

After Recording Return to:

Jim & Tammy Bell  
P.O. Box 177  
Sisters OR 97759

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2005-02164



\$96.00

00332332200500021640130134

01/13/2005 03:45:34 PM

D-CCR Cnt=1 Stn=28 SHIRLEY  
\$65.00 \$11.00 \$10.00 \$5.00 \$5.00

AK  
66

**AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR TIMBER CREEK AND TIMBER CREEK II**

**RECITALS:**

13

A. J. Bruce Forbes ("Forbes") is the Declarant of a Declaration of Covenants, Conditions and Restrictions ("the CC&Rs"), dated September 8, 1999, which was first recorded September 14, 1999 at Volume 1999, Page 44444 and rerecorded September 20, 1999, at Volume 1999, Page 45822, in Deschutes County Records.

B. The CC&Rs govern development in the Timber Creek and Timber Creek II Subdivisions in Sisters, Oregon. The CC&Rs provide (Article 5) for the establishment of an association of the homeowners. The Timber Creek Homeowners Association ("Association") was created by Forbes and has been operated, administered, and maintained by Forbes. Pursuant to the terms of the CC&Rs, each platted lot has a single vote as a member of the Association with regard to its administration and governance of the combined subdivisions.

C. In accordance with Article 7.3 of the CC&Rs, the Declaration can be amended if approved by a minimum of seventy-five percent (75%) of the owners of finally platted lots.

D. For purposes of this amendment, and at the present time, there are 91 finally platted lots in Timber Creek and Timber Creek II. They are owned as follows:

Taurus Development LLC ("Taurus") Timber Creek II Lots 22-33; 48-68; 72; 76-86; 96; and 102	=47 lots/votes
J. Bruce Forbes ("Forbes") Timber Creek II Phase I lots 1-3; 97-101	=8 lots/votes
Jim Bell ("Bell") Timber Creek II Phase I lots 34; 35 parcel 1; 42; 44-46; and 47 parcel 1	=7 lots/votes
Timber Creek ("all lot owners in Timber Creek") Timber Creek lots 1-4; 6-10	=9 lots/votes
Other lots owned by others individually Timber Creek II lots 69; 70; 71; 73; 74; 75; 35 parcel 2; 36 parcels 1 & 2; 37 parcels 1 & 2; 38 parcels 1 & 2; 39 parcels 1 & 2; 40 parcels 1 & 2; 41; 43; and 47 parcel 2	=20 lots/votes
<b>Total votes</b>	<b>91</b>

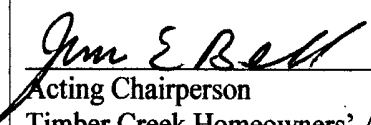
Recorded by Western Title as an accommodation only. No liability accepted for condition of title or validity, sufficiency or affect of document. B

E. Taurus, Bell, and Forbes have agreed to support an amendment to the CC&Rs which would remove the Timber Creek Subdivision (Lots 1-4 and 6-10) from the scope and coverage of the CC&Rs. The parties acknowledge that property (Lot 14) has previously been removed by Mr. Forbes,

acting on behalf of the Association. Removal of Lot 14 from the CC&Rs was effected by an amendment to the CC&Rs recorded February 25, Volume 2000, Page 7211, Deschutes County Records. The parties hereto further acknowledge there is presently no functioning homeowner's association due to the absence of bylaws, officers and a board of directors. As the owners of more than seventy-five percent (75%) of the lots, Forbes, Taurus and Bell together with the owners of all the other lots in the Timber Creek Subdivision, have held a special meeting for the sole purpose of voting in the amendment setforth herein. Forbes, Taurus, and the owners of Lots 1-4 and 6-10 of the Timber Creek Subdivision have executed irrevocable proxy agreements which appoint Bell to act and vote on their behalf with regard to the issue of whether the Timber Creek Subdivision (Lots 1-4, 6-10) should be excluded from the scope, coverage and control of the CC&Rs. The proxy automatically terminates on July 31, 2005. At the special meeting of the Association, the members who were present or represented by proxy, and who represent more than 75% of the owners of lots unanimously voted to approve the amendment and authorized its recordation in Deschutes County Records.

