BOOK 391 PAGE

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AMENDMENT OF CC&Rs ANNEXATION OF ADDITIONAL PROPERTY

The Capes Development Company, an Oregon corporation, as Declarant, recorded the plat of THE CAPES by Subdivision Plat recorded June 30, 1992, in Plat Cabinet B, Slide 345, Tillamook County Records. The Capes Development Company, as Declarant, recorded that Declaration of Covenants, Conditions and Restrictions for The Capes, on June 30, 1992, in Book 343, Page 404, Tillamook County Records and recorded that Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Capes, on June 4, 1993 in Book 351, Page 21, Tillamook County Records (both of which are collectively the "CC&Rs").

The Capes Development Company desires to annex additional land to the CC&Rs as the Declarant is authorized under the CC&Rs.

NOW, THEREFORE, the land described on attached Exhibit A is hereby made a part of The Capes and is subjected to the CC&Rs.

IN WITNESS WHEREOF, The Capes Development Company has executed and recorded this Annexation of Additional Property.

Declarant:

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....

THE CAPES DEVELOPMENT COMPANY, an Oregon corporation

Franklin D. Piacentini, President

STATE OF OREGON

COUNTY OF Multnamah

This instrument was acknowledged before me on <u>November 5. 1997</u>, by Franklin D. Piacentini, President of The Capes Development Company, an Oregon corporation, on behalf of said corporation.

MICHELLE L. WILLIAMS

NOTAR P-B-COREGON

COMMISSION TO BUSISSES

LIY COMMISSION EXPIRES APRIL 20, 1990

AFTER RECORDING, RETURN TO: The Capes Development Company PO Box 91010 Portland, OR 97291 Michelle L'Williams

NOTARY PUBLIC, STATE OF OREGON

My Commission Expires: 4/20/98

PARCEL I

- 2

Beginning at the most Northerly corner of Lot 1, of "The Capes" plat being on the Southeasterly 30 foot right of way line of The Capes Drive (Tract "A" a private roadway); thence along the right of way line North 28° 12' 49" East 67.25 feet; thence along the arc of a 970.03 foot radius curve to the right having a central angle of 05° 00' 00° (the chord of which bears Morth 30° 42' 49" East 84.62 feet) an arc distance of 84.65; thence North 33° 12' 49" East 192.65 feet to the Northwest corner of Tract "K" as set forth in "The Capes No. 4" plat; thence leaving the right of way along the Westerly line of last said Tract "K", South 56° 47' 11" East 38.51 feet; thence South 19° 34' 58° Bast 197.30 feet to the Northeast corner of Lot 154 of "The Capes No. 4" plat; thence along the Northwesterly line of Lots 154 and 153 of last said plat, South 30° 52' 31" West 247.09 feet to the Northeast corner of Tract "B" of last said plat; thence along the Northeasterly line of said Tract "B", North 48° 43' 42" West 172.66 feet to an angle corner on the Northeasterly line of afore said Lot 1; thence North 61° 47' 11' Nest 25.33 feet to the point of beginning, being a portion of that remaining tract of land as described in Deed Book 341, Page 346, Tillamook County Records, and situated in the Northwest quarter of Section 31, Township 1 South, Range 10 West of the Willamette Mexidian, in Tillsmook County, Oregon.

PARCEL II

A non-exclusive easement for ingress and egress over Capes Drive, more particularly described as TRACT "A", THE CAPES, as filed by Subdivision Plat recorded June 20, 1992, Plat Cabinet B-345, Tillamook County Records.

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