

295 11/21/2001 02:07P B1305 P86-M ALSDORF  
of 3 R 15.00 D 0.00 GARFIELD COUNTY CO

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

THIS AMENDMENT is made this 7<sup>th</sup> day of November, 2001.

**RECITALS**

A. Battlement Mesa, Inc., a Delaware corporation, and Pulte Home Corporation, a Delaware corporation, created the Battlement Mesa community (the "Service Association Area") by recording a Declaration of Covenants, Conditions and Restrictions of Battlement Mesa in the real property records of Garfield County, State of Colorado at Reception No. 320285, Book 583, Page 456 on October 15, 1981, as amended by an Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa recorded August 13, 1991 in the real property records of Garfield County, State of Colorado at Reception No. 426419 in Book 811 at Page 09 (the "Original Declaration").

B. Pursuant to Article XI, Section 11.2 of the Original Declaration, the approval of Delegates representing fifty-one percent (51%) of the voting power of the Members of the Service Association at a duly constituted meeting of the Service Association is required to approve any amendments to the Declaration.

C. 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 Members of the Service Association at a duly constituted meeting of the Service Association has been obtained for this Amendment as required under Article XI, Section 11.2 of the Original Declaration, and that the approvals, along with the recorded copy of this First Amendment shall be placed in the Battlement Mesa Service Association's corporate records and shall be available for review and inspection upon request.

D. As amended by this Amendment, the Original Declaration is referred to as the "Declaration."


NOW THEREFORE,

I. Amendments. The Original Declaration is hereby amended as follows:

(a) **Repeal and Restatement.** Article VIII, Section 8.16(a) is hereby repealed in its entirety and the following Article VIII, Section 8.16(a) is substituted:

(a) Within the Service Association Area, no trailer, camping trailer, boat, boat accessories, trailer carrying recreation devices, snowmobiles, all terrain vehicles, trucks or commercial vehicles larger than one (1) ton, recreational vehicle or similar vehicular equipment shall be parked or stored anywhere in the

807  
5



592295 11/21/2001 02:07P B1305 P87 M ALSDORF  
of 3 R 15.00 D 0.00 GARFIELD COUNTY CO

Service Association Area, unless such vehicle is parked or stored within a garage, behind a six foot (6') high solid fence, or in designated parking or storage areas.

Any such vehicles may be parked as a temporary expedience, for up to seventy-two (72) hours, for loading, delivery of goods or services, or emergency, and may also be stored on such Privately Owned Sites or Publicly Owned Sites as may be specifically exempted from this restriction by any Supplemental Declaration. This restriction shall not apply to trucks or other commercial vehicles temporarily located within the Service Association Area which are necessary for construction or for the maintenance of any Service Association Property or any Improvement located thereon.

No automobile, truck or other vehicle may be parked in any side yard or rear yard unless behind a six foot (6') high solid fence.

(b) Any Delegate Area within the Service Association Area may elect to impose additional restrictions or prohibitions related to parking and storage of vehicles within their Delegate Area. If so approved, by a majority of all Members within the Delegate Area, such additional restrictions or prohibitions shall be recorded in the real estate records, shall be binding on all owners within the Delegate Area and shall supercede those restrictions set forth in subsection (a) hereof.

(c) Any such additional action contemplated per subsection (b) hereof shall be taken at a duly noticed Special Meeting of the Members of said Delegate Area in accordance with the Amended and Restated Bylaws. Furthermore, the proposed text of any such additional restrictions or prohibitions must be pre-approved by the Service Association Board of Directors and a copy of said text shall be attached to and distributed with the Notice of the Special Meeting mailed to all Members of the Delegate Area.

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.

**BATTLEMENT MESA SERVICE**



592295 11/21/2001 02:07P B1305 P88 M ALSDORF  
3 of 3 R 15.00 D 0.00 GARFIELD COUNTY CO

ASSOCIATION,  
a Colorado nonprofit corporation

By:

William L. Nelson  
President

By:

John Lulis  
Secretary

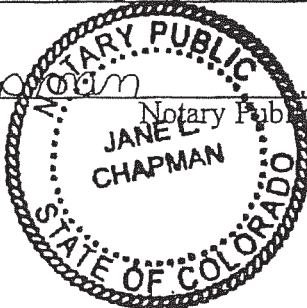
STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ ) ss.

The foregoing was acknowledged before me this 7<sup>th</sup> day of  
November, 2001, by William L. Nelson, as  
President of Battlement Mesa Service Association, a Colorado nonprofit corporation and  
by John Lulis, as Secretary of the Battlement Mesa Service  
Association, a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: 10/30/04

Jane L. Chapman



After Recording Return To:

Orten & Hindman, P.C.  
11901 W. 48th Ave.  
Wheat Ridge, CO 80033