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After Recording Return to:
Vial Fotheringham, LLP
7000 SW Varns Street
Portland, OR 97223

Clackamas County Official Records
Sherry Hall, County Clerk

2010-056700

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**SECOND AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS AND
GENERAL DESCRIPTION OF PLAN OF DEVELOPMENT
FOR
BARRINGTON HEIGHTS VIII**

This Second Amendment to Declaration of Covenants, Conditions and Restrictions and General Description of Plan of Development for Barrington Heights VIII is made this 3rd day of September, 2010, by Barrington Heights Association of Homeowners, an Oregon nonprofit corporation ("Association").

RECITALS

A. Barrington Heights is a planned community, located in the City of West Linn, Clackamas County, Oregon, comprised of the owners of lots located in the following described subdivision and owners in certain other subdivisions in the general proximity:

BARRINGTON HEIGHTS 8, recorded July 12, 1993, in Book 99, Page 27, Plat Records of Clackamas County, Oregon ("**Barrington Heights 8**").

B. Association is the association of owners of lots in Barrington Heights, established to govern, maintain and administer the affairs of Barrington Heights, including the administration of declarations of covenants, conditions and restrictions as provided in the documents set forth in Recitals C and D below. The Association is incorporated as a nonprofit corporation under the Oregon Nonprofit Corporation Act, ORS Chapter 65.

RECORDED BY LAWYERS TITLE INS CORP AS AN ACCOMMODATION
ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR
FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

C. Barrington Heights VIII is subject to the Declaration of Covenants, Conditions and Restrictions and General Description of Plan of Development for Barrington Heights VIII (the "Declaration"), recorded July 12, 1993, as Document No. 93-48615, in the Records of Clackamas County, Oregon.

D. By First Amendment to the Declaration of Covenants, Conditions and Restrictions and General Description of Plan of Development for Barrington Heights VIII (the "First Amendment to Declaration"), recorded June 4, 2002, as Document 2002-052654, Records of Clackamas County, Oregon, certain provisions of the Declaration were amended and new provisions were added and Barrington Heights VIII was subjected to the jurisdiction of the Association as provided under the amendment.

E. The Association is governed by Bylaws of Barrington Heights Association of Homeowners, recorded October 19, 1989, as Document No. 89-46792, Records of Clackamas County, Oregon; the Oregon Planned Community Act, ORS 94.550 to 94.783, to the extent provided under ORS 94.572; and the Oregon Nonprofit Corporation Act.

F. The Association and owners in Barrington Heights VIII wish to amend certain provisions of the Declaration and the First Amendment to Declaration.

NOW, THEREFORE, pursuant to the Declaration, as amended by Section 3 of the First Amendment to Declaration, and ORS 94.590, with the approval of owners in Barrington Heights VIII representing at least seventy-five percent (75%) of the votes, Association hereby amends the Declaration and the First Amendment to Declaration in the manner set forth below.

I. AMENDMENTS TO THE DECLARATION.

1.1 Amendments to Existing Sections. The following existing sections of the Declaration are amended to read:

LAND USE AND BUILDING TYPE

(a) No residence may be constructed or maintained on any lot or building site other than one single family dwelling, not to exceed two stories in height, together with an attached garage for not less than two cars.

(b) No residence may have a total floor space of less than 2000 sq. ft., exclusive of garages, if the residence consists of one story. Residences having two stories or daylight basements shall have not less than 2200 sq. ft. total square footage. Split level residences, (i.e., tri-level) are be considered a one story dwelling within the meaning of this covenant.

(c) Each residence shall have a minimum of two off-street parking spaces.

(d) Each lot shall have a 20' front yard set back and a 5' side yard set back.

2

ROOF, SIDING AND WINDOW TYPE

(a) All residences must have a wood shake roof or a roof comprised of other material (including tile or composite) authorized by Design Guidelines adopted by the Architectural Review Committee.

(b) All residences must be double constructed (beveled) with wood cedar siding, siding comprised of other material authorized by Design Guidelines adopted by the Architectural Review Committee, or brick or stone authorized by Design Guidelines adopted by the Architectural Review Committee. High-quality synthetic brick or stone may also be used if approved by the Architectural Review Committee or the Board. No T-1-11 siding is allowed.

(c) Wood windows or equivalent vinyl-clad or comparable quality windows authorized by Design Guidelines adopted by the Architectural Review Committee are required on all windows visible from the street.

