SCOTT DOYLE, CLERK
LARIMER COUNTY CO
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FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR TRAIL CREEK LANDOWNERS' ASSOCIATION

Definitions.

"The Association" means the Trail Creek Landowners' Association.

"The Protective Covenants" mean the Declaration of Covenants, Conditions, and Restrictions for the Trail Creek Landowners' Association recorded October 11, 1979, in Book 1994 at Page 978, Reception No. 331837 of the Larimer County, Colorado records

"The Property" means the real property described in the Declaration, legally described on Exhibit "A" attached hereto and incorporated herein by reference.

Recitals.

Article IX, Section 3, of the Protective Covenants provide that the Protective Covenants may be amended in whole or in part by the record owners of two-thirds of the Land Area within the Property. This First Amendment has been adopted by the record owners of two-thirds (2/3) of the Land Area within the Property in the manner provided in the Colorado Interest Ownership Act.

The Property shall be held, sold, conveyed, transferred, leased, subleased, and occupied subject to the easements, covenants, conditions, and restrictions set forth in the Protective Covenants as herein amended and modified, which shall run with the Property and shall be binding upon and inure to the benefit of all persons and entities having any right, title, or interest in or to the Property or any portion thereof, their heirs, personal representatives, successors, and assigns.

Amendments.

The Protective Covenants are hereby amended as follows:

1. The last sentence of Article II, Section 3 is hereby amended and restated in its entirety as follows:

> This easement so reserved shall be for the purpose of fishing and hiking only and shall specifically exclude camping.

2. The maximum amount of the assessment for common expenses permitted by Article V, Section 2 of the Protective Covenants shall not exceed $100.00 per year per tract or parcel of the Property.

Liley, Rogers & Martell, LLC
300 S. Howes Street
Ft. Collins, CO 80521

3. The following shall be added at the end of Article VII, Section1:

No structure shall be constructed or erected contrary to building, zoning or subdivision laws. A violation of any applicable zoning resolution, subdivision regulation, or building code shall be a violation of these Protective Covenants. All owners shall provide the Association with a copy of any building permit for proposed structures on any tract or parcel of the Property within ten (10) days after the permit is issued.

4. Article IX, Section 3, is amended and restated as follows:

Section 3: Term of Declaration. These covenants, conditions, and restrictions for the Association shall run with the land and shall be binding upon all persons now owning lots, tracts, or parcels of the Property and any persons hereafter acquiring lots, tracts, or parcels of the Property and shall be in effect in perpetuity unless amended or terminated as provided herein.

5. The following shall be added as a new Section 4 to Article IX:

Section 4: Amendments and Repeal. Any provisions, covenants, conditions, or restrictions contained in this Declaration, including the term of this Declaration, may be amended or repealed upon approval of the amendment or repeal by Owners in good standing in the Association and entitled to vote, holding sixty-seven percent (67%) or more of the votes of Owners present in person or by proxy at a meeting of the Owners called for such purpose at which a quorum is present; provided that fifty-one percent (51%) or more of all votes entitled to be cast by all Owners are cast in favor of such amendment or repeal. The approval of any such amendment or repeal shall be effective upon the recording in the office of the Clerk and Recorder of Larimer County, Colorado, of a certificate executed by the appropriate officer of the Association setting forth the amendment or repeal that has been approved by Owners.

6. The Owners hereby adopt the Colorado Common Interest Ownership Act.

7. By execution of this First Amendment on behalf of the Association, the undersigned being the President of the Association hereby certifies on behalf of the Association pursuant to C.R.S. § 38-33.3-217(5) that the foregoing First Amendment to the Declaration of Covenants, Conditions and Restrictions for Trail Creek Landowners' Association was approved and adopted by the affirmative vote of the record owners of two-thirds or more of the Land Area within the Property at a meeting of the Association held on June 5, 2004.

IN WITNESS WHEREOF, the Trail Creek Landowners' Association has adopted and hereby executes this First Amendment this ____ day of November, 2004.

TRAIL CREEK LANDOWNERS' ASSOCIATION

By: _____
~~Jeffrey L. Maust~~, President
Leonard L. O'Neill

STATE OF COLORADO)
)ss:
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of November, 2004, by Jeffrey L. Maust, as President of TRAIL CREEK LANDOWNERS' ASSOCIATION.

Witness my hand and official seal.

My Commission Expires: My Commission Expires April 10, 2005

STATE OF ... SHERRY L. GILMORE NOTARY PUBLIC

Sherry L. Gilmore
Notary Public