



Reception#: 809699
 10/21/2011 12:45:08 PM Jean Alberico
 1 of 4 Rec Fee:\$26.00 Doc Fee:0.00 GARFIELD COUNTY CO

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

THIS AMENDMENT is made this 20th day of September, 2011.

RECITALS

- A. The Battlement Mesa Service Association (“Association”) is the Association named and referred to in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa, recorded on August 31, 1991, at Reception Number 426419, in the records of the Clerk and Recorder of Garfield County, Colorado (“Declaration”), as amended by the First through Sixth Amendments to the Amended and Restated Declaration of Covenants, and the Supplemental Declaration to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa Applicable Only to Willow Creek Village, Section One; Battlement Creek Village, Section One; and Stone Ridge Subdivision Properties
- B. Pursuant to Article XI, Section 11.2 of the Declaration, the Declaration may be amended upon the approval of Delegates representing at least 2/3 of the voting power of Members of the Service Association at a duly constituted meeting of the Delegates.
- C. The undersigned, being the President and Secretary of the Association, hereby certify that Delegates representing at least 2/3 of the voting power of the Members of the Service Association have approved this Amendment as required under Article XI, Section 11.2 of the Declaration and that the recorded copy of this Amendment shall be placed in the Association’s corporate records and shall be available for review and inspection upon request.
- D. The Delegates within the Battlement Mesa Community desire to amend certain provisions of the Declaration by virtue of this Eighth Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa (“Eighth Amendment”).

NOW THEREFORE,

- I. Amendments. The Declaration, as amended by the Fifth Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa, is hereby amended as follows:
 - (a) **Repeal and Restatement.** Article VIII, Section 8.16(a)(i), as it applies to all Delegate Areas within the Battlement Mesa community, except the property located within the Willow Creek Village, Section One; Battlement Creek Village, Section One; and Stone Ridge Subdivision,

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is hereby deleted in its entirety and the following Article VIII, Section 8.16(a)(i) is substituted:

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 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. Non-recreational oversized vehicles (larger than twenty-five (25) feet in length or one hundred (100) inches in height or ninety (90) inches in width) may not be parked on or at any Residential Site unless they are completely enclosed within a garage. 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 or on any Residential Site which are necessary for construction or for the maintenance of any Service Association Property or any Improvement located thereon.

Automobiles or trucks no larger than one ton may be parked on a concrete or gravel apron adjacent to driveways. Such aprons must conform to the definition of parking aprons in the Battlement Mesa Service Association Architectural Standards.

The above restrictions are subject to a Delegate Area's right, pursuant to Article VIII, Section 8.16(a)(ii) of the Declaration, to impose additional restrictions or prohibitions related to parking and storage of vehicles within their Delegate Area.

- (b) **Repeal and Restatement. Article VIII, Section 8.16(a)(i), as it applies to all property located within the Willow Creek Village, Section One; Battlement Creek Village, Section One; and Stone Ridge Subdivision, is hereby deleted in its entirety and the following Article VIII, Section 8.16(a)(i) is substituted:**

Within the Delegate Areas of Willow Creek Village, Section One; Battlement Creek Village, Section One; and Stone Ridge Subdivision, no trailer, camping trailer, boat, boat accessories, trailer carrying recreation devices, snowmobiles, all terrain vehicles, trucks or commercial vehicles larger than one ton, Recreational Vehicles or similar vehicular equipment shall be parked or stored anywhere within said Delegate Areas unless such equipment or vehicle is parked or stored within a garage. The temporary expedience provisions of Article VIII, Section 8.16(a)(i) will still apply.


Automobiles or trucks no larger than one ton may be parked on a concrete or gravel apron adjacent to driveways. Such aprons must conform to the definition of parking aprons in the Battlement Mesa Service Association Architectural Standards.

The above restrictions are subject to a Delegate Area's right, pursuant to Article VIII, Section 8.16(a)(ii) of the Declaration, to impose additional restrictions or prohibitions related to parking and storage of vehicles within their Delegate Area.

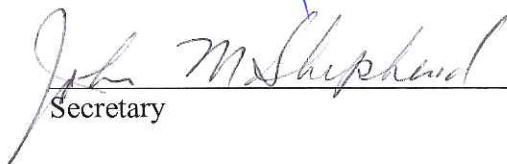
- II. Repeal. Article VIII, Section 8.22 is hereby repealed in its entirety.
- III. No Other Amendments. Except as amended by the terms of this Amendment and previous Amendments, the Declaration shall remain in full force and effect.

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

BATLEMENT MESA SERVICE
ASSOCIATION
a Colorado nonprofit corporation

By: 

President

By: 

Secretary

STATE OF COLORADO)
) ss.
COUNTY OF Garfield)

The foregoing was acknowledged before me this 18 day of October, 2011, by Keith Lammey, as President of the Battlement Mesa Service Association, a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: July 13, 2015.

Amie L. Martin
Notary Public



STATE OF COLORADO)
) ss.
COUNTY OF Garfield)

The foregoing was acknowledged before me this 18 day of October, 2011, by John Shepherd, as Secretary of the Battlement Mesa Service Association, a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: July 13, 2015.

Amie L. Martin
Notary Public



After Recording Return To:

HindmanSanchez, P.C.
5610 Ward Road, Suite 300
Arvada, Colorado 80002
Attn: LKS