

Requested by Senator GOLDEN

**PROPOSED AMENDMENTS TO
SENATE BILL 503**

1 In line 2 of the printed bill, after “associations” insert “; amending ORS
2 94.590”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1.** ORS 94.590 is amended to read:

5 “94.590. (1)(a) The declaration may be amended only with the approval of
6 owners representing at least 75 percent of the total votes in the planned
7 community or any larger percentage specified in the declaration.

8 “(b) An amendment under this section may not:

9 “(A) Limit or diminish any right of a declarant reserved under ORS 94.580
10 (3) or (4) or any other special declarant right without the consent of the
11 declarant. A declarant may waive the declarant’s right of consent.

12 **“(B) Unless the owners of the affected lots or units unanimously**
13 **consent to the amendment,** change the boundaries of any lot or any uses
14 to which any lot or unit is restricted as stated in the declaration under ORS
15 94.580 (2)(m) or change [*the method of determining liability for common ex-*
16 *penses, the method of determining the right to common profits or*] the method
17 of determining voting rights of any lot or unit [*unless the owners of the af-*
18 *ected lots or units unanimously consent to the amendment*].

19 “(c) Any changes to the plat, including required approvals or consents of
20 owners or others, are governed by the applicable provisions of ORS 92.010
21 to 92.192.

1 “(2)(a) Unless otherwise provided in the declaration, an amendment to the
2 declaration may be proposed by a majority of the board of directors or by
3 at least 30 percent of the owners in the planned community.

4 “(b) When the [*association adopts*] **owners adopt** an amendment to the
5 declaration, the association shall record the amendment in the office of the
6 recording officer in each county in which the planned community is located.
7 An amendment of the declaration is effective only upon recordation.

8 “(3) Notwithstanding a provision in a declaration that requires amend-
9 ments to be executed and acknowledged by all owners approving the amend-
10 ment, amendments to a declaration under this section shall be executed and
11 certified on behalf of the association by the president and secretary as being
12 adopted in accordance with the declaration and the provisions of this section
13 and acknowledged in the manner provided for acknowledgment of deeds.

14 “(4) An amendment to a declaration or plat shall be conclusively pre-
15 sumed to have been regularly adopted in compliance with all applicable
16 procedures relating to such amendment unless an action is brought within
17 one year after the date such amendment was recorded or the face of the re-
18 corded amendment indicates that the amendment received the approval of
19 fewer votes than required for such approval. However, nothing in this sub-
20 section shall prevent the further amendment of an amended declaration or
21 plat.

22 “(5) During any period of declarant control, voting on an amendment un-
23 der subsection (1) of this section shall be without regard to any weighted
24 vote or special voting right reserved by the declarant except as otherwise
25 provided under ORS 94.585. Nothing in this subsection is intended to pro-
26 hibit a declarant from reserving the right to require the declarant’s consent
27 to an amendment during the period reserved in the declaration for declarant
28 control.

29 “(6) The board of directors, upon the adoption of a resolution, may cause
30 a restated declaration to be prepared and recorded to codify individual

1 amendments that have been adopted in accordance with this section or ORS
2 94.585 without the further approval of owners. A declaration restated under
3 this subsection must:

4 “(a) Include all previously adopted amendments in effect and may not in-
5 clude any other changes except to correct scriveners’ errors or to conform
6 format and style;

7 “(b) Include a statement that the board of directors has adopted a resol-
8 ution in accordance with this subsection and is causing the declaration to
9 be restated and recorded under this subsection;

10 “(c) Include a reference to the recording index numbers and date of re-
11 cording of the initial declaration and all previously recorded amendments in
12 effect being codified;

13 “(d) Include a certification by the president and secretary of the associ-
14 ation that the restated declaration includes all previously adopted amend-
15 ments in effect and no other changes except, if applicable, to correct
16 scriveners’ errors or to conform format and style; and

17 “(e) Be executed and acknowledged by the president and secretary of the
18 association and recorded in the deed records of each county in which the
19 planned community is located.”.

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