

*FOURTH AMENDMENT AND SUPPLEMENT  
TO THE  
AMENDED AND RESTATED DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR BATTLEMENT MESA*

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This Fourth Amendment and Supplement to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa is made on the date hereinafter set forth by the Battlement Mesa Service Association ("Association").

*RECITALS*

(A) Association is the Association named and referred to in that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa, recorded on August 13, 1991, at Reception No. 426419, of the records of the Clerk and Recorder of Garfield County, Colorado and any and all recorded amendments and supplements thereto (collectively, the "Declaration").

(B) The Declaration allows for enlargement and expansion of the Service Association Area by annexation of additional property and amendment of the Declaration provided approval of Delegates representing fifty-one percent (51%) of the voting power of the Members of the Association is obtained at a duly constituted meeting of the Association.

(C) The property to be annexed is more particularly described in the attached *Exhibit A*.

(D) The undersigned, being the President and Secretary of the Association, hereby certify that the approval of Delegates representing fifty-one percent (51%) of the voting power of the Members of the Association has been obtained at a duly called and constituted meeting of the Association.

The undersigned hereby declares as follows:

1. Annexation of Property. Pursuant to this Fourth Amendment And Supplement of the Declaration and a Supplemental Map, the property described in *Exhibit A*, attached hereto and incorporated herein by this reference, is hereby annexed to the Battlement Mesa Service Association. The property described in *Exhibit A* is subject to the terms and provisions of the Declaration.

2. Initial Units. The property described in *Exhibit A* to this document, shall be composed of 119 dwelling units, of which 41 units shall be developed as single-family dwelling units, and the remaining 78 units shall be multi-family dwelling units

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15/11  
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3 **Supplemental Map.** Pursuant to the Declaration and this Supplemental Declaration, a Supplemental Map for Battlement Mesa covering the property which is described in *Exhibit A* attached hereto has been prepared and recorded, or will be prepared and recorded, in the records of the Office of the Clerk and Recorder of Garfield County, Colorado.

4. **Creation of Delegate Area.** The annexed property, as described in *Exhibit A*, shall be known as Valley View Village and shall constitute a new Delegate Area (Delegate Area #13), as defined by the Declaration, and shall be subject to all the rights and duties set forth in the Declaration.

5. **Amendment of the Declaration.** The Declaration is hereby amended by addition of the following language to Exhibit A of the Declaration under the subsection "Residential Area":

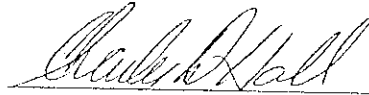
Valley View Village  
Filing No. \_\_\_\_\_

Delegate Area #13

6. **Definitions.** Unless otherwise defined herein, initially capitalized terms or terms defined in the Declaration shall have the same meaning herein.

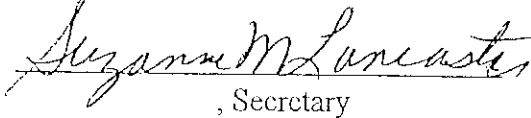
Dated this 27<sup>th</sup> day of October, 2003.

**BATLEMENT MESA SERVICE ASSOCIATION**  
a Colorado nonprofit corporation



\_\_\_\_\_  
, President

ATTEST:

  
, Secretary



PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SE1/4NE1/4 OF SECTION 18,  
TOWNSHIP 7 SOUTH, RANGE 95 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST SIXTEENTH CORNER OF SAID SECTION  
18, A 1 1/2" ALUMINIUM CAP LS #19598 SET IN PLACE, (WHENCE THE EAST  
QUARTER CORNER OF SAID SECTION 18 BEARS S45°09'57"E A DISTANCE OF  
1,878.79 FEET) THE POINT OF BEGINNING; THENCE S89°47'02"E ALONG THE  
NORTHERLY BOUNDARY OF SAID SE1/4NE1/4 A DISTANCE OF 1,280.85 FEET  
TO A POINT THE WESTERLY RIGHT-OF-WAY OF STONE QUARRY ROAD;  
THENCE LEAVING SAID NORTHERLY BOUNDARY S00°29'59"E ALONG SAID  
RIGHT-OF-WAY A DISTANCE OF 1,319.86 FEET TO A POINT ON THE  
SOUTHERLY BOUNDARY OF SAID SE1/4NE1/4; THENCE LEAVING SAID  
RIGHT-OF-WAY N89°59'15"W ALONG SAID SOUTHERLY BOUNDARY A  
DISTANCE OF 1,279.39 FEET TO THE EAST-CENTER SIXTEENTH CORNER OF  
SAID SECTION 18; THENCE LEAVING SAID SOUTHERLY BOUNDARY  
N00°33'38"W ALONG THE WESTERLY BOUNDARY OF SAID SE1/4NE1/4 A  
DISTANCE OF 1,064.48 FEET; THENCE LEAVING SAID WESTERLY  
BOUNDARY N88°24'45"E A DISTANCE OF 135.00 FEET; THENCE S84°40'15"E A  
DISTANCE OF 188.00 FEET; THENCE S52°29'15"E A DISTANCE OF 92.88 FEET;  
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS  
OF 201.28 FEET A CENTRAL ANGLE OF 46°58'00", A DISTANCE OF 164.99 FEET  
(CHORD BEARS N23°42'38"E 160.41 FEET); THENCE ALONG THE ARC OF A  
CURVE TO THE LEFT HAVING A RADIUS OF 151.27 FEET A CENTRAL ANGLE  
OF 46°58'00", A DISTANCE OF 124.00 FEET (CHORD BEARS N23°42'38"E 120.56  
FEET); THENCE N00°13'38"E A DISTANCE OF 30.94 FEET; THENCE N89°46'22"W  
A DISTANCE OF 511.07 FEET TO A POINT ON THE WESTERLY BOUNDARY OF  
SAID SE1/4NE1/4; THENCE N00°33'38"W ALONG SAID WESTERLY BOUNDARY  
A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; SAID PARCEL  
CONTAINING 36.372 ACRES, MORE OR LESS.

