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**AFTER RECORDING RETURN TO:**

Kathy Tymoczko, Secretary  
Daybreak Cohousing Owners Association  
2525 N. Killingsworth Street, #314  
Portland, OR 97217

**SEND TAX STATEMENTS TO:**

Kathy Tymoczko, Secretary  
Daybreak Cohousing Owners Association  
2525 N. Killingsworth Street, #314  
Portland, OR 97217

Multnomah County Official Records  
E Murray, Deputy Clerk

2020-153034



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**TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)**

First Amendment to the Declaration of Daybreak Cohousing Owners Association

**DIRECT PARTY(S)** -- (i.e., DEEDS: Seller/Grantor; MORTGAGES: Borrower/Grantor; LIENS; Creditor/Plaintiff)

ORS 205.125(1) (b) and 205.160  
Daybreak Cohousing Owners Association

**INDIRECT PARTY(S)** -- (i.e., DEEDS: Buyer/Grantee; MORTGAGES: Beneficiary/Lender; LIENS: Debtor/Defendant)

ORS 205.125(1) (a) and 205.160

**TRUE AND ACTUAL CONSIDERATION**– (Amount in dollars or other) ORS 93.030(5)

\$ \_\_\_\_\_

**JUDGMENT AMOUNT**– (obligation imposed by the order or warrant) ORS 205.125(1) (c)

\$ \_\_\_\_\_

If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244:

“RERECORDED AT THE REQUEST OF \_\_\_\_\_  
TO CORRECT \_\_\_\_\_

PREVIOUSLY RECORDED IN BOOK/PAGE/FEE NUMBER \_\_\_\_\_

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FIRST AMENDMENT to the Declaration of Daybreak Cohousing Owners Association

Prior Recorded Documents: This amendment relates to the Declaration Submitting Daybreak Cohousing Condominium to Condominium Ownership, recorded August 5, 2009 in Recording No. 2009-112226, Multnomah County Deed Records. Recorded with the Declaration was Exhibit C Bylaws of Daybreak Cohousing Owners Association. First Amendment of the C Bylaws of Daybreak Cohousing Owners Association Recording No. 2013-058223.

Purpose: The purpose of the First Amendment is to change Section 7 ALLOCATION OF UNDIVIDED INTERESTS IN COMMON ELEMENTS and Exhibit B UNIT DESIGNATIONS, STORAGE SPACE LCE ASSIGNMENTS, AND PERCENTAGE OWNERSHIP OF COMMON ELEMENTS to change the method used to determine the Percentage Ownership of Common Elements for each unit.

Certification: By affixing their signatures below, and acknowledging their signatures in the manner provided for acknowledgment of instruments and recording, the Chairperson and Secretary of Daybreak Cohousing Owners Association CERTIFY that this Second Amendment to the Bylaws of Daybreak Cohousing Owners Association has been adopted in accordance with the Bylaws and the provisions of ORS 100.410.

IT IS THEREFORE RESOLVED THAT:

On *June 14, 2020*, at a duly noticed meeting of the unit owners of Daybreak Cohousing Owners Association, pursuant to Section 15 of the Declaration authorizing amendment thereof, all owners agreed to amend the Declaration as follows:

Section 7 is replaced in its entirety with the following:

Each unit shall be entitled to a percentage undivided ownership interest in the common elements, as shown on the attached Exhibit B, which is determined by the ratio of the area of each unit plus 62.5% of the area of its assigned limited common elements to the total area of all units and 62.5% of limited common elements combined. Each unit owner's interest in the common elements shall be inseparable from the unit and any conveyance, encumbrance, judicial sale, or other transfer, voluntary or involuntary, of an undivided interest in the common elements shall be void unless the unit to which that interest is allocated is also transferred.

Exhibit B is replaced in its entirety with the following:

## **EXHIBIT B**

### **Unit Designations, Storage Space LCE Assignments, and Percentage Ownership of Common Elements**

#### **B.1 Definitions and Calculations**

- **Unit Square Footage (SF):** Is the internal square footage of the unit as determined during the reevaluation in 2020.
- **Unit Limited Common Element (LCE) SF:** Is equal to the sum of the units storage space, back yard, patio, and unit frontage as determined during the reevaluation in 2020.
- **LCE Discount:** Is equal to 62.5%. This discount was determined in 2020 by community consensus to better reflect the relative value (less than 100%) of limited common elements in the value and habitability of the units.
- **Total Square Footage of Unit & LCE:** Equals the sum of **Unit Square Footage (SF)** plus the **Unit Limited Common Element (LCE) SF multiplied by the LCE Discount**.

**Unit Square Footage (SF) + Unit Limited Common Element (LCE) SF \* LCE Discount.**

- **Percent Ownership of Common Elements:** Is the **Total Square Footage of Unit & LCE** divided by the sum of all units **Total Square Footage of Unit & LCE (28,335)** rounded to 4 decimal places and displayed as a percentage.

**Round (Total Square Footage of Unit & LCE / 28,335, 4)**



## B.2 Percentage Ownership of Common Elements

Unit Number	Assigned Storage Space	Unit Internal Square Footage (SF)	Unit Limited Common Element (LCE) SF	Total Unit Square Footage With LCE Discount	Percent Ownership of Common Elements
101	SS-101	1110	206	1,239	4.37%
102	SS-102	1031	274	1,202	4.24%
103	SS-103	640	213	773	2.73%
104	SS-104	853	381	1,091	3.85%
105	SS-105	862	383	1,101	3.89%
106	SS-106	865	386	1,106	3.90%
107	SS-107	665	449	946	3.34%
109	SS-109	1043	502	1,357	4.79%
201	SS-201	1110	95	1,169	4.13%
202	SS-202	1031	157	1,129	3.98%
203	SS-203	640	94	699	2.47%
204	SS-204	853	134	937	3.31%
205	SS-205	862	70	906	3.20%
206	SS-206	865	70	909	3.21%
207	SS-207	665	40	690	2.44%
209	SS-209	1043	102	1,107	3.91%
211	SS-211	866	70	910	3.21%
213	SS-213	664	247	818	2.89%
214	SS-214	736	126	815	2.88%
304	SS-304	853	134	937	3.31%
305	SS-305	862	70	906	3.20%
306	SS-306	865	71	909	3.21%
307	SS-307	848	44	876	3.09%
308	SS-308	840	44	868	3.06%
309	SS-309	840	44	868	3.06%
310	SS-310	840	44	868	3.06%
311	SS-311	840	44	868	3.06%
312	SS-312	848	44	876	3.09%
313	SS-313	664	55	698	2.46%
314	SS-314	736	30	755	2.66%
<b>TOTAL</b>		25,440		28,333	100.00%

All other provisions of the bylaws remain in full force and effect.

Daybreak Cohousing Owners Association

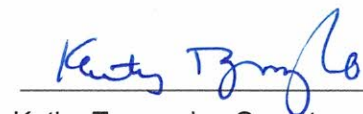
By:

  
Kenya Budd, Chairperson

10/22/2020

Daybreak Cohousing Owners Association

By:

  
Kathy Tymoczko, Secretary

10/22/2020

### Acknowledgment in an Individual Capacity

State of OREGON

County of Multnomah

This record was acknowledged before me on (date) 10-26, 2020 by

(name(s)) of individual(s) Ky Budd / Kathy Tymoczko  
Kenya Budd, Chairperson      Kathy Tymoczko, Secretary

Marilyn L Dawkins  
Notary Public - State of Oregon

Official Stamp



Document Description

This certificate is attached to page 4 of a AMENDMENT TO DECLARATION (title or type of document), dated 10/22, 2020, consisting of 4 pages.