

5	1749	15.3%
6	1669	14.6%
7	<u>2176</u>	19.2%
TOTAL	11,396 sq. ft."	

The following new paragraph 3.4 is hereby added to the Declaration:

"3.4 Conversion of Unit 1 into Units 1-A and 1-B

(a) The owner of Unit 1 may divide Unit 1 into a maximum of two Units as authorized by ORS 100.625 and provided that the following conditions are satisfied:

(i) the new partition wall creating the two units does not interfere with any structural support elements or loadbearing partitions or columns or with any pipes, wires, cables, conduits or ducts or other mechanical systems; and

(ii) the owner of Unit 1 shall pay for the cost of having the Association prepare and file an amendment to the declaration that complies with the provisions of ORS 100.625(2) and an amendment to the plat to reflect the new Units.

(b) The new Units will be numbered Unit 1-A and Unit 1-B. The percentage ownership of common elements, liability for common expenses, and the right for common profits for Unit 1 shall be allocated between Units 1-A and Unit 1-B, based upon the square footage of each Unit as compared to the square footage of Unit 1 as it existed prior to the creation of the new Units. Unit 1-A and Unit 1-B may be used either for residential or commercial uses on an ownership, rental or lease basis and other reasonable activities incident to such uses, provided that the commercial use shall be limited to retail, office or professional office, shall not include restaurant service or any commercial business requiring a venting system, and shall be subject to the requirements of the Bylaws.

(c) The limited common elements allocated to Unit 1 shall be allocated to Unit 1-A or 1-B as determined by the owner of Unit 1 and such allocation shall be reflected in the amendment to the declaration.

(d) As used in this Declaration, the provisions applicable to Unit 1 shall apply equally to Units 1-A and 1-B upon conversion of Unit 1 into two units. Where the approval of Unit 1 is required for amendments to the Declaration then, following conversion, such approval will be required from both Units 1-A and 1-B."

2. **Limited Common Elements.** The following new paragraph 5.1(f) is hereby added to the Declaration:

(f) The storage space located on the first floor underneath the south staircase shall be a limited common element for Unit 1."

3. **Voting.** The first sentence of Section 7 of the Declaration is deleted and the following substituted in lieu thereof:

"The total voting power of all unit owners shall equal the number of units in the Condominium plus the potential additional unit that may be created by the division of Unit 1 into two units and each unit shall have one vote; provided, Unit 1 shall have two votes until it is converted into Units 1-A and 1-B, and after conversion each unit will have one vote."

4. **Use of Property.** The following new sentence is added to the end of Section 8.1:

"The owner of Unit 1 may lease the unit for such terms as it deems appropriate so long as not in violation of the Declaration, the Bylaws and the rules and regulation duly adopted by the Association."

The following new sentence is added to the end of Section 8.2:

"The rules and regulations promulgated by the Association shall be consistent with the uses of the respective Units as set forth in Sections 3.3 and 8.1. This limitation will not restrict the ability of the Association to promulgate rules or regulations that deal with fire, life, safety, or ADA issues."

5. **Amendments to Declaration.** The following new sentence is added to the end of Section 13:

"The right to convert Unit 1 into Unit 1-A and 1-B, and the right to use such Unit(s) for commercial or residential purposes in accordance with this Declaration and the Bylaws shall not be changed without the consent of the owner of Unit 1 (or Unit 1-A and 1-B)."

6. **Amendment to Plat.** The Plat amendment for Modern Confectionery Lofts Condominium, which shows the changes in unit area described in paragraph 1, and the limited common element described in paragraph 2 above is approved.

IN WITNESS WHEREOF, The undersigned Chairman and Secretary of the Modern Confectionery Lofts Condominium Association certify that the foregoing amendments to the Declaration were approved by 100% of the unit owners, in accordance with the Declaration and ORS 100.135.

Julian H Berkeley
Chairman
Modern Confectionery Lofts Condominium Association

Julian H Berkeley
Secretary
Modern Confectionery Lofts Condominium Association

State of Oregon)
County of Multnomah) ss.

This instrument was acknowledged before me on February 15, 2000, by Julian H Berkeley as Chairman of Modern Confectionery Lofts Condominium Association.



Penelope Gresham
NOTARY PUBLIC FOR OREGON
My Commission Expires 3-11-02

This instrument was acknowledged before me on February 15, 2000, by Julian H Berkeley as Secretary of Modern Confectionery Lofts Condominium Association.



Penelope Gresham
NOTARY PUBLIC FOR OREGON
My Commission Expires 3-11-02

