



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

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 that certain Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The Capes recorded on April 18, 2003, as Instrument No. 2003-419490 (the "Declaration").

Section 6.14 of the Declaration is hereby amended so that it reads in its entirety as follows:

**6.14 Tree Removal; Topping.** No tree with a diameter of four inches or more, measured at a height four feet above ground level, may be removed without the prior written approval of the Landscape Committee. No tree may be topped without the prior written approval of the Landscape Committee and compliance with applicable Tillamook County ordinances. Notwithstanding the preceding, any Shore Pine tree (*Pinus Contorta* var. *Contorta*) of any height on an owner's Lot may be removed by such owner without approval of the Landscape Committee, except that no tree of any kind, diameter or height located on a slope exceeding one foot of drop in two feet of run when measured at the tree location may be removed without the prior written approval of the Landscape Committee.

**IN WITNESS WHEREOF**, the President and Secretary of The Capes Homeowners' Association hereby certify that this Amendment was properly adopted pursuant to the Declaration on or about 2/14/2014, 2013.

THE CAPES HOMEOWNERS' ASSOCIATION

By: [Signature]  
President

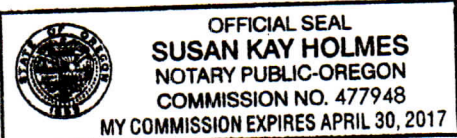
By: [Signature]  
Secretary

legal description 343-404.

STATE OF OREGON )  
County of Tillamook ) ss. February 14, ~~2013~~  
2014

Personally appeared before me the above-named Brian N Christopher 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.

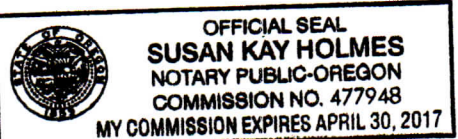
Susan Kay Holmes  
Notary Public for Oregon



STATE OF OREGON )  
County of Tillamook ) ss. February 14, ~~2013~~  
2014

Personally appeared before me the above-named Lynne 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.

Susan Kay Holmes  
Notary Public for Oregon





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This Amendment amends that certain Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The Capes recorded on April 18, 2003, as Instrument No. 2003-419490 (the "Declaration").

Section 6.16 of the Declaration is hereby amended so that it reads in its entirety as follows:

**6.16 Antennas and Satellite Dishes.**

**6.16.1 Satellite Dishes.** One (1) satellite dish measuring three (3) feet or less in diameter may be installed on any Lot on the back or side of the home wherever possible, and below the roofline. Satellite dish installations complying with the above requirements need not have prior approval of the Architectural Review Committee, but an owner installing a dish without such prior approval bears the risk of relocating the dish in compliance with the above requirements if the original installation is not in compliance.

**6.16.2 Antennas.** No owner may install any antenna, including, without limitation, any device for the transmission or reception of radio signals, including amateur or ham radios, without the prior written approval of the Board of Directors. The Board of Directors, in its sole and unfettered discretion, shall render a final, binding decision whether to permit the installation, based upon its judgment whether the aesthetic impact of a proposed installation warrants approval, denial or conditional approval of any application, regardless of whether the application complies with the considerations listed below. In considering antenna applications, the Board may consider whether they:

a) are designed to minimize visibility of the device from streets, foot paths, and other homes; and

b) comply to the maximum extent possible with The Capes' community standards without preventing reception of a quality signal or unreasonably increasing the cost of the device; and

*Legal description 343-404.*

c) are for a single, vertical element mounted or attached to the back or side of the owner's home and do not extend above a point that is twelve (12) feet above the gutterline of the home's lowest roof, or are installed in a wooded or otherwise obscured area of the Lot.

IN WITNESS WHEREOF, the President and Secretary of The Capes Homeowners' Association hereby certify that this Amendment was properly adopted pursuant to the Declaration on or about 2/14/2014

THE CAPES HOMEOWNERS' ASSOCIATION

By: [Signature]  
President

By: [Signature]  
Secretary

STATE OF OREGON )  
 ) ss. February 14, 2014  
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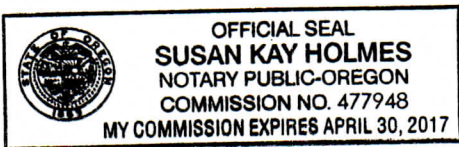
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[Signature]  
Notary Public for Oregon

STATE OF OREGON )  
 ) ss. February 14, 2014  
County of Tillamook )

Personally appeared before me the above-named Lynne 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.



[Signature]  
Notary Public for Oregon