

RECORDED 1:38 3-CLOCK P.M. REC # 463488
MAY 20 1991 MILDRED ALSDORF, GARFIELD COUNTY CLERK

SUPPLEMENTAL DECLARATION
AND
ANNEXATION TO BATTLEMENT MESA
FOR
MESA RIDGE PHASE III SUBDIVISION

THIS SUPPLEMENTAL DECLARATION AND ANNEXATION TO BATTLEMENT MESA FOR MESA RIDGE PHASE III SUBDIVISION is made and entered into by BATTLEMENT MESA PARTNERS, a Colorado general partnership ("Declarant"), on the date and year hereinafter set forth.

WITNESSETH:

THAT, WHEREAS, a certain Declaration of Covenants, Conditions and Restrictions for Battlement Mesa was recorded on October 15, 1981, in Book 583, Page 456, Reception No. 320285, in the records of the office of the Clerk and Recorder of Garfield County, Colorado, as amended or supplemented from time to time (collectively, the "Original Declaration"), which authorized formation of the master Battlement Mesa Service Association; and,

WHEREAS, a certain Amended And Restated Declaration Of Covenants, Conditions And Restrictions For Battlement Mesa was recorded on August 13, 1991, in Book 811, Page 09, Reception No. 426419, in the records of the office of the Clerk and Recorder of Garfield County, Colorado, as amended or supplemented from time to time (collectively, the "Amended and Restated Declaration") which authorized the complete merger of various community associations within Battlement Mesa under the master Battlement Mesa Service Association, and, by merger, rescinded and replaced the Original Declaration; and,

WHEREAS, under Article II, Section 2.3, of the Amended And Restated Declaration, the Declarant reserved the right to Annex certain additional real property as evidenced by recording of a Supplemental Declaration, which Supplemental Declaration may impose supplemental covenants, conditions and restrictions to the Annexed Property; and,

WHEREAS, that remaining portion of Jack's Pocket Village Filing #5, of Delegate Area #3, has been resubdivided as Mesa Ridge Phase III Subdivision, which includes the creation of thirty-eight (38) additional townhome lots, as evidenced by

recording of the Final Plat in the records of the office of the Clerk and Recorder of Garfield County, Colorado.

NOW, THEREFORE, Battlement Mesa Partners, as the Declarant under the Amended And Restated Declaration and the owner of that certain real property known as Mesa Ridge Phase III Subdivision, does hereby add and annex to the Property covered by the Amended And Restated Declaration of the Battlement Mesa Service Association as part of Delegate Area #3 and subject to the jurisdiction and benefits of the Battlement Mesa Service Association, and the jurisdiction and benefits of the subassociation Mesa Ridge Townhome Association, all of the real property covered by the Final Plat of Mesa Ridge Phase III Subdivision, legal description per Exhibit A hereto, executed even date herewith and recorded in the real property records of Garfield County, Colorado, containing thirty-eight (38) platted townhome lots under the definition of Residential Sites and classified as thirty-eight (38) Assessment Units under the Amended and Restated Declaration.

EXCEPT to the extent provided herein, all other provisions of the Amended And Restated Declaration, as amended and supplemented, shall remain in full force and effect.

EXECUTED as of this 16TH day of MAY, 1994.

BATLEMENT MESA PARTNERS,
by Community Holdings West, Inc.,
a Colorado corporation,
its General Partner

By: William Wilde
Vice President

State of Colorado)
) SS.
County of Garfield)

The foregoing instrument was acknowledged before me this 16th day of MAY, 1994, by WILLIAM WILDE as Vice President of Community Holdings West, Inc., a Colorado Corporation, a General Partner for Battlement Mesa Partners.

Witness my hand and official seal.
commission expires 7-10-95.

Jandra L. Trager
Notary Public

Exhibit "A"

Legal Description
Mesa Ridge Phase III Subdivision

A tract of land situate in Jack's Pocket Village Filing 5, a part of the Battlement Mesa P.U.D., Section 17, Township 7 South, Range 95 West of the 6th Principal Meridian being more particularly described as follows:

Beginning at the intersection of the easterly boundary line of Mesa Ridge Townhomes Filing No. 1, County of Garfield, State of Colorado and the right-of-way line of Sipprelle Drive; thence along said right-of-way line the following two courses: 1) 242.66 feet along the arc of curve to the right, having a radius of 339.48 feet, a central angle of 40-57-18, and subtending a chord bearing S 19-27-41 E 237.53 feet; thence 2) S 01-00-57 W 940.00 feet; thence N 88-46-00 W 307.31 feet; thence N 36-09-13 W 330.59 feet; thence N 50-13-42 E 167.02 feet; thence N 00-00-00 E 119.26 feet; thence N 16-30-00 E 195.15 feet; thence N 22-00-00 E 55.63 feet; thence N 24-30-00 W 94.77 feet; thence 38.56 feet along the arc of a curve to the left, having a radius of 93.57 feet, a central angle of 23-36-49, and subtending a chord bearing N 36-18-23 W 38.29 feet; thence N 41-53-19 E 56.00 feet; thence 61.64 feet along the arc of a curve to the right, having a radius of 149.57 feet, a central angle of 23-36-46, and subtending a chord bearing S 36-18-23 E 61.21 feet; thence S 24-30-00 E 34.06 feet; thence N 42-38-56 E 138.89 feet; thence N 39-51-55 E 125.93 feet; thence N 13-07-47 E 152.16 feet to the point of beginning, said parcel contain 8.36 acres more or less.