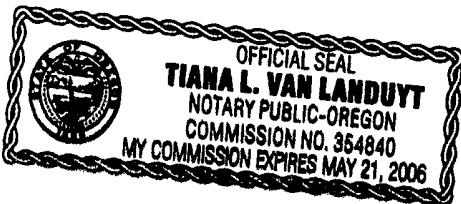
NOW THEREFORE, Jim Bell, acting chairperson of the Timber Creek Homeowners Association hereby declares that the CC&Rs are amended to exclude from Exhibit "A" attached to the CC&Rs, Lots 1-4, 6-10 of the Timber Creek Subdivision, the final plat of which was recorded on February 2, 2001, at Volume 2001, Pages 5073, Deschutes County Records.

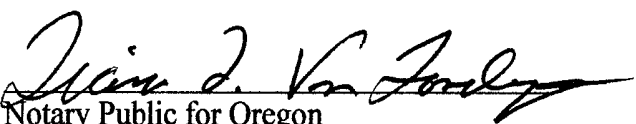
IN WITNESS WHEREOF, Jim E. Bell has executed this Amendment on the 10 day of JANUARY, 2004. 2005.

<p>JIM E. BELL</p>   <p>Acting Chairperson Timber Creek Homeowners' Association</p>	
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STATE OF OREGON )  
 ) ss.  
 County of Deschutes )

This instrument was acknowledged before me on JANUARY 10, 2005 by JIM E. BELL.



  
 Notary Public for Oregon  
 My commission expires: 5-21, 2006

**SPECIAL MEETING – MINUTES**

**December 15, 2004**

On December 15, 2004 a special meeting of the Timber Creek Homeowner's Association was held. At least 75% of the owners of lots in the Timber Creek and Timber Creek II subdivision were present either in person or by proxy. The sole purpose of the meeting was to vote on an amendment of the CC&Rs which would exclude Lots 1-4 and 6-10 of the Timber Creek Subdivision from the coverage and jurisdiction of the Declaration of Covenants, Conditions and Restrictions, first recorded September 14, 1999 at Volume 1999, Page 44444 in Deschutes County Records.

It was unanimously agreed by all present to adopt the amendment, which shall be duly recorded in the Deed of Records of Deschutes County. Jim Bell was authorized to act as chairperson and execute the amendment on behalf of the Association. It was further certified by those present that this amendment was adopted in accordance with the Declaration and the provisions of ORS 94.590.

There being no further business the meeting was adjourned.

Respectfully submitted,

Jim Bell  
Acting Chairperson

FROM :BF

FAX NO. :5415492900

Oct. 22 2004 12:24PM P4

2004/OCT/22/FRI 12:04 PM FRANCIS AND MARTIN

FAX No. 5413827066

P. 003

<b>IRREVOCABLE PROXY</b>
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**RECITALS:**

A. J. Bruce Forbes, a.k.a. Bruce J. Forbes ("Forbes") warrants that he owns the following lots in the Timber Creek and Timber Creek II Subdivision (hereafter "Timber Creek," "Timber Creek II" and collectively "The Subdivision") in Sisters, Oregon: Timber Creek II Lots 1-3, 97-101.

B. As owner of the aforementioned lots, Forbes is a member of the Timber Creek Homeowners Association ("the Association").

C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions and Restrictions for Timber Creek and Timber Creek II (the CC&Rs').

**PROXY:**

1. The above recitals are incorporated herein.
2. For valuable consideration, Forbes hereby appoints Jim E. Bell ("Bell") as proxy-holder, to represent Forbes to vote all of its votes in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek Lots 1 - 4 and 6 - 10 ("Timber Creek Lots") shall be excluded completely from the coverage and controls of the CC&Rs. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots shall be excluded from the CC&Rs. This irrevocable proxy shall automatically terminate and be of no further force or effect at 12:01 a.m., February 22, 2005.
3. In granting this proxy, Forbes agrees to actively support and cooperate with any decision to release Timber Creek from the CC&Rs (except for Lot 5), including, but not limited to, the execution of documents related thereto, including separate CC&Rs for Timber Creek, which shall contain the identical use restrictions set forth in Article III of the CC&Rs. This proxy is binding upon future purchasers of lots from Forbes, and Forbes agrees to notify purchasers of the proxy and its termination date prior to any sale.
4. This proxy is specifically intended to be irrevocable.

DATED this 22 day of October, 2004.

