

## Annual Report from the Chair of Riverbank HOA - 2025

Good evening, everyone. Despite a challenging start to our Board year, I'm pleased to report that we accomplished several significant improvements for our community with the dedicated help of our volunteer Board, Social Committee, and member volunteers.

**Community Events:** Our Social Committee, led by Joanne Houseworth, Sue Barton-Venner, and Mary Latimer, created wonderful opportunities for neighbors to connect. They organized a Summer Barbecue where members contributed dishes to complement HOA-provided grilled items, a Halloween celebration with decorations, costume contest and entertainment, and a Holiday party for our neighborhood children. Thank you to these volunteers for building our sense of community.

**Clubhouse Improvements:** This winter, Gordon Rabing and Chris Seigneur led capital improvement planning project focused on projects with quick payback for members. We replaced the old baseboard heaters with efficient wall-mounted units, dramatically improving both cold-season usability and reducing our electric bills. Additional improvements included spring cleaning (ongoing) and upgraded overhead and wall lighting, soon to be installed.

**Grounds and Maintenance:** We pressure-washed the courts after pollen season and secured a new, cost-effective landscaping contract with the same provider our neighboring condos use, resulting in savings for our HOA. The clubhouse walkways were leveled, cleaned and the exterior, rook and gutters cleaned during the spring cleanup.

**Administrative Matters:** The Board successfully managed documentation requirements for one home sale this year, and we welcome the Knoll family to our neighborhood.

**HOA Membership:** Most importantly, we retained VF-Law, a specialized HOA legal firm, to conduct a comprehensive review of Riverbank HOA membership—a critical question that required professional legal analysis.

### Tonight's Agenda includes:

- Results of our legal membership review
- Review of financial statements
- Secretary and Social Committee Report
- Election of two new Board members
- Vote on insurance and legal expenses
- Gather your input for our 2026 priorities

Following tonight's meeting, the new Board will meet within 10 days to approve the budget and set dues for the coming year. All decisions will be communicated via email and posted on our website.

Thank you for your participation in our community.

*Liz Hammack*

Riverbank HOA, Chair

*Reviewed at the Annual HOA Meeting on 7/24/2025 to attending Homeowners.*

## **RESULTS OF THE LEGAL REVIEW OF RIVERBANK HOA MEMBERSHIP 2025**

After a title search and a legal review by VF-Law Firm they concluded the following about the Riverbank HOA Membership:

- Riverbank No. 1 properties are members of the HOA – 10 Homes
- Riverbank No. 2 properties are members of the HOA – 18 Homes
- The Rockycrest Condo Units are members of the HOA – 3 Condos
- Riverbank No.3 – 2 Homes are members of the HOA
- Total Legal Membership in HOA is 33 Homes

Because of the intent to bring Riverbank No. 3 into the HOA, but it was never done by the developer, any historic homeowner that can show that they were given constructive notice of Riverbank HOA Membership prior to or at the time of signing for the purchase of their home, and they are interested in HOA Membership should contact a Board Member with the information they have. We will work with you to re-establish your membership.

## SUMMARY OF THE TITLE WORK AND CONCLUSIONS ABOUT LEGAL MEMBERSHIP STATUS

Email information from Lars Hubbard | Attorney VF Law | [www.vf-law.com](http://www.vf-law.com)

Friday 5/30/2025 3:24pm, Tuesday 6/3/2025 5:29pm and 5:33pm and Tuesday 7/15/2025 4:45pm

Original emails saved to the HOA records

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By the Declaration all Lots in Riverbank and Riverbank No.2 are subject to the Riverbank Homeowners Association.

A title search of Lots 1-7 of Riverbank No. 3 was undertaken to determine if the deeds and chain of title contain reference to the 1973 Declaration for the HOA to determine if they had notice of the membership at their time of purchase.

The deed information is summarized, without owner information, and the Legal opinion is included. Each lot has a different story with respect to title records and what the original vesting deed and/or latest vesting deed provides.

### Lot 1 - 484 Hebb Park Road

The 1984 Statutory Warranty Deed subjects the property to three items.

- CCRs. Covenants, conditions and restrictions recorded March 18, 1964, in Book 637, page 274 as amended by an instrument recorded September 25, 1968, as Fee no 68-19822
- Peach Cove CCRs are the Declaration of Protective Residential Covenants, Reservations and Restrictions in an Unrecorded Plat within Peach Cove in Clackamas County Oregon. This appears to be a set of CC&Rs for an Association that was not ultimately organized, the land instead becoming Riverbank No. 3.
- Peach Cove CCRs Amendment. The Modification of Protective Residential Covenants, Reservations and Restrictions in an Unrecorded Plat within Peach Cove in Clackamas County, Oregon which releases the property from a boat moorage obligation . Plat restrictions: The Plat of Riverbank No. 3 does not include any restrictions. Plat easements: The Plat of Riverbank No. 3 does not include any easements at issue here (it includes easements for drainage, utilities, conservation, etc.).

Conclusion. Lot 1 will not be subject to the Association or its assessments unless it can be shown that the owners had notice of the Association and its requirements. There is no constructive notice in the most recent or original vesting deed of the property.

