AFTER RECORDING RETURN TO: Gryphon Development, LLC 8344 S.W. Mapleridge Drive Portland OR 97225 Recorded in the County of Multromah, Gregon
C. Swick, Deputy Clerk
70101: 64.60
2008-046785 04/05/2000 10:06:14am ATLJH
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## AMENDMENT TO DECLARATION FOR MODERN CONFECTIONERY LOFTS CONDOMINIUM RECITALS

- A. The Declaration for Modern Confectionery Lofts Condominium was recorded September 3, 1997, Document No. 97134518 in the Official Records of Multnomah County, Oregon (the "Declaration"), which created the Modern Confectionery Lofts Condominium (the "Condominium"). The Plat for Modern Confectionery Lofts Condominium was recorded September 3, 1997, Document No. 97134521 in Official Records Multnomah County, Oregon (the "Plat").
- B. The unit owners desire to amend the Declaration as set forth below.
- C. Capitalized terms used herein and not otherwise defined shall have the same meaning as in the Declaration.

NOW, THEREFORE, the Declaration is amended as follows:

1. Building Description and Unit Designation. The second sentence in paragraph 3.3 is deleted and the following is substituted in lieu thereof: "The building is a four-story building, three stories which are unreinforced masonry, with a concrete foundation, and contains seven units." The last sentence of paragraph 3.3 is deleted and the following substituted in lieu thereof:

"The unit designation, approximate area and percentage of ownership in common elements are as follows:

Unit No.	Approx. Sq. Ft.	Common Elements
	2875	25.2%
l 3	932	8.2%
2	772	6.8%
4	1223	10.7%

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5	1749	15.3%
6	1669	14.6%
7	2176	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:

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- "(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."

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.

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Confectionery Lafts Condominium Associat	ersigned Chairman and Secretary of the Modern tion certify that the foregoing amendments to the unit owners, in accordance with the Declaration and Chairman Modern Confectionery Lofts Condominium Association    Later
Association.  OFFICIAL SEAL PENELOPE GRESHAM	before me on <u>Laboroul 5</u> , 2000, by fodern Confectionery Lofts Condominium
This instrument was acknowledged  This instrument was acknowledged  Association.  OFFICIAL SEAL PRINCIPE GRESHAM NOTARY PUBLIC-OREGON COMMISSION NO. 310430 MY COMMISSION EXPIRES MAR 11, 2002	hefure me on Schuluta 15, 2000, by any of Modern Confectionery Lotts Condominium  NOTARY PUBLIC FOR OREGON  My Commission Expires 3-11-0

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day of March ,	2000 and	dment is approved pursuant to ORS 16 in accordance with ORS 100.110(7), s not recorded within two (2) years fro	this approval shell
		SCOTT W. TAYLOR	
		Real Estate Commissioner	3
			:
		By: Burn De Marie	:
		Brian DeMarco	
State of Oregon  County of	) ) ss.		
•			anda 1
This instrument wa	as acknowledge	ed before me on	, 2000, by
day of APRIL	claration Amen	NOTARY PUBLIC FOR OREGOMY Commission Expires	00.110 this 5 <sup>th</sup>
State of Oregon	)		
County of	) 98. )		
This instrument w	as acknowledg as Multnomah	ged before me on	_, 2000, by
		NOTARY PUBLIC FOR OREG	ON
		My Commission Expires	

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