(d) Skylights forward of roof ridge line must be approved by the Architectural Review Committee.

LANDSCAPE

(a) Each lot shall have at least two (2) street trees (2"-3" caliper or larger) planted between the curb and the sidewalk at no greater than 50' intervals. The trees shall be of the same species, as approved by the Architectural Review Committee.

(b) In addition to the street trees, grass or evergreen vegetation that provides solid/contiguous ground cover, such as ivy, approved by the Architectural Review Committee, must be planted and maintained between the curb and the sidewalk. No other planting, ground cover, or landscaping shall be allowed in this space.

1.2 Deletion of Existing Sections. The following existing sections of the Declaration are deleted as follows:

~~DESIGN REVIEW COMMITTEE/APPROVAL~~

~~No improvement, paint color or landscaping shall be commenced, erected, placed, or altered on any Lot until the construction plans and specifications have been submitted to The Design Review Committee for approval PRIOR to construction beginning. No plan may be repeated in this development without committee approval. The Design Review Committee consists of Declarant and person or persons appointed by Declarant to serve on this committee. This committee is not responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or governmental regulations, all of which are the responsibility of the applicant. The procedure and specific requirements for review and approval of residential~~

~~construction may be set forth in Design guidelines adopted from time to time by the Design Review Committee. The Design Review Committee shall have the right to refuse to allow certain types of buildings to be built that are not consistent with the neighborhood. They shall also have the right to determine set backs, require certain landscape plans and external appearance of homes.~~

~~COMMITTEE DISCRETION~~

~~The Design Review Committee may, at its sole discretion, withhold consent to any proposed work if the committee finds the proposed work would be inappropriate for the particular Lot or incompatible with the standards that the committee intends for BARRINGTON HEIGHTS. Consideration such as home placement, shape, size, color, design, height, solar access, impairment of the view of other lots, or other effect on the enjoyment of other Lots within the Development may be taken into account by the Committee in determining whether or not the consent to any proposed work.]~~

II. AMENDMENTS TO THE FIRST AMENDMENT TO DECLARATION. The following provisions are added to Section 2 (Architectural Committee) of the First Amendment to Declaration:

Appeal .

(a) Any owner adversely impacted by action of the Architectural Review Committee may appeal the action to the Board of Directors.

(b) Appeals must be made in writing within ten (10) days of the Architectural Review Committee's action and must contain specific objections or mitigating circumstances justifying the appeal. A final, conclusive decision must be made by the Board of Directors within thirty (30) calendar days after receipt of the appeal. The determination of the Board is final.

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Nonwaiver, Precedent and Estoppel. Approval or disapproval by the Architectural Review Committee of any matter proposed to it or within its jurisdiction may not be deemed to constitute precedent, waiver or estoppel impairing its right to withhold approval or grant approval as to any similar matter thereafter proposed or submitted to it.

**BARRINGTON HEIGHTS
ASSOCIATION OF HOMEOWNERS,
an Oregon nonprofit corporation**

By: Brad Arms
Brad Arms, President

By: Bob Jester
Bob Jester, Secretary

CERTIFICATION

The undersigned President and Secretary of Barrington Heights Association of Homeowners, an Oregon nonprofit corporation, hereby certify that the within Second Amendment to Declaration of Covenants, Conditions and Restrictions and General Description of Plan of Development for Barrington Heights VIII has been approved by owners as provided in the Declaration, as amended by the First Amendment to Declaration, and ORS 94.590.

Brad Arms
Brad Arms, President
Barrington Heights Association of Homeowners, an Oregon nonprofit corporation

STATE OF OREGON)
County of Washington) ss.

The foregoing instrument was acknowledged before me this 3rd day of September, 2010, by Brad Arms, President of Barrington Heights Association of Homeowners, an Oregon nonprofit corporation, on its behalf.



Meghann Farrell
Notary Public for Oregon
My Commission Expires: 03/21/2014

Bob Jester
Bob Jester, Secretary
Barrington Heights Association of Homeowners, an Oregon nonprofit corporation

STATE OF OREGON)
County of Washington) ss.

The foregoing instrument was acknowledged before me this 3rd day of September, 2010, by Bob Jester, Secretary of Barrington Heights Association of Homeowners, an Oregon nonprofit corporation, on its behalf.



Commission No. 447606

Meghann Farrell
Notary Public for Oregon
My Commission Expires: 03/21/2014

6