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### **Lot 2 – 476 Hebb Park Road**

The 1985 Deed is encumbered by:

- Riverbank CCRs. Declaration of conditions and restrictions record December 3, 1793, as recorder's fee no 73 37271.

Conclusion. Lot 2 is subject to the Association and its assessments as property platted as Riverbank and subject to the Declaration.

### **Lot 3 – 466 Hebb Park Road**

- The 1982 Statutory Warranty Deed subject the property to only "Conditions, Restrictions, Easements, and Powers of Special Districts, if any"
- The 1981 Statutory Warranty Deed is nearly indecipherable but it can be read that the "said property is free from encumbrances except" followed by a blank space.
- The 2022 Statutory Warranty Deed notes 11 encumbrances which include the Peach Tree Declaration and certain utility agreements but do not include the Riverbank Declaration.

Conclusion. Lot 3 will not be subject to the Association or its assessments unless it can be shown that the owners had notice of the Association and its requirements. There is no constructive notice in the most recent or original vesting deed of the property.

### **Lot 4 – 454 Hebb Park Road**

- The 1981 Statutory Warranty Deed to Arcan Homes is nearly indecipherable but it can be read that the "said property is free from encumbrances except" followed by a blank space.

Conclusion. Lot 4 will not be subject to the Association or its assessments unless it can be shown that the owners had notice of the Association and its requirements. There is no constructive notice in the most recent or original vesting deed of the property.

### **Lot 5 – 31220 River Lane Road**

- The 1988 Statutory Special Warranty Deed is free and clear of encumbrances.
- The 2000 Statutory Warranty Deed is free of encumbrances except for:
  - Peach Cove CCRs. Fee 68-19822, 68-20277, and 84 21738 ("among other things, levies and assessment of Peach Cover Homeowners Association").
  - CCRs. Riverbend-Riverbank Water Improvement District, fee 84-41825
  - Easements. Including those for conservation and utilities.

Conclusion. Lot 5 will not be subject to the Association or its assessments unless it can be shown that the owners had notice of the Association and its requirements. There is no constructive notice in the most recent or original vesting deed of the property.

### **Lot 6 – 446 Hebb Park Road**

- The 1990 Warranty Deed to is “free from all encumbrances.”
- The 2020 Statutory Bargain and Sale Deed subjects the property to “any and all encumbrances of record” without more.

Conclusion. Lot 6 will not be subject to the Association or its assessments unless it can be shown that the owners had notice of the Association and its requirements. There is no constructive notice in the most recent or original vesting deed of the property.

### **Lot 7 – 31195 River Lane Road**

The 2018 Statutory Warranty Deed is burdened by 8 exceptions which include both the Peach Cove CCRs and the Riverbank CCRs. Exception 3, Document No. 73-037271 identifies the Riverbank Declaration.

The 1986 Special Warranty Deed is only encumbered by a contract recorded as 85-37608.

Conclusion. Lot 7 is subject to the Association and its assessments as property platted as Riverbank and subject to the Declaration.

### **30830 SW River Lane Road**

1976 Warranty Deed subjects the property to:

- Peach Cove CCRs
- Amendment to Peach Cove CCRs.

2016 Statutory Warranty Deed subjects the property to:

- Peach Cove CCRs.
- Second Amendment to Peach Cove CCRs. 84-021737.
- 84-041825 (Riverbend-Riverbank Water Improvement District CCRs)

The chain of title is not burdened by the Declaration of Riverbank.

Conclusion. 30830 SW River Lane Road will not be subject to the Association or its assessments unless it can be shown that the owners had notice of the Association and its requirements. There is no constructive notice in its recorded chain of title.

### **30801 SW River Lane Road**

The 1979 Warranty Deed is free from all encumbrances and is the only deed transferring ownership of this parcel.

Conclusion. 30801 SW River Lane Road will not be subject to the Association or its assessments unless it can be shown that the owners had notice of the Association and its requirements. There is no constructive notice in its recorded chain of title.

### **30810 SW River Lane Road**

The 1979 Warranty Deed s encumbered by “the statutory powers, including the powers of assessment, of Riverbank Condominium Service” including:

- Peach Cove CCRs.
- Amendment to Peach Cove CCRs.
- Riverbank CCRs. “Conditions, Restrictions and Set-back lines in Declaration [...] recorded December 3, 1973, Fee No. 73 37271, and amended by [...] Fee No. 76.3960.

Conclusion. 30810 SW River Lane Road is subject to the Association and its assessments as property platted as Riverbank and subject to the Declaration.

### **448 Hebb Park**

The 1997 Statutory Warranty Deed is not burdened by the Riverbank CCRs. A full title plant report was not received from title for this property and the original vesting deed must be reviewed.

Conclusion. There is no suggestion from the reviewed evidence that this property is subject to the Riverbank Declaration.

## **FAQs and Answers from VF-Law:**

**Is there any legal precedent for including the owners of lots in Riverbank No.3 in the HOA because of the language in the Declarations . ? .. "composed of owners of lots and building sites in Riverbank, Riverbank No.2 and any subsequent plats of Riverbank.**

Yes – through the self-executing annexation language of Section 2.1 above.