  
 J. Bruce Forbes

DOCUMENT POOR QUALITY  
 AT TIME OF RECORDING.

<b>IRREVOCABLE PROXY</b>
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**RECITALS:**

A. Taurus Development, L.L.C. ("Taurus") warrants that it owns the following lots in the Timber Creek and Timber Creek II Subdivision (hereafter "Timber Creek," "Timber Creek II" are collectively "The Subdivision") in Sisters, Oregon: Timber Creek II, Lots 22-33, 48-68, 72, 76-86, 96 and 102.

B. As owners of the aforementioned lots, Taurus is a member of the Timber Creek Homeowners Association ("the Association").

C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions and Restrictions for Timber Creek and Timber Creek II ("the CC&Rs").

**PROXY:**

1. The above recitals are incorporated herein.
2. For valuable consideration, Taurus hereby appoints Jim E. Bell ("Bell") as proxy-holder to represent Taurus to vote all of its votes in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek lots 1-4 and 6-10 ("Timber Creek Lots") shall be excluded completely from the coverage and controls of the CC&Rs. A condition to the exercise of this proxy's authority to vote on the issue of whether Timber Creek Lots shall be excluded from the coverage and controls of the CC&Rs is a unanimous vote by all owners of Timber Creek Lots approving the enactment and recording of separate CC&Rs for the Timber Creek Lots that contain use restrictions for the Timber Creek Lots that are identical to those set forth in Article III of the CC&Rs. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots shall be excluded from the CC&Rs. This irrevocable proxy shall automatically terminate and be of no further force or effect at 12:01 a.m., February 22, 2005.
3. In granting this proxy, Taurus agrees to support and cooperate with any decision to release Timber Creek Lots from the CC&Rs, including, but not limited to, the execution of documents related thereto, including separate CC&Rs for Timber Creek Lots, which shall contain the identical use restrictions set forth in Article III of the CC&Rs. This proxy is binding upon future purchasers of lots from Taurus, and Taurus agrees to notify purchasers of the proxy and its termination date prior to any sale.
4. This proxy is specifically intended to be irrevocable.

DATED this \_\_\_ day of October, 2004.

TAURUS DEVELOPMENT L.L.C.

By:

  
Rick Waible

Title: Member

DOCUMENT POOR QUALITY  
AT TIME OF RECORDING.

Irrevocable Proxy

Recitals:

A. The Wright's warrant that they own the following lot in the Timber Creek Subdivision in Sisters, Oregon : Timber Creek lot 1 / 115 Timber Creek Dr.

B. As owners of the aforementioned lot, the Wright's are a member of the Timber Creek Home Owners Association

C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions, and Restrictions for Timber Creek.

Proxy:

1. The above recitals are incorporated herein.

2. For valuable consideration, the Wrights hereby appoint Jim Bell as proxy holder to represent the Wright's to vote its vote in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek Lots 1-4 and 6-10 shall be excluded completely from the coverage and controls of the CC&R's. A condition to the exercise of this proxy's authority to vote on the issue of whether Timber Creek lots shall be excluded from the coverage and controls of the CC&R's is a unanimous vote by all owners of Timber Creek Lots, (1-4 and 6-10), approving the enactment and recording of separate CC&R's for the Timber Creek Lots that contain use restrictions for the Timber Creek Lots that are identical to those set forth in Article III of the CC&R's. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots Shall be excluded from the CC&R's. This irrevocable proxy shall terminate and be of no further force or effect at 12:01, February 22, 2005.

3. In granting this proxy, the Wright's agree to support and cooperate with any decision to release Timber Creek lots from the CC&R's including, but not limited to, the execution of documents related thereto, including separate CC&R's for Timber Creek Lots, which shall contain the identical use restrictions set forth in Article III of the CC&R's. This proxy is binding upon future purchasers from the Wrights and the Wright's agrees to notify purchasers of the proxy and its termination date prior to any sale.

4. This proxy is specifically intended to be irrevocable.

Dated this day 25 of October, 2004

Signed [Signature]
Title: member

## Irrevocable Proxy

### Recitals:

- A. The Womack's warrant that they own the following lot in the Timber Creek Subdivision in Sisters, Oregon : Timber Creek lot 2 / 165 Timber Creek Dr.
- B. As owners of the aforementioned lot, the Womack's are a member of the Timber Creek Home Owners Association
- C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions, and Restrictions for Timber Creek.

