

**AMENDMENT
TO
VILLAGE AT DRY CREEK, FILING NO. 1
TOWN OF HAYDEN, COLORADO
A Common Interest Ownership Community
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

WHEREAS, Village at Dry Creek, LLC, a Colorado limited liability company and Orchard Mesa Estates I, L.P., a Colorado limited partnership filed for record a certain Declaration of Covenants, Conditions and Restrictions for Village at Dry Creek, Filing No. 1 on February 14, 2008 at Reception No. 670530 (the "Declaration").

WHEREAS, First National Bank of the Rockies succeeded to the ownership and rights of Village at Dry Creek, LLC by instrument dated January 3, 2014 and recorded at Reception No. 745153 of the Routt County Records.

WHEREAS, First National Bank of the Rockies by instrument recorded at Reception No. 745269 of the records of Routt County declared itself Successor to Declarant pursuant to §38-33.3-304 C.R.S.

WHEREAS, Falcon Logistics, Corp., a Wyoming corporation is the successor to First National Bank of the Rockies by instrument recorded at Reception No. 776891 and the successor to all Special Declarant Rights by instrument recorded at Reception No. 778246 of the records of the Routt County recorder.

WHEREAS, the Declaration subjects real property particularly described in its Exhibit A as Parcel A and Parcel B to the covenants, stipulations, limitations, restrictions and uses of the Declaration.

WHEREAS, the property has been platted under the style of Dry Creek Village Subdivision Filing No. 1, File No. 13814, Reception No. 670528 and subdivided into fifty-four (54) lots three (3) open spaces and Parcels A, B, and C. "Parcel A" on the plat includes that portion of "Parcel A" in Exhibit A to the Declaration that is not otherwise designated on the plat as a lot, open space or Parcel B or C and the entirety of "Parcel B" as described in Exhibit A to the Declaration.

WHEREAS, Falcon Logistics, Corp. and Orchard Mesa Estates I, L.P. as Declarant and sixty-seven percent (67%) of the Owners of the Lots wish to withdraw "Parcel A" per the Plat from the Property and make it no longer subject to the Declaration and to amend certain other provisions of the Declaration.

THEREFORE, the Declaration of Covenants, Conditions and Restrictions for Village at Dry Creek Filing No. 1 Town of Hayden, Colorado, A Common Interest Ownership Community, is hereby amended as follows:

WITHDRAWAL OF CERTAIN PROPERTY

The following property is withdrawn from the Declaration and is not subject to the Declaration:

1. "Parcel A" as described in Exhibit A to the Declaration except for Lots 1 to 33 - Block 1, Lots 1 to 21 - Block 2, Open Spaces 1, 2 and 3, Parcels B and C as shown on the Plat.
2. "Parcel B" as described in Exhibit A to the Declaration.

AMENDMENTS

Other than as specifically amended as set forth below, the terms, conditions and provisions of the Declaration of Covenants, Conditions and Restrictions for Village at Dry Creek, Filing No. 1 of record at Reception No. 670530 of the Routt County Clerk and Recorder remain the same and are of full force and effect.

DECLARATION

The following terms, covenants, conditions, easements, restrictions, uses, reservations, limitations and obligations shall be declared to run with the land, shall be a burden and a benefit to Declarant, its successors and assigns, and to any person acquiring or owning an interest in the real property described as:

Lots 1 - 31, Block 1
Lots 1 - 22, Block 1
Open Space 1 and 3
Dry Creek Village Subdivision Filings 1.

ARTICLE 1 DEFINITIONS

- 1.13 Number of Lots. The number of Lots is fifty-four (54).
- 1.14 Open Space refers to Open Space 1 and 3 as designated on the Plat.

ARTICLE II THE OWNERS ASSOCIATION

2.3 Deleted.

**ARTICLE IV
COMMON ELEMENTS**

4.1 Common Elements. Common Elements shall mean (i) Open Space 1 and Open Space 3; (ii) the entry monument; (iii) any playground, grass area, project signage or soft surface trails, if in existence or later constructed on Open Space 1 and/or 3.

4.2 Deleted.

**ARTICLE V
MAINTENANCE, REPAIR AND REPLACEMENT**

5.1 Common Elements. The Association shall maintain, repair, replace, and keep free from snow and debris all of the Common Elements. The Association may, from time to time, hire and/or contract with third parties to achieve the objectives of this Section. All of the Common Elements shall be owned only by the Association. The Association has the right and power to cause improvements to be made to or upon the Common Elements, as a part of the Common Elements, including but not limited to storage buildings as deemed desirable by the Declarant. The Association shall have an easement on, over, across and above all Lots for access to and maintenance, restoration, repair and replacement of existing or future Common Elements and improvements on Common Elements.

**ARTICLE VII
EASEMENTS**

Delete the last sentence of the Article.

**ARTICLE VIII
INSURANCE**

8.1(a) Delete the last sentence (question).

**ARTICLE IX
ARCHITECTURAL CONTROL COMMITTEE**

Change the last sentence to:

9.5 The address of the Committee shall be that of its chairman.

**ARTICLE X
GENERAL PROVISIONS**

10.1 Delete the second sentence.

10.6 By the consent of the sixty-seven percent (67%) or more of all votes in the Association entitled to be cast and recorded with the Routt County Clerk and Recorder in compliance with §38-33.3-217(5) C.R.S.

10.6.3 Deleted.

I certify that the adoption of the above Amendment to Declaration of Covenants, Conditions and Restrictions of Village at Dry Creek, Filing No. 1, Town of Hayden, Colorado, A Common Interest Ownership Community was duly approved by the written ballot of owners of lots to which _____ percent (____%) of the votes in the Association are entitled to be cast and that the balloting process was conducted in compliance with Section 3.07 of the Bylaws of Village at Dry Creek Property Owners Association, Inc.

By: _____
Name: _____
Title: _____