The Association can argue Riverbank No. 3 lots are annexed by Section 2.1's language and the plat date falling within the reserved development period. However, certain owners may have a stronger position than the Association and certainly a litigable one if their deeds and chain of title contain no reference to the 1973 Declaration (true for some and not for others) because no standalone recorded annexation instrument exists, the plat for Riverbank No. 3 is silent with regards to the Declaration, and if the Association has failed to assess or include them historically.

An Oregon court might find constructive notice lacking and refuse to enforce the assessment requirement. The burden would likely be on the Association to prove that the owners had actual or constructive notice and that the annexation was valid and enforceable. This could/would be done on a address by address basis depending on what records are available.

**Can the HOA have voluntary, paying, non-voting members in the HOA, so they can use the clubhouse and sports courts during an annexation process? If not, why not?**

"The Association cannot do this without an amendment to the Declaration. There is a world where individuals who are not members of the Association could be allowed to pay to use the clubhouse and sports courts, but that is a whole different can of worms."

**Do all the members of a Plat need to vote in favor of annexation, or can the annexation be done on a lot-by-lot basis?**

"Annexation can be done on a lot-by-lot basis in that lots can be annexed one at a time, but any annexation of additional property will require a vote of entire the ownership."

**For lots within HOA boundaries but not in a plat, can they be annexed?**

"Yes, additional lots not currently plated as Riverbank can be annexed."

**Will we need to update the Bylaws and/or Declarations to annex properties?**

"Yes, The Declaration must be amended or supplemented to legally bind new lots."

Riverbank HOA Membership		
471	Riverbend Drive	1945 Riverbank 2 - Blk 3 - Lot 2
476	Hebb Park Road	2587 Riverbank 3 - Lot 2
483	Riverbend Drive	1945 Riverbank 2 - Blk 3 - Lot 1
30796	River Lane Road	PS15390 1945 Riverbank 2 -Amended Lot 1, BLK 4
30810	River Lane Road	PS25309 Tract A (includes part of Lot 1, BLK 4)
30811	River Lane Road	1945 Riverbank 2 - Blk 2 - Lot 4
30841	River Lane Road	1945 Riverbank 2 - Blk 2 - Lot 3
30880	River Lane Road	1945 Riverbank 2 - Blk 2 - Portion of Lot 6
30920	River Lane Road	1945 Riverbank 2 - Blk 3 - Lot 5
30925	Riverwood Drive	PS15390 - Amended Lot 7, Block 3, Riverbank 2
30930	River Lane Road	1945 Riverbank 2 - Blk 3 - Lot 4
30940	River Lane Road	1945 Riverbank 2 - Blk 3 - Lot 3
30946	River Lane Road	1945 Riverbank 2 - Blk 3 - Tract B
30950	River Lane Road	1944 Riverbank - Lot 1
30951	River Lane Road	1945 Riverbank 2 - Blk 2 - Lot 1
30991	River Lane Road	1945 Riverbank 2 - Blk 2 - Lot 2
31000	River Lane Road	1944 Riverbank - Lot 2
31010	River Lane Road	1944 Riverbank - Lot 3
31015	Riverwood Drive	1945 Riverbank 2 - Blk 3 - Lot 7
31030	River Lane Road	1944 Riverbank - Lot 4
31031	River Lane Road	1945 Riverbank 2 - Blk 2 - Lot 5
31050	River Lane Road	1944 Riverbank - Lot 5
31070	River Lane Road	1944 Riverbank - Lot 6
31075	River Lane Road	1945 Riverbank 2 - Blk 2 - Portion of Lot 6

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31110	River Lane Road	1944 Riverbank - Lot 7
31135	River Lane Road	1945 Riverbank 2 - Blk 2 - Tract A
31138	River Lane Road	1944 Riverbank - Lot 8
31160	River Lane Road	2119 Rockycrest Condo - Unit C - Lot 9 Riverbank
31170	River Lane Road	2119 Rockycrest Condo - Unit A- Lot 9 Riverbank
31180	River Lane Road	2119 Rockycrest Condo - Unit B - Lot 9 Riverbank
31190	River Lane Road	1944 Riverbank - Lot 10
31195	River Lane Road	2587 Riverbank 3 - Lot 7
31204	River Lane Road	1944 Riverbank - Lot 11

**Properties determined not to be in Riverbank HOA – no evidence of**  
Declarations on Vesting Deed or any other transfer deed

## **Riverbank HOA Non-Members as of 7/2025**

<b>Address</b>	<b>Street</b>	<b>Plat Lot Description</b>
454	Hebb Park Road	2587 Riverbank 3 - Lot 4
466	Hebb Park Road	2587 Riverbank 3 - Lot 3
484	Hebb Park Road	2587 Riverbank 3 - Lot 1
31220	River Lane Road	2587 Riverbank 3 - Lot 5
446	Hebb Park Road	2587 Riverbank 3 - Lot 6
448	Hebb Park Road	Survey PS155544 Parcel B
30830	River Lane Road	Survey PS8188 Parcel A
30801	River Lane Road	Survey PS15544 Parcel A

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