

**FIRST AMENDMENT TO DECLARATION OF  
PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
COLORADO'S TIMBER RIDGE SUBDIVISION**

This First Amendment to the Declaration of Protective Covenants, Conditions and Restrictions for Colorado's Timber Ridge Subdivision (Declaration) is made this 7 day of January, 2013, by the Members in accordance with Article XIV, Section B, as limited by CRS §38-33.3-217(1)(a)(I).

WHEREAS, the Declaration was executed on July 29, 1999, and recorded in the Office of the County Clerk and Recorder of Archuleta County, Colorado, on August 26, 1999, at Reception No. 99008651, and provided for 76 lots in Phase One of Colorado's Timber Ridge Subdivision ("Subdivision"); and

WHEREAS, The First Supplemental Declaration was executed on November 27, 2000, and recorded in the Office of the County Clerk and Recorder of Archuleta County, Colorado, on December 5, 2000, at Reception No. 20011530, and provided for an additional 50 lots in Phase Two of the Subdivision and 33 lots in Phase Three of the Subdivision; and

WHEREAS, the Second Supplemental Declaration was executed on April 25, 2002, and recorded in the Office of the County Clerk and Recorder of Archuleta County, Colorado, on December 18, 2002, at Reception No. 20212642, and provided for an additional 44 lots in Phase Four of Colorado's Timber Ridge Subdivision; and

WHEREAS, The right of the Declarant to bring within the scheme of this Declaration, and make subject to the provisions hereof, additional contiguous properties or phases has expired; and

WHEREAS, the Colorado's Timber Ridge Homeowners Association ("the Association") wishes to add Phase Five to the Subdivision on the terms and conditions contained in this First Amendment to the Declaration.

NOW THEREFORE, pursuant to the written consent of the owners of at least sixty-seven percent of the lots in the Subdivision, the President of the Association has executed this First Amendment to the Declaration and caused it to be recorded in the Office of the County Clerk and Recorder of Archuleta County, Colorado, as provided by Article XIV, Section B of the Declaration as limited by CRS §38-33.3-217(1)(a)(I).

**First.** Article XII, Section A.1 shall be amended in its entirety to state as follows:

- "1. The owners of sixty-seven percent (67%) of the existing lots in the Subdivision may amend the Declaration to bring additional lands within the scheme of this Declaration, and make such lands subject to the provisions hereof, provided that such additional lands were included in Exhibit A to the Declaration. All owners

of the property covered hereby shall be subject to this Declaration and shall be members of the Association and their property shall be subject to assessment for the Association's expenses on the same basis as the other lots contained in the Subdivision as determined by the Board of Directors of the Association.”

**Second.** Pursuant to Article XII, Additions to Property, of the Declaration as amended herein, the Association by execution and recordation of this First Amendment to the Declaration hereby encumbers and extends the coverage of the Declaration to the real property described on Exhibit E attached hereto and designated as Phase Five. Phase Five as described in the attached Exhibit E refers to a continuation of and an additional phase of the Subdivision. Phase Five consists of nine parcels each of which shall be at least 35 acres in size. The legal description of the parcels in Phase Five shall be Colorado's Timber Ridge Subdivision, Phase Five, Lots 1 through 8 and Colorado's Timber Ridge Subdivision Equestrian Center. None of the lots in Phase Five may be further subdivided. All of the lots in Phase Five shall be entitled to development on the same basis as and subject to the same restrictions as other lots in the Subdivision as set forth herein and in the Declaration as amended.

**Third.** The following Amendments Declaration shall apply to the Parcels and resulting lots located in Phase Five:

1. Article II, Section A.8 of the Declaration shall be amended to add the following sentence at the end of the Section: “The term “Common Properties” shall not apply to any parcels or lots owned by the Association in Phase Five except for the Equestrian Center.”

2. Article II, Section A.12 of the Declaration shall be amended to state: ““Equestrian Center” shall refer to that part of Colorado's Timber Ridge Subdivision Phase Five which is designated Equestrian Center on the Plat thereof. The Equestrian Center shall be a recreational amenity to support horsemanship and other horse related events, a club house and other general recreational amenities for the members of the Association. The Equestrian Center shall be a Common Property as defined in the Declaration. The Association shall determine, from time to time, what level and type of amenities shall be constructed on the Equestrian Center.”

The President of the Association by executing this First Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Colorado's Timber Ridge Subdivision does attest that this document was approved by the owners of at least sixty-seven percent of the existing lots in the Subdivision in accordance with CRS §38-33.3-217.

Colorado's Timber Ridge Homeowners Association



By Bob Milford, President

STATE OF COLORADO )  
 )  
 ) ss.  
COUNTY OF ARCHULETA )



The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of January, 2013, by Bob Milford, President of Colorado's Timber Ridge Homeowners Association.

My Commission expires:  
May 21, 2015

June Madrid  
NOTARY PUBLIC