### Proxy:

1. The above recitals are incorporated herein.
2. For valuable consideration, the Womack's hereby appoint Jim Bell as proxy holder to represent the Womacks to vote its vote in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek Lots 1-4 and 6-10 shall be excluded completely from the coverage and controls of the CC&R's. A condition to the exercise of this proxy's authority to vote on the issue of whether Timber Creek lots shall be excluded from the coverage and controls of the CC&R's is a unanimous vote by all owners of Timber Creek Lots, (1-4 and 6-10), approving the enactment and recording of separate CC&R's for the Timber Creek Lots that contain use restrictions for the Timber Creek Lots that are identical to those set forth in Article III of the CC&R's. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots Shall be excluded from the CC&R's. This irrevocable proxy shall terminate and be of no further force or effect at 12:01, February 22, 2005.
3. In granting this proxy, the Womack's agree to support and cooperate with any decision to release Timber Creek lots from the CC&R's including, but not limited to, the execution of documents related thereto, including separate CC&R's for Timber Creek Lots, which shall contain the identical use restrictions set forth in Article III of the CC&R's. This proxy is binding upon future purchasers from the Womacks and the Womack's agrees to notify purchasers of the proxy and its termination date prior to any sale.
4. This proxy is specifically intended to be irrevocable.

Dated this day 24 of October, 2004

Signed Thomas Womack  
Title: member Rebecca L. Womack

## Irrevocable Proxy

### Recitals:

- A. The Ross' warrant that they own the following lot in the Timber Creek Subdivision in Sisters, Oregon : Timber Creek lot 3 / 893 Timber Pine Dr.
- B. As owners of the aforementioned lot, the Ross' are a member of the Timber Creek Home Owners Association
- C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions, and Restrictions for Timber Creek.

### Proxy:

1. The above recitals are incorporated herein.
2. For valuable consideration, the Ross' hereby appoint Jim Bell as proxy holder to represent the Ross' to vote its vote in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek Lots 1-4 and 6-10 shall be excluded completely from the coverage and controls of the CC&R's. A condition to the exercise of this proxy's authority to vote on the issue of whether Timber Creek lots shall be excluded from the coverage and controls of the CC&R's is a unanimous vote by all owners of Timber Creek Lots, (1-4 and 6-10), approving the enactment and recording of separate CC&R's for the Timber Creek Lots that contain use restrictions for the Timber Creek Lots that are identical to those set forth in Article III of the CC&R's. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots Shall be excluded from the CC&R's. This irrevocable proxy shall terminate and be of no further force or effect at 12:01, February 22, 2005.
3. In granting this proxy, the Ross' agree to support and cooperate with any decision to release Timber Creek lots from the CC&R's including, but not limited to, the execution of documents related thereto, including separate CC&R's for Timber Creek Lots, which shall contain the identical use restrictions set forth in Article III of the CC&R's. This proxy is binding upon future purchasers from the Ross' and the Ross' agrees to notify purchasers of the proxy and its termination date prior to any sale.
4. This proxy is specifically intended to be irrevocable.

Dated this day 27 of October, 2004

Signed \_\_\_\_\_  
Title: member

*Sammye Ross / Michele Ross*



## Irrevocable Proxy

### Recitals:

- A. The Kersavage's warrant that they own the following lot in the Timber Creek Subdivision in Sisters, Oregon : Timber Creek lot 4 / 265 Timber Creek Dr.
- B. As owners of the aforementioned lot, the Kersavage's are a member of the Timber Creek Home Owners Association
- C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions, and Restrictions for Timber Creek.

