

031380 08/28/1998 03:32P B1088 P94 H ALSDORF
1 of 5 R 26.00 D 0.00 GARFIELD COUNTY CO

SECOND AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR EAGLE'S VIEW SUBDIVISION

THIS SECOND AMENDMENT to the Declaration of Covenants, Conditions and Restrictions for Eagle's View Subdivision is hereby made this 8th day of June, 1998 by EVSD, LLC, a Colorado limited liability company, (hereinafter "Declarant") and the Board of Directors (hereinafter the "Board") of the Eagle's View Subdivision Homeowner's Association, Inc., a Colorado Non-Profit Corporation (hereinafter the "Association") with the express approval of Lot Owners and Members having more than Seventy-Five Percent (75%) of the Members voting rights as of this date; said approval being evidenced by their execution hereof.

RECITALS

1. There is presently in effect and recorded in the records of the Garfield County Clerk and Recorder, Garfield County, Colorado, the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision, as Reception No. 513711 in Book 1034 at Page 409 thereof (the "Declaration").

2. There is also presently in effect and recorded in the records of the Garfield County Clerk and Recorder, Garfield County, Colorado, a First Amendment to the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision, as Reception No. 524182 in Book 1064 at Page 567 thereof (the "First Amendment to the Declaration").

3. Declarant now desires to amend Section 2.6 of Article 2, Section 4.5 of Article 4 and Section 8.3.4 of Article 8 of the Declaration in the manner set forth herein.

NOW THEREFORE, the Board, with the requisite consent of Seventy-Five Percent (75%) of the Association's Lot Owners and Members voting rights, and with the consent of Declarant does hereby further amend the Declaration in the following respects:

1. Article 2, Restrictions on Use and Occupancy, is hereby amended by the addition to Section 2.6 thereof of the following Sub-section 2.6.2:

"2.6.2 No type of residential dwelling commonly and variously

MASON & MORSE
0304 Highway 133
Carbondale, CO 81623

135
26

referred to as "modular homes", "mobile homes", "manufactured housing", "factory built homes or housing", "HUD homes", or "UBC homes", including, without limitation, those types of homes or housing defined and described in Section 17.08.215 and 17.08.216 of Title 17 of the Silt Municipal Code and amendments thereto set forth in Ordinance 22, Series 1997, will be permitted to be placed, constructed, located or installed on any Lot. This building restriction shall not apply to any Lot, record title to which is owned by any person other than Declarant as of the date of recordation of the Second Amendment to the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision."

2. Article 4, Association, Declarant, and Member Duties and Powers is hereby amended by deletion of Section 4.5 thereof in its entirety and substitution in its place and stead, the following:

"4.5 Amendment of Declaration by Members. Except for the provisions for a Declarant Control Period, Declarant Selection Period, the uses to which any Lot is restricted, and the Town's rights as a third-party beneficiary (defined in Section 10.6), any other provision, covenant, condition or restriction contained in the Declaration or Amendments thereto may be amended or repealed at any time upon approval by Members and Lot Owners having at least 75% of the Members voting rights of the Association. The approval of any such amendment shall be evidenced by the execution thereof by the Board of Directors and certification by the Secretary of the Association of the affirmative vote and approval of the aforesaid requisite percentage of the Members and Lot Owners of the Association with such approval evidenced and certified by such Members' execution of said amended Declaration and shall be effective upon the Recording of the amended Declaration, by the President of the Association."

2. Article 8, Architectural and Landscape Control is hereby amended by deletion of Section 8.3.4 thereof in its entirety and substitution in its place and stead of the following:

"8.3.4 Approval of plans and specifications prior to the commencement of any construction. No building shall be erected by means of other than new construction, it being the purpose of this building restriction to ensure that old buildings will not be moved from previous locations and placed upon a Lot nor that pre-constructed buildings of any kind shall be located upon any Lot, all as more particularly defined, provided and restricted by Sub-section 2.6.2 above. The foregoing building restriction shall not apply to



931388 08/28/1998 03:32P B1086 P98 H ALSDORF
3 of 5 R 26.00 D 0.00 GARFIELD COUNTY CO

storage buildings appurtenant to principal residential structures, provided that the former are duly approved by the Design Review Committee. All structures shall be constructed of either brick, stone, lumber, stucco, or a combination thereof. The use of cinderblock shall not be allowed unless it is faced with another material herein approved. Duplex structures must be designed so that the two residences have different appearances, no mirror image duplexes will be allowed (duplexes are only permitted on certain Lots as herein provided). All driveways and parking areas shall have concrete paved surfaces."

3. Except as hereby amended and modified, all other covenants, conditions, restrictions, terms and provisions of the Declaration and the First Amendment to the Declaration shall be and remain in full force and effect.

IN WITNESS WHEREOF, this Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Eagle's View Subdivision has been consented to, adopted and approved by those Members and Lot Owners having Seventy-Five Percent (75%) of the Members voting rights of the Association and the Declarant as evidenced by their respective executions hereof, with certification of the requisite percentage of Members and Lot Owners evidenced by the execution hereof by the Secretary of the Association, and executed by the Board of Directors of Eagle's View Subdivision Homeowners Association, Inc. on the day and year first above set forth.

BOARD OF DIRECTORS

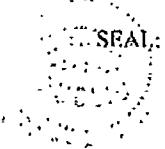
David Hicks
David Hicks

Connie Hicks
Connie Hicks

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 8th day of June, 1998 by David Hicks and Connie Hicks as all of the Members of the Board of Directors of Eagle's View Subdivision Homeowners Association, Inc.

Witness my hand and official seal
My commission expires: 10-5-2001



Nancy B. Emerson
Notary Public

The undersigned Secretary of the Eagle's View Subdivision Homeowners Association, Inc. does hereby certify that the above and foregoing Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Eagle's View Subdivision was duly adopted by the Board of Directors and that the records of the Association indicate that EVSD, LLC is the Owner of more than 75% of the Lots in Eagle's View Subdivision with corresponding Member voting rights on the day and year first above set forth.

Connie Hicks
Connie Hicks, Secretary

The undersigned Declarant consents to, adopts and approves the Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Eagle's View Subdivision.

EVSD, LLC
By: Prince Creek Construction, Inc. Manager
By: David Hicks
David Hicks, President

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 8th day of June, 1998 by David Hicks as President of Prince Creek Construction, Inc., Manager of EVSD, LLC, the Declarant.

Witness my hand and official seal
My commission expires: 10-5-2001

SEAL:



Nancy A. Emerson
Notary Public

531380 08/28/1998 03:32P B1088 P88 M ALSDORF
5 of 5 R 26.00 D 0.00 GARFIELD COUNTY CO

The undersigned Owner of more than Seventy-Five Percent (75%) of the Lots and Member voting rights of the Association consents to, adopts and approves the Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Eagle's View Subdivision.

EVSD, LLC
By Prince Creek Construction, Inc., Manager

By: David Hicks
David Hicks, President

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 8th day of June, 1998 by David Hicks as President of Prince Creek Construction, Inc., as Manager of EVSD, LLC.

Witness my hand and official seal
My commission expires: 10 5 2001

SEAL:

Nancy B. Emerson
Notary Public