

**COVENANTS, CONDITIONS AND RESTRICTIONS
OF
TOMAHAWK DESTINY ASSOCIATION, INC.
an Oregon Nonprofit Corporation**

WHEREAS, TOMAHAWK DESTINY ASSOCIATION, INC., an Oregon nonprofit corporation, is the owner of certain real property and improvements thereon situated in Multnomah County, Oregon, more particularly described as follows:

A parcel of land (dry and submerged) on the Southerly bank of Tomahawk Island located in Section 3, Township 1 North, Range 1 East, of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point which bears North $00^{\circ}25'44''$ East, 388.02 feet from the Northwest corner of the J. Switzler Donation Land Claim No. 38 and also being the most Southeasterly corner of Block 3, POPPEN ISLANDER ADDITION, said point also is 250 feet Southerly from, when measured parallel to the low water line on the Southerly bank of Tomahawk Island; thence following said 250 foot line downstream North $81^{\circ}40'15''$ West, 413.80 feet; thence North $71^{\circ}37'10''$ West, 332.50 feet; thence North $69^{\circ}53'25''$ West, 250.00 feet; thence North $61^{\circ}19'20''$ West, 135.00 feet; thence North $62^{\circ}10'05''$ West, 153.00 feet; thence North $59^{\circ}15'50''$ West, 155.00 feet; thence North $55^{\circ}04'15''$ West, 641.39 feet; thence North $42^{\circ}23'20''$ West, 212.66 feet; thence leaving said line North $30^{\circ}02'00''$ East, 75.00 feet; thence North $4^{\circ}49'13''$ West, 288.72 feet; thence North $30^{\circ}02'00''$ East, 110.00 feet, more or less, to the Southerly right of way line of N. Tomahawk Island Drive; thence along said right of way line South $49^{\circ}59'00''$ East, 284.31 feet, more or less, to the Northwesterly corner of Lot 21, Block 1, LOTUS ISLE ADDITION; thence South $30^{\circ}02'00''$ West, along said Lot 21 and the extension thereof 244.88 feet; thence South $60^{\circ}04'10''$ East, 822.02 feet; thence North $30^{\circ}02'00''$ East, 60.00 feet to the Southeast corner of Lot 6, Block 1, LOTUS ISLE ADDITION; thence along the Southerly line of LOTUS ISLE ADDITION South $61^{\circ}39'00''$ East, 47.07 feet; thence South $58^{\circ}38'12''$ East, 122.97 feet; thence South $61^{\circ}25'20''$ East, 140.06 feet; thence along the Easterly line of LOTUS ISLE ADDITION, North $19^{\circ}00'00''$ East, 73.18 feet; thence South $71^{\circ}00'00''$ East, 31.44 feet; thence along the arc of a 177.74 foot non-tangent radius curve left, thru a central angle of $13^{\circ}17'32''$ a distance of 41.23 feet to a point which bears North $3^{\circ}20'14''$ West, 41.14 feet from the last described point; thence North $9^{\circ}59'00''$ West, 74.00 feet; thence along the arc of a 135.00 foot radius curve right, thru a central angle of $22^{\circ}01'00''$ a distance of 63.40 feet to a point which bears North $01^{\circ}01'28''$ East, 63.01 feet from the last described point; thence North $12^{\circ}02'00''$ East, 84.96 feet to a point on the Southerly right of way line of NE Tomahawk Island Drive; thence along said right of way line on the arc

of a 970.00 foot radius curve right, thru a central angle of 4°57'59" a distance of 84.08 feet to a point which bears South 73°29'00" East, 84.06 feet from the last described point; thence South 71°00'00" East, 487.00 feet; thence along the arc of a 530.30 foot radius curve right, thru a central angle of 11°32'26" a distance of 106.81 feet to a point which bears South 65°13'47" East, 106.63 feet from the last described point; thence along the arc of a 590.30 foot radius curve left, thru a central angle of 12°30'56" a distance of 128.94 feet to a point which bears South 65°43'02" East, 128.69 feet from the last described point; thence leaving said right of way line along the West line of the Columbia River Yacht Club Parcel South 00°25'51" West, 665.28 feet to the point of beginning.

EXCEPTING THEREFROM that portion described as Block 4, POPPEN ISLANDER ADDITION, in the City of Portland, County of Multnomah and State of Oregon

together with all easements, riparian rights and water rights appurtenant thereto, together with the pilings, ramps, slips, walkways and similar structures in and on the waterway known as the Oregon Slough adjacent to the above-described real estate, which comprise a residential floating home moorage with associated parking commonly known as Tomahawk Island Floating Home Moorage (the "Moorage").

WHEREAS, Declarant desires to declare of public record notice of certain protective covenants, conditions and restrictions.

THEREFORE, Declarant does hereby declare that the following protective Covenants, Conditions and Restrictions:

1. Shall become and are hereby made a part of any and all conveyances, encumbrances, hypothecations, improvements, occupations and uses of the *Moorage and any portion thereof; and
2. Shall by reference become part of any and all conveyances, encumbrances, hypothecations, improvements, occupations and uses of the Moorage and any portion thereof, shall run with the property, shall be binding on all parties having or acquiring any right, title or interest therein, and shall apply thereto as fully and with the same effect as if set forth fully therein.

ARTICLE I DEFINITIONS

- 1.01 "**ASSOCIATION**" shall mean and refer to Tomahawk Destiny Association, Inc., an Oregon nonprofit corporation.

1.02 "DECLARANT" shall mean Tomahawk Destiny Association, Inc., an Oregon nonprofit corporation, its successors and assigns.

1.03 "BOARD" or "BOARD OF DIRECTORS" shall mean the Board of Directors of Tomahawk Destiny Association, Inc., an Oregon nonprofit corporation.

ARTICLE II
OWNER ASSOCIATION

These protective covenants, conditions and restrictions include by reference thereto all ARTICLES, BYLAWS, RULES and REGULATION of the Association as may be in force from time to time. Current ARTICLES, BYLAWS, RULES and REGULATIONS may be viewed, or copies obtained at a reasonable cost at the principal offices of the Association:

490 N Tomahawk Island Drive
Portland, OR 97217

or at such address as may be designated by the board of Directors from time to time.

IN WITNESS WHEREOF, the Declarant caused its name to be subscribed to by its Board of Directors on this ____ day of _____, 1999.

TOMAHAWK DESTINY ASSOCIATION, INC.,
an Oregon nonprofit corporation

By: _____
Don R. Carlson

By: _____
Carol A. Hurst

By: _____
Donald E. Gire

By: _____
Carolyn A. Dickey

By: _____
Pamela Mangene

By: _____
James V. Frohnmayer, DMD

By: _____
James D. Tower

STATE OF OREGON)
) ss:
County of Multnomah)

On this ____ day of May, 1999, before me appeared Don R. Carlson, Carolyn A. Dickey, James V. Frohnmayer, DMD, Donald E. Gire, Carol A. Hurst, Pamela Mangene and James D.

Tower, who being duly sworn, did say that they are the Officers and Directors of Tomahawk Destiny Association, Inc., and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that this instrument was signed and sealed on behalf of said corporation.

Before me:

Notary Public for Oregon

Tomahawk.C