

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR HECETA SOUTH SUBDIVISION, LANE COUNTY, OREGON

This amendment to the Declaration of Covenants, Conditions and Restrictions for Heceta South Subdivision, Lane County, State of Oregon is made this 30th day of January, 2026 by the Heceta South Homeowners Association, Inc. (Association).

RECITALS:

- A. The Heceta South Subdivision (Subdivision) was created pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Heceta South Subdivision, Lane County, State Of Oregon Dated April 15, 1993 and recorded with Lane County Deeds and Records on April 29, 1993 as Document# 9325623.
- B. The Association has been incorporated as a non-profit corporation under the laws of the State of Oregon for the purpose of maintaining, managing and operating the Subdivision.
- C. Pursuant to the Declaration, the Association hereby adopts the following amendments to the Declaration:

AMENDMENTS:

- I. Article V, Section 5.3 is amended to read as follows:

Delinquency. In the event of delinquency, notices of said delinquency shall be provided to the Owner(s) of each Lot that is delinquent at the mailing address provided to the Homeowners Association by the Owner of the Lot. The Homeowners Association may retain legal counsel to enforce the assessments. To the extent permitted by Oregon law, assessments shall become a lien against real property. To the extent, if any, allowed by law, the assessments may be foreclosed as a lien against real property. Whether or not litigation is filed, the prevailing party shall be entitled to recover its reasonable attorney fees, including fees for legal challenges or appeals and all other fees incurred at all stages, in addition to any costs associated with prosecuting the case such as witness fees, expert witness fees, and all other related expenses.

Return to:
Richard Woodsmith
President
Heceta South HOA
P.O. Box 2075
Florence, OR 97439

Lane County Clerk
Lane County Deeds and Records

2026-003315



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\$97.00

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\$15.00 \$10.00 \$11.00 \$61.00

2. Article IX is amended to read as follows:

MAINTENANCE, UPKEEP, AND REPAIR OF COMMON PROPERTY, STREETS, RIGHT OF WAYS, AND PRIVATE PROPERTY, AND PAYMENT THEREOF

9.1 The Homeowners Association shall be responsible for the maintenance, upkeep, and repair of the public streets and right of ways within the Subdivision. The streets are more particularly described in Exhibit "E" attached hereto and incorporated herein by reference. In the event the Homeowners Association should acquire common property or facilities, that property shall be maintained by the Homeowners Association. The Board of Directors shall prepare a budget each year estimating the expenses of maintenance, upkeep, and repair of the streets and common property or facilities if any common property is owned by the Homeowners Association. Those expenses shall be assessed to each Lot by dividing the estimated cost therein by the number of Lots in the Subdivision, the quotient therefrom shall be assessed against each Lot.

Notwithstanding the above, property acquired by Lane County through tax or lien foreclosure proceedings shall be exempt from assessments or any obligation to pay assessments for as long as the property is owned by Lane County.

9.2 The Board of Directors shall engage a qualified person(s) or contractor to perform the services required. The Board shall require that prior to rendering services, the provider shall provide the Board with a written bid. The Board shall approve said bid. The Board shall pay no more than one-half (50%) of the bid price until the completion thereof. Thereafter the Board shall promptly pay the balance when all work is completed and final inspections have been received.

9.3 Private Dwellings and Lots. Lot Owners shall be solely responsible for the maintenance, upkeep, and repair of their Lot, dwelling, and all other structures and improvements on their Lot.

9.3.1 Derelict dwellings shall constitute a nuisance, and no Lot Owner shall cause, permit, or tolerate a derelict dwelling to exist on their Lot.¹

Derelict dwellings are defined as having one or more of the following characteristics:²

- A. Maintenance of the dwelling or Lot has been neglected to the extent that a reasonable person would infer the property is unoccupied;
- B. It is a vacant and unsecured attractive nuisance² that is accessible and may be used for habitation by trespassers or other persons not recognized by the Association as legitimate tenants;
- C. It has doors or windows that are boarded over;
- D. It is infested with pests;
- E. It contains unsecured hazardous substances, materials, equipment, or conditions that are accessible to persons other than the legal occupants;
- F. It has any other condition that is detrimental to public health, safety, or welfare, or that make the dwelling unfit for human habitation;
- G. It has not been occupied by Owners or other persons recognized by the Association as legitimate tenants for 365 or more consecutive days prior to the date of a First Notice of violation of this Subsection. A First Notice of violation is described in, *Heceta South Homeowners Association, Enforcement Resolution, 10 December 2025*.

9.3.2 No Lot Owner shall cause, permit, or tolerate any activity to occur on their Lot that is in violation of any applicable state, county, or other governmental statute or code.

Except as specifically modified herein all terms and provisions of the Declaration remain in full force and effect and are hereby ratified and conflicted.

IN WITNESS WHEREOF, The Heceta South Homeowners Association, Inc. has caused these amendments to be executed as of the date first above written.

¹ Based on Lane Code 9.057.588, Lane Code, Chapter 9, p. 9-34, Lane County, Oregon, August 2025

² Based on Lane Code 9.057.574, Lane Code, Chapter 9, p. 9-30, Lane County, Oregon, August 2025

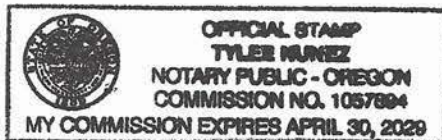
Heceta South Homeowners Association, Inc.

By: Richard D. Woodsmith
Richard D. Woodsmith, President

By: Claudia Bidwell
Claudia Bidwell, Secretary

STATE OF OREGON)
) ss.
County of Lane)

This instrument was acknowledged before me on this 30th day of January 2026 by
Richard D. Woodsmith, President and Claudia Bidwell, Secretary of Heceta South
Homeowners Association, Inc.



Tyler Nunez
Notary Public for Oregon

My commission expires: 4/30/2029