

After Recording Return to:

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Multnomah County Official Records
R Weldon, Deputy Clerk

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\$46.00

AMENDMENT TO BYLAWS OF

ELIZABETH LOFTS CONDOMINIUMS OWNERS' ASSOCIATION

The Bylaws of Elizabeth Lofts Condominiums Owners' Association were recorded as an exhibit to the Declaration of Condominium Ownership for Elizabeth Lofts Condominiums recorded on February 1, 2005, in the Multnomah County records as Instrument No. 2005-018624 (the "Bylaws").

Section 10.2 of the Bylaws provides that, except for certain matters not relevant to this Amendment, amendments to the Bylaws may be adopted by a majority of the owners within the Condominium.

The Condominium consists of Primary Units, including both Residential Units, Retail Units, and Parking Units located in a garage, Storage Units, and other general and limited common element areas, including, without limitation, interior hallways, elevators, balconies, and an outdoor plaza area.

A majority of the owners at Elizabeth Lofts Condominiums voted to adopt the following amendments to the Bylaws prohibiting smoking of tobacco or any other materials in any portion of the Condominium, including within any units, all general common element areas, and all limited common element areas, inside and outside.

Section 7.3 contains provisions that may limit the effectiveness of this Amendment in some portions of some of the Retail Units, limitations that are addressed below.

NOW, THEREFORE, the Bylaws are hereby amended as follows:

A new Section 7.29 is hereby added to the Bylaws, which shall read in its entirety as follows:

7.29 Smoking Prohibited. Except as specifically provided below with respect to certain Retail Units, from and after July 1, 2012, smoking of any materials anywhere in or on any portion of the Condominiums, including, without limitation, any Primary Unit (including any Residential Unit and any Retail Unit), any Parking Unit, any Storage Unit or in or on any general common element area or in or on any limited common element area, whether indoors or outdoors, is expressly prohibited, except in a smoking area that may be designated from time to time by the Board of Directors, if any. This prohibition applies to the burning or smoking of any materials, including, without limitation, cigarettes, cigars,

pipes, spice or herbs, marijuana, hashish or any other substance or material, regardless of whether the same may be otherwise legal under state law or under county or city ordinances.


The last sentence of Section 7.3 of the Bylaws prohibits the Board of Directors from prohibiting smoking in a Retail Unit or in the limited common element portion of the plaza adjacent to and reserved for the exclusive use of such Retail Unit, and Section 10.2 of the Bylaws prohibits amendment of the Bylaws in a manner that eliminates or impairs the rights or privileges pertaining to the Retail Units without the approval of the owners of such Retail Units. The undersigned Chairman and Secretary of Elizabeth Lofts Condominiums Owners' Association hereby certify that the adoption of the foregoing Amendment prohibiting smoking was approved by the owners of, and therefore specifically applies to, the following Retail Units and the limited common element plaza areas appertaining to such Retail Units: RU 105, 106, 108, and 109.

The undersigned hereby further certify that the foregoing Amendment was not approved by the owners of the following Retail Units, and therefore specifically does not apply to the following Retail Units and the limited common element plaza areas appertaining to such Retail Units: RU 101-104, 107, and 110-115.

The failure or refusal of the owner of any Retail Unit to approve the foregoing Amendment shall not limit the ability of the Association or any unit owner to enforce any other provision of the Declaration, Bylaws, or Rules and Regulations of the Association, including, without limitation, Section 7.12, Section 7.10, Section 7.9, or Section 7.3 of the Bylaws as it relates to any such Retail Unit or its appurtenant limited common element area. Subsequent to the recordation of this Amendment, the owner of any Retail Unit who had not initially consented to the foregoing Amendment may later consent to the same, and an instrument may be recorded signed by the then-Chairman and Secretary of the Association and the then-owner of the applicable Retail Unit evidencing such consent, whereupon such Amendment shall be deemed to have been approved by the Owner of, and shall therefore specifically apply to, such Retail Unit and its appurtenant limited common element plaza area.

Capitalized terms used in this Amendment shall have the same meaning set forth in the Association's Declaration or Bylaws, as applicable.

IN WITNESS WHEREOF, the Chairman and Secretary have hereunto set their hands this 11th day of June, 2012.


Chairman

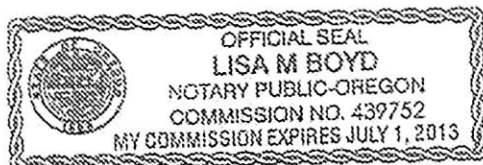

Secretary

(ACKNOWLEDGMENTS ON FOLLOWING PAGE)

STATE OF OREGON)

County of MULTNOMAH) ss. JUNE 11, 2012

Personally appeared before me the above-named ROD W. BROOKSHIRE and who, being duly sworn, did say that he is the **Chairman** of Elizabeth Lofts Condominiums Owners' Association, and that said instrument was signed in behalf of said Association by authority of its Board of Directors, and acknowledged said instrument to be its voluntary act and deed.

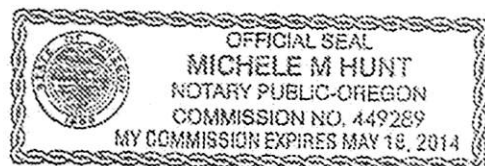


Lisa M. Boyd
Notary Public for Oregon

STATE OF OREGON)

County of Multnomah) ss. June 12, 2012

Personally appeared before me the above-named Judith Arnell and who, being duly sworn, did say that she is the **Secretary** of Elizabeth Lofts Condominiums Owners' Association, and that said instrument was signed in behalf of said Association by authority of its Board of Directors, and acknowledged said instrument to be its voluntary act and deed.



Michele Hunt
Notary Public for Oregon