

Jackson County Official Records **2024-004327**
R-ABL
Stn=3 SIMPSOHP **03/05/2024 03:37:01 PM**
\$20.00 \$10.00 \$13.00 \$13.00 \$11.00 **\$131.00**
\$60.00 \$4.00
I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

After recording, return to:

Patrick T. Foran
Wyse Kadish LLP
900 SW Fifth Avenue, Suite 2000
Portland, OR 97204

**SECOND AMENDMENT TO THE BYLAWS OF
BELLA VISTA HOMES HOMEOWNER'S ASSOCIATION
AN OREGON NONPROFIT CORPORATION**

RECITALS

A. Bella Vista Homes Homeowner's Association, an Oregon nonprofit corporation, ("**Association**"), is governed, in part, by the following documents recorded in Jackson County, Oregon:

- Declaration of Covenants, Conditions and Restrictions of Bella Vista Heights Subdivision Phases 1 & 2 in Medford, Jackson County, Oregon, recorded on February 23, 2007, as Document No. 2007-009000 ("**Original Declaration**"); First Amendment to Declaration of Covenants, Conditions and Restrictions of Bella Vista Heights Subdivision Phases 1 & 2 in Medford, Jackson County, Oregon, recorded on April 8, 2013, as Document No. 2013-011820 ("**First Amendment**"); Second Amendment to Declaration of Covenants, Conditions and Restrictions of Bella Vista Heights Subdivision Phases 1 & 2 in Medford, Jackson County, Oregon, recorded on January 31, 2014, as Document No. 2014-002468; Third Amendment to Declaration of Covenants, Conditions and Restrictions of Bella Vista Heights Subdivision Phases 1 & 2 in Medford, Jackson County, Oregon, recorded on February 21, 2018, as Document No. 2018-005701; and Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Bella Vista Heights Subdivision Phases 1 & 2 in Medford, Jackson

County, Oregon, recorded on July 5, 2018, as Document No. 2018-021048 (collectively, "**Declaration**").

- Bylaws of Bella Vista Homes Homeowner's Association, as attached to the Original Declaration, recorded on February 23, 2007, as Document No. 2007-009000, as amended by the First Amendment ("**Bylaws**").
- Plat of Bella Vista Heights Phases 1 and 2, recorded on February 8, 2007, in Volume 33 of Plats at Page 10.

B. ORS 94.625 authorizes a majority of the Board of Directors ("**Board**") to propose amendments to the Bylaws. Under Article VI, Section 6.6(b) of the Bylaws, a majority of the Association's voting rights must vote in favor of any amendment to the Bylaws.

C. The Association's Board has reviewed the Bylaws and determined that the Bylaws should be amended to permit plurality voting for any election of Directors.

D. A majority of the Association's voting rights has voted in favor of amending Article 3, Sections 3.2 of the Bylaws as follows:

AMENDMENT

1. Article 3, Sections 3.2 of the Bylaws is deleted in its entirety and replaced with the following:

"3.2 Election of Directors and Terms of Office. Notwithstanding anything herein to the contrary, the initial Board of Directors shall serve as the Board of Directors and govern all affairs of the Association until such time as all of the lots have been sold or voluntarily elects to do so sooner, and until the Turnover Meeting as provided in Article III hereof. At turnover, the Board of Directors shall consist of five (5) Members. Each Director shall be elected to a term of three years except that for the initial election, the terms shall be as follows: two (2) Directors shall serve until the first annual meeting following their election; two (2) Directors shall serve until the second annual meeting following their election; one (1) Director shall serve until the third annual meeting following her/her election. At the expiration of the term of each Director at the respective annual meetings, the lot owners shall elect a successor (which may be the Director whose term is expiring) to serve until the third annual meeting following his/her election or until a successor is elected and qualified. All elected officers must be Owners. All elections of Directors will be by plurality.

2. This Second Amendment to the Bylaws is effective upon recording this Amendment in the deed records of Jackson County, Oregon.

3. Except as otherwise amended in this Second Amendment to the Bylaws, the Bylaws remain in full force and effect.

4. Any conflict between this Second Amendment to the Bylaws and the Bylaws will be controlled by this Second Amendment.

(Signatures to follow on page 4)

The Association's President and Secretary certify that this Second Amendment to the Bylaws has been approved and duly adopted by a majority of the total votes in the Association as required by Article VI, Section 6.6(b) of the Bylaws and ORS 94.625.

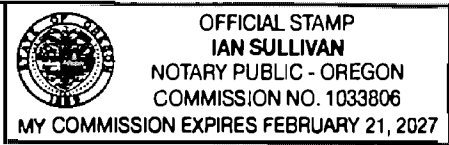
BELLA VISTA HOMES HOMEOWNERS' ASSOCIATION, an Oregon nonprofit corporation

By: [Signature]
President

By: [Signature]
Secretary

STATE OF OREGON)
) ss.
County of Jackson)

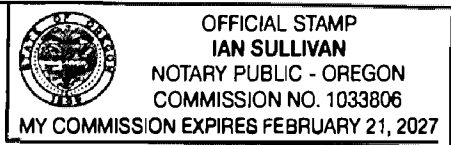
This instrument and certification were acknowledged before me on March 5th, 2024, by Aaron Felder, President of Bella Vista Homes Homeowners' Association, an Oregon nonprofit corporation, who voluntarily signed this instrument on behalf of the Association by authority of its Board of Directors.



[Signature]
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Jackson)

This instrument and certification were acknowledged before me on March 5th, 2024, by Janna Lower, Secretary of Bella Vista Homes Homeowners' Association, an Oregon nonprofit corporation, who voluntarily signed this instrument on behalf of the Association by authority of its Board of Directors.



[Signature]
Notary Public for Oregon