Unit by more than one entity, such as a partnership, limited liability company, limited liability partnership, corporation, or other business entity, or more than four persons who are not related by either blood or marriage. For the purpose of this section a married couple holding title to a fractional share as tenants by the entirety shall constitute one person.

1.9 “Living Unit” or “Unit” means any portion of a structure situated upon the Property designed and intended for use and occupancy as a residence by a single family.

1.10 “Lot” means lots 29 through 48 of Sahhali Shores at Neskowin Unit One, and after the requisite number of Joiners have signed this Declaration or Written Consents, also Lots 1 through 28 of Sahhali Shores at Neskowin as shown on the plat recorded on March 6, 1979, Book 261, Page 749, Records of Tillamook County, Oregon and any of the lots which may be subsequently annexed to the Planned Community on any supplemental declaration and plat submitted additional property to the terms of this Declaration. “Lot” however, shall not include any lot depicted on any plat of the Property which is designated to use as Common Property on such plat or declaration of Sahhali Shores at Neskowin.

1.11 “Member” means Owner and each Owner shall be a member of the Association.

1.12 “Occupant” means the occupant of a Living Unit who shall be either the owner, lessee or any other person authorized by the Owner to occupy the premises.

1.13 “Owner” means the record owner, whether one or more persons or entities, of the fee simple title to any Lot or a purchaser in possession under a land sale contract. The foregoing does not include persons or entities who hold an interest in any Lot merely as security for performance of an obligation.

1.14 “Planned Community” means the Lots together with the Common Property for which the Association has the obligations set forth in Recital D and elsewhere in this

Declaration. The Planned Community is also referred to herein as Sahhali Shores or Sahhali Shores at Neskowin.

1.15 “Property” means all real property, including Lots 29 through 48 of Sahhali Shores at Neskowin Unit One, and after the requisite number of Joiners have signed this Declaration or Written Consents, also Lots 1 through 28 of Sahhali Shores at Neskowin, the Common Property and all improvements located on the real property subject to this Declaration together with such additional Lots and Common Property as may, from time to time, be annexed to the Planned Community.

1.16 “Rules and Regulations” means the documents containing rules and regulations and policies adopted by the Board of Directors or the Architectural Review Board as may be from time to time amended.

1.17 “STEP Effluent Disposal System” (STEP System) means the dosing tanks, dosing tank effluent pump, pressure effluent lines, holding tanks, gravel filter tanks, splitter valves and the common drainfields, together with all other facilities necessary to establish and operate the STEP System. The STEP System shall be part of the Common Property until and unless the Lots served by it are served by another sewerage system owned either publicly or by the Association. At such time, ownership of the STEP System shall, at Declarant’s option, revert to Declarant. Reversion shall be effective upon the recording by Declarant of a “Notice of Reversion.

1.18 “Timeshare” means a timeshare estate or a timeshare license.

1.19 “Timeshare Estate” means a right to occupy an accommodation during 5 or more separated timeshare periods over a period of at least 5 years, including renewal options, coupled with a freehold estate or an estate for years in the time share property.

1.20 “Timeshare License” means a right to occupy an accommodation during 5 or more separated timeshare periods over a period of more than 3 years, including renewal options, not coupled with a freehold estate or an estate for years.

1.21 “Timeshare Plan” means an arrangement, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement or otherwise, in which an owner receives a timeshare estate or a timeshare license and the right to use accommodations and the facilities that are part of the timeshare property.

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NOW, THEREFORE, the Sahhali Shores at Neskowin Consolidated Owners Association, (“Association”), hereby has duly voted, and hereby adopts the following Amendment to the Amended Declaration Section 9.2 “Use,” adopting same as follows:

SECTION 9.  
USE RESTRICTIONS; ARCHITECTURAL CONTROLS  
AND MAINTENANCE RESPONSIBILITIES

9.2 Use. All Lots shall be used primarily for residential, recreation and vacation purposes only. Neither any substantial commercial nor any retail or industrial use shall be allowed on any Lot. Provided however, subject to compliance with applicable laws and any rules or regulations of the Association, an Owner may rent his or her Living Unit on a nightly, monthly or other basis, even though such rental activity would usually be considered a commercial use. Fractional ownership is prohibited, and no timeshare of any Lot or Living Unit shall be established, created or maintained.

EXCEPT as amended by this document, all other sections and provisions of the Amended Declaration are intended to remain in full force and effect and as stated in said Amended Declaration.