

DEED-ACCR
\$10.00 \$11.00 \$16.00 \$10.00 - Total = \$47.00



00098842201000060960020021

I hereby certify that the within
instrument was received for record and
recorded in the County of Tillamook,
State of Oregon.



Tassi O'Neil, Tillamook County Clerk

After Recording Return to:

P. Stephen Russell III, P.C.
LANDYE BENNETT BLUMSTEIN LLP
1300 SW Fifth Avenue, Suite 3500
Portland OR 97201
Phone: 503.224.4100

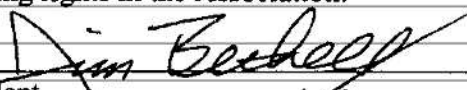
**AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS
FOR THE CAPES**

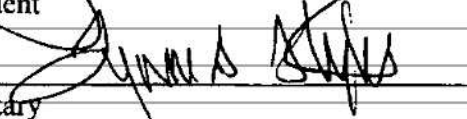
This Amendment amends the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for the Capes recorded in the Tillamook County, Oregon, records on April 18, 2003, as Instrument No. 2003-419490 (the "Declaration").

The Capes Homeowners Association hereby amends Section 6.5 and Section 9.3.2 of the Declaration by adding the following language at the end of each such section:

Notwithstanding the preceding sentence, effective September 1, 2010, the Association will no longer attempt to distinguish which trees located on Owners' Lots have grown naturally, which were planted as a part of the original construction, and which were planted by an Owner. Effective as of such date, both the cost and the performance of any tree trimming, pruning or removal for all trees located on a Lot shall be the responsibility of the Owner of such Lot, and the Association shall have no responsibility for the cost or the performance of tree trimming, pruning or removal with respect to any trees located on Lots. Nothing in this section shall limit the right or obligation of the Landscape Committee under Section 6.11 of this Declaration, nor shall anything in this section limit any of the Association's rights or remedies to enforce this Declaration, the Bylaws or the Association's Rules and Regulations, including, without limitation, the right of the Association to enforce decisions of the Landscape Committee by any means provided in Section 11.2 of this Declaration.

IN WITNESS WHEREOF, the undersigned President and Secretary hereby certify that the foregoing Amendment was duly adopted by the vote or written consent of Owners holding not less than seventy-five percent (75%) of the voting rights in the Association.



President


Secretary

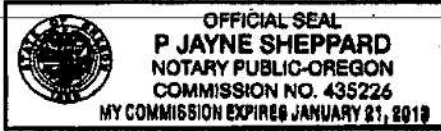
STATE OF OREGON)

County of Tillamook)

) ss.

September 27, 2010

Personally appeared before me the above-named Jim Bethell and who, being duly sworn, did say that he is the President of the Capes Homeowners Association, and that said instrument was signed in behalf of said association by authority of its Board of Directors, and acknowledged said instrument to be its voluntary act and deed.



P. Jayne Sheppard
Notary Public for Oregon

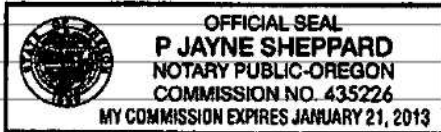
STATE OF OREGON)

County of Tillamook)

) ss.

September 27, 2010

Personally appeared before me the above-named Lynne A. Styles and who, being duly sworn, did say that she is the Secretary of the Capes Homeowners Association, and that said instrument was signed in behalf of said association by authority of its Board of Directors, and acknowledged said instrument to be its voluntary act and deed.



P. Jayne Sheppard
Notary Public for Oregon