700

LIMITED AMENDMENT TO THE

AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TRAPPERS VIEW AND CLARIFICATION AND CORRECTION OF PRIOR RECORDED DOCUMENTS

THIS AMENDMENT is made this 14th day of September, 2017.

RECITALS

- A. Esstone Limited Liability Company, a Colorado limited liability company, created the Trappers View community by recording that certain Declaration of Covenants, Conditions, and Restrictions of Trappers View, recorded in the real property records of Jefferson County, Colorado on 7/6/1993, at Reception No. 93098818 ("Original Declaration").
- B. The Original Declaration was replaced and superseded by that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Trappers View recorded in the real property records of Jefferson County, Colorado on 7/2/09, at Reception No. 2009065719 ("Amended and Restated Declaration").
- C. On <u>4/28/2014</u>, another document entitled Amended and Restated Declaration of Covenants, Conditions and Restrictions for Trappers View was recorded at Reception No. <u>2014031745</u> ("2014 Amendment"). Although the 2014 Amendment, as recorded, appears to be a document intended to replace and supersede the Amended and Restated Declaration in its entirety, it does not make reference to the Amended and Restated Declaration, nor does it specifically state that it replaces and supersedes the Amended and Restated Declaration.
- D. While the only difference between the Amended and Restated Declaration and the 2014 Amendment is a revision to Article IX, Section 7(a), the Owners within the Association did not approve an action to entirely replace and supersede the Amended and Restated Declaration. Rather the Owners approved only a limited amendment to Article IX, Section 7(a) of the Amended and Restated Declaration. As such, only a limited amendment which would supplement the Amended and Restated Declaration rather than completely replacing and superseding it should have been recorded

2017095116

09/15/2017 10:55:09 AM 3 Page(s) JEFFERSON COUNTY, Colorado

R \$23.00

D \$0.00

- E. Because the 2014 Amendment did not accurately reflect the true action taken by the Owners of the Association and lacked a reference to the Amended and Restated Declaration to clearly define the chain of documents upon which reliance should be placed, no reliance should be placed on the 2014 Amendment. Rather, in determining the documents that comprise the proper declaration of covenants, conditions and restrictions for the Association, reliance should be placed only on the Amended and Restated Declaration and this Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Trappers View and Clarifications and Correction of Prior Recorded Documents ("Limited Amendment"), and any amendments which may be recorded hereafter.
- F. On 10/7/2014, Article IX, Section 7(a) of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Trappers View was amended and recorded in the real property records of Jefferson County, Colorado, at Reception No. 2014085576
- G. As such, the Amended and Restated Declaration is hereby amended as provided below to return the language of Article IX, Section 7(a) back to the version of Article IX, Section 7(a) as written in the Amended and Restated Declaration of 2009. The undersigned, being the Secretary of the Association, hereby certifies that Unit Owners to which at least sixty-seven percent (67%) of the votes in the Association are allocated have consented and approved the amendment to the Amended and Restated Declaration as provided below.
- H. As amended by this Limited Amendment, the Amended and Restated Declaration is referred to as the "Declaration."

NOW THEREFORE

- I. Amendments. The Amended and Restated Declaration is hereby amended as follows:
 - a. Repeal and Restatement. Article IX, Section 7(a) of the Amended and Restated Declaration is hereby repealed in its entirety and the following Article IX, Section 7(a) is substituted:
 - (a) No house trailer, camping trailer, boat trailer, hauling trailer, boat, or accessories thereto, truck (larger than 3/4 ton), self-contained motorized recreational vehicle, or other type of recreational vehicle or equipment, may be parked or stored in the Common Interest Community unless such parking or storage is within the garage area of any Unit or suitably screened from view in

accordance with the requirements of the Architectural Review Committee, except that any such vehicle may be otherwise parked as a temporary expedient for loading, delivery, or emergency. A homeowner may petition the Executive Board for a waiver so that a vehicle may otherwise be parked within the common interest community. This restriction, however, shall not restrict trucks or other commercial vehicles which are necessary for construction or for the maintenance of the Units, Common Elements, other property, or any Improvements.

II. No other Amendments. Except as amended by the terms of this Amendment and previous amendments, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned.

TRAPPERS VIEW HOMEOWNERS ASSOCIATION, INC., A Colorado nonprofit corporation

Bv.

Secretary

STATE OF COLORADO

) ss.

COUNTY OF Jefferson

COUNTY OF Jenerson)

The foregoing was acknowledged before me this 14th day of September, 2017, by Andrew Reed, as Secretary of Trappers View Homeowners Association, Inc., a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires:

October 4, 2019

LISA K. MAYERS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID: 19944010277

NOTARY ID: 19944010277 IY COMMISSION EXPIRES: OCTOBER 4, 2018 Votary Public