537864 12/28/1998 01:36P B1106 P282 M ALSDORF
1 of 4 R 21.00 D 0.00 GARFIELD COUNTY CO

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

THIS THIRD AMENDMENT to the Declaration of Covenants, Conditions and Restrictions for Eagle's View Subdivision is hereby made this 10th day of December, 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 in the Association as of this date; said approval being evidenced by their execution hereof.

RECITALS

A. 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").

B. 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").

C. There is also presently in effect and recorded in the records of the Garfield County Clerk and Recorder, Garfield County, Colorado, a Second Amendment to the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision, as Reception No. 531380 in Book 1086 at page 94 thereof (the "Second Amendment to the Declaration").

D. Declarant now desires to amend Sub-section 2.6.1 of Article 2, 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:

MASON & HORSE REAL ESTATE
0304 HIGHWAY 133
CARBONDALE, CO 81623

125

1. Article 2, Restrictions on Use and Occupancy, is hereby amended by the deletion of Sub-section 2.6.1 thereof in its entirety and by the substitution in its place and stead of the following:

> "2.6.1 Duplexes will be allowed only if they are in compliance with the Design Guidelines."

2. Except as hereby amended and modified, all other covenants, conditions, restrictions, terms and provisions of the Declaration and the aforesaid said amendments thereto shall be and remain in full force and effect.

IN WITNESS WHEREOF, this Third 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

Connie Hicks

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 12th day of December, 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: 3/23/02

SEAL

NOTARY PUBLIC
FARRAH ROBERTS
STATE OF COLORADO

Notary Public

The undersigned Secretary of the Eagle's View Subdivision Homeowners Association , Inc. does hereby certify that the above and foregoing Third 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 Third 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 12th day of December, 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: 8/23/02

SEAL: NOTARY PUBLIC FARRAH ROBERTS STATE OF COLORADO

Farrah Roberts

Notary Public

537864 12/28/1998 01:36P B1106 P285 M ALSDORF
4 of 4 R 21.00 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 Third 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 12th day of December 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: 8/23/02

SEAL

NOTARY PUBLIC
FARRAH ROBERTS
STATE OF COLORADO

Farrah Roberts
Notary Public