### Proxy:

1. The above recitals are incorporated herein.
2. For valuable consideration, the Kersavage's hereby appoint Jim Bell as proxy holder to represent the Kersavage's to vote its vote in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek Lots 1-4 and 6-10 shall be excluded completely from the coverage and controls of the CC&R's. A condition to the exercise of this proxy's authority to vote on the issue of whether Timber Creek lots shall be excluded from the coverage and controls of the CC&R's is a unanimous vote by all owners of Timber Creek Lots, (1-4 and 6-10), approving the enactment and recording of separate CC&R's for the Timber Creek Lots that contain use restrictions for the Timber Creek Lots that are identical to those set forth in Article III of the CC&R's. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots Shall be excluded from the CC&R's. This irrevocable proxy shall terminate and be of no further force or effect at 12:01, February 22, 2005.
3. In granting this proxy, the Kersavage's agree to support and cooperate with any decision to release Timber Creek lots from the CC&R's including, but not limited to, the execution of documents related thereto, including separate CC&R's for Timber Creek Lots, which shall contain the identical use restrictions set forth in Article III of the CC&R's. This proxy is binding upon future purchasers from the Kersavage's and the Kersavage's agrees to notify purchasers of the proxy and its termination date prior to any sale.
4. This proxy is specifically intended to be irrevocable.

Dated this day 24 of October, 2004

Signed *Dustin Kersavage*  
Title: member

## Irrevocable Proxy

### Recitals:

- A. The Mayes' warrant that they own the following lot in the Timber Creek Subdivision in Sisters, Oregon : Timber Creek lot 7 / 256 Timber Creek Dr.
- B. As owners of the aforementioned lot, the Mayes' are a member of the Timber Creek Home Owners Association
- C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions, and Restrictions for Timber Creek.

### Proxy:

1. The above recitals are incorporated herein.
2. For valuable consideration, the Mayes' hereby appoint Jim Bell as proxy holder to represent the Mayes' to vote its vote in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek Lots 1-4 and 6-10 shall be excluded completely from the coverage and controls of the CC&R's. A condition to the exercise of this proxy's authority to vote on the issue of whether Timber Creek lots shall be excluded from the coverage and controls of the CC&R's is a unanimous vote by all owners of Timber Creek Lots, (1-4 and 6-10), approving the enactment and recording of separate CC&R's for the Timber Creek Lots that contain use restrictions for the Timber Creek Lots that are identical to those set forth in Article III of the CC&R's. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots Shall be excluded from the CC&R's. This irrevocable proxy shall terminate and be of no further force or effect at 12:01, February 22, 2005.
3. In granting this proxy, the Mayes' agree to support and cooperate with any decision to release Timber Creek lots from the CC&R's including, but not limited to, the execution of documents related thereto, including separate CC&R's for Timber Creek Lots, which shall contain the identical use restrictions set forth in Article III of the CC&R's. This proxy is binding upon future purchasers from the Mayes' and the Mayes' agrees to notify purchasers of the proxy and its termination date prior to any sale.
4. This proxy is specifically intended to be irrevocable.

Dated this day 24 of October, 2004

Signed \_\_\_\_\_  
Title: member

*Clara A. Mayes* *Molly Mayes*

## Irrevocable Proxy

### Recitals:

A. The Roderguez' warrant that they own the following lot in the Timber Creek Subdivision in Sisters, Oregon : Timber Creek lot 8 / 216 Timber Creek Dr.

B. As owners of the aforementioned lot, the Roderguez' are a member of the Timber Creek Home Owners Association

C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions, and Restrictions for Timber Creek.

### Proxy:

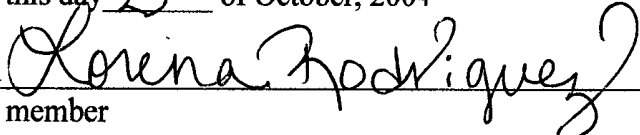
1. The above recitals are incorporated herein.

2. For valuable consideration, the Roderguez' hereby appoint Jim Bell as proxy holder to represent the Roderguez' to vote its vote in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek Lots 1-4 and 6-10 shall be excluded completely from the coverage and controls of the CC&R's. A condition to the exercise of this proxy's authority to vote on the issue of whether Timber Creek lots shall be excluded from the coverage and controls of the CC&R's is a unanimous vote by all owners of Timber Creek Lots, (1-4 and 6-10), approving the enactment and recording of separate CC&R's for the Timber Creek Lots that contain use restrictions for the Timber Creek Lots that are identical to those set forth in Article III of the CC&R's. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots Shall be excluded from the CC&R's. This irrevocable proxy shall terminate and be of no further force or effect at 12:01, February 22, 2005.

3. In granting this proxy, the Roderguez'' agree to support and cooperate with any decision to release Timber Creek lots from the CC&R's including, but not limited to, the execution of documents related thereto, including separate CC&R's for Timber Creek Lots, which shall contain the identical use restrictions set forth in Article III of the CC&R's. This proxy is binding upon future purchasers from the Roderguez' and the Roderguez' agrees to notify purchasers of the proxy and its termination date prior to any sale.

4. This proxy is specifically intended to be irrevocable.

Dated this day 25 of October, 2004

Signed   
Title: member

## Irrevocable Proxy

### Recitals:

- A. The Hydes' warrant that they own the following lot in the Timber Creek Subdivision in Sisters, Oregon : Timber Creek lot 9 / 156 Timber Creek Dr.
- B. As owners of the aforementioned lot, the Hydes' are a member of the Timber Creek Home Owners Association
- C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions, and Restrictions for Timber Creek.

### Proxy:

1. The above recitals are incorporated herein.
2. For valuable consideration, the Hydes' hereby appoint Jim Bell as proxy holder to represent the Hydes' to vote its vote in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek Lots 1-4 and 6-10 shall be excluded completely from the coverage and controls of the CC&R's. A condition to the exercise of this proxy's authority to vote on the issue of whether Timber Creek lots shall be excluded from the coverage and controls of the CC&R's is a unanimous vote by all owners of Timber Creek Lots, (1-4 and 6-10), approving the enactment and recording of separate CC&R's for the Timber Creek Lots that contain use restrictions for the Timber Creek Lots that are identical to those set forth in Article III of the CC&R's. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots Shall be excluded from the CC&R's. This irrevocable proxy shall terminate and be of no further force or effect at 12:01, February 22, 2005.
3. In granting this proxy, the Hydes' agree to support and cooperate with any decision to release Timber Creek lots from the CC&R's including, but not limited to, the execution of documents related thereto, including separate CC&R's for Timber Creek Lots, which shall contain the identical use restrictions set forth in Article III of the CC&R's. This proxy is binding upon future purchasers from the Hydes' and the Hydes' agrees to notify purchasers of the proxy and its termination date prior to any sale.
4. This proxy is specifically intended to be irrevocable.

Dated this day 25<sup>th</sup> of October, 2004

Signed *J.P.B. Hydes / Cynthia Hydes*  
Title: member

Irrevocable Proxy

Recitals:

*Killimann nek*

- A. The Killimann's warrant that they own the following lot in the Timber Creek Subdivision in Sisters, Oregon : Timber Creek lot 10/ 116 Timber Creek Dr.
- B. As owners of the aforementioned lot, the Killimann's are a member of the Timber Creek Home Owners Association
- C. All of the lots in the Subdivision are subject to a Declaration of Covenants, Conditions, and Restrictions for Timber Creek.

Proxy:

- 1. The above recitals are incorporated herein.
- 2. For valuable consideration, the Killimann's hereby appoint Jim Bell as proxy holder to represent the Killimann's to vote its vote in the Association, now held and hereafter acquired with regard to the sole issue of whether Timber Creek Lots 1-4 and 6-10 shall be excluded completely from the coverage and controls of the CC&R's. A condition to the exercise of this proxy's authority to vote on the issue of whether Timber Creek lots shall be excluded from the coverage and controls of the CC&R's is a unanimous vote by all owners of Timber Creek Lots, (1-4 and 6-10), approving the enactment and recording of separate CC&R's for the Timber Creek Lots that contain use restrictions for the Timber Creek Lots that are identical to those set forth in Article III of the CC&R's. This irrevocable proxy includes the grant of authority to initiate and hold a meeting to conduct a vote regarding the issue of whether Timber Creek Lots Shall be excluded from the CC&R's. This irrevocable proxy shall terminate and be of no further force or effect at 12:01, February 22, 2005.
- 3. In granting this proxy, the Killimann's agree to support and cooperate with any decision to release Timber Creek lots from the CC&R's including, but not limited to, the execution of documents related thereto, including separate CC&R's for Timber Creek Lots, which shall contain the identical use restrictions set forth in Article III of the CC&R's. This proxy is binding upon future purchasers from the Killimann's and the Killimann's agrees to notify purchasers of the proxy and its termination date prior to any sale.

4. This proxy is specifically intended to be irrevocable.

Dated this day 5th November of October, 2004

Signed Mary L Killimann  
Title: member MARY L & KEITH E. Killimann

*all spellings are hereby changed with the correction as indicated. nek*