

**FIRST AMENDMENT TO DECLARATION  
FOR LONGVIEW PARK, FILING NO. 1**

This First Amendment to Declaration For Longview Park, Filing No. 1 (the "First Amendment") is made this 30th day of August, 2004, by True Mountain Homes, Inc., a Colorado corporation ("Declarant").

**Recitals**

A. Declarant is the Declarant under that certain Declaration for Longview Park, Filing No. 1, dated June 14, 2004, and recorded in the office of the Clerk and Recorder of Routt County, Colorado, on June 21, 2004, at Reception No. 603406 (the "Declaration"). Any capitalized term used herein without separate definition shall have the meaning described to such term in the Declaration.

B. Declarant is the owner of more than 67% of the Units subject to the Declaration and has the right to amend the Declaration pursuant to Section 13.03 of the Declaration which permits amendment by Owners holding at least 67% of the Units then subject to the Declaration.

C. Declarant desires to amend certain provisions of the Declaration and by this First Amendment does make such amendments.

NOW THEREFORE the Declaration is hereby amended as follows:

1. Section 7.03 of the Declaration is hereby amended by the addition of the following:

"The Association shall have an easement on, over, across and above all Units for access to the water faucets located on exterior walls of the Units and use of water therefrom for the purpose of irrigation of the lawns and landscaping located on the Units and Common Elements provided, however, the use of water from any Unit shall be limited to an area within one hundred (100) feet of the exterior boundaries of such Unit."

2. Except as herein expressly amended and modified hereby, all the terms and provisions of the Declaration remain unchanged and in full force and effect.

3. In case of any conflict between the terms of this First Amendment and the Declaration, the provisions of this First Amendment shall prevail.

True Mountain Homes, Inc.  
a Colorado Corporation

By:   
J.G. Nesbitt - President



PROVINCE OF ONTARIO  
STATE OF COLORADO }  
DISTRICT OF MURKOE } SS.  
~~COUNTY OF ROUT~~ }

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of August, 2004  
by J.G. Nesbitt as President of True Mountain Homes, Inc., a Colorado Corporation.

WITNESS MY HAND AND OFFICIAL SEAL.  
MY COMMISSION EXPIRES:

ON DEATH

*N. B. W. Roche*

Notary Public



**LEE, ROCHE & KELLY**  
Barristers · Solicitors · Notaries  
6 Dominion Street  
P.O. Box 990  
BRACEBRIDGE ONTARIO P1L 1V



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**SECOND AMENDMENT TO DECLARATION  
FOR LONGVIEW PARK, FILING NO. 1**

This Second Amendment to Declaration For Longview Park, Filing No. 1 (the "Second Amendment") is made this 16th day of February, 2005, by True Mountain Homes, Inc., a Colorado corporation ("Declarant").

**Recitals**

A. Declarant is the Declarant under that certain Declaration for Longview Park, Filing No. 1, dated June 14, 2004, and recorded in the office of the Clerk and Recorder of Routt County, Colorado, on June 21, 2004, at Reception No. 603406 (the "Declaration"). Any capitalized term used herein without separate definition shall have the meaning described to such term in the Declaration.

B. Declarant is the owner of more than 67% of the Units subject to the Declaration and has the right to amend the Declaration pursuant to Section 13.03 of the Declaration which permits amendment by Owners holding at least 67% of the Units then subject to the Declaration.

C. Declarant desires to amend certain provisions of the Declaration and by this Second Amendment does make such amendments.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Section 7.02 of the Declaration is hereby amended by the addition of the following:

"An underground irrigation system is not included in the development plans for the Project and such irrigation system will not be provided by the Declarant. In the event that the City of Steamboat Springs requires the installation of an irrigation system or if the Association elects to install an irrigation system, the costs of installation, construction, administration, management, repair, maintenance, replacement, and reconstruction of such irrigation system shall be Common Expenses assessed against all Units in accordance with the Allocated Interest of each Unit for Common Expenses as set forth in the Declaration.

2. Except as herein expressly amended and modified hereby, all the terms and provisions of the Declaration remain unchanged and in full force and effect.

3. In case of any conflict between the terms of this Second Amendment and the Declaration, the provisions of this Second Amendment shall prevail.



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Page: 1 of 2  
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Kay Weinland Routt County, CO AMEND CONR 11.00

D 0.00

True Mountain Homes, Inc.  
a Colorado Corporation:

By: *J.G. Nesbitt*  
J.G. Nesbitt - President

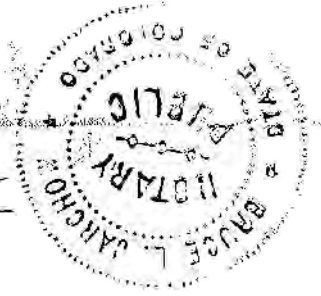
STATE OF COLORADO        }  
  } ss.  
COUNTY OF ROUTT        }

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of February, 2005 by J.G. Nesbitt as President of True Mountain Homes, Inc., a Colorado Corporation.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 7/29/05

*Bruce L. Janchow*  
Notary Public



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Page: 2 of 2  
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Kay Weiland Routt County CO AMEND CONR 11.00 0 0.00

**FIRST SUPPLEMENT TO DECLARATION FOR  
LONGVIEW PARK, A COLORADO COMMON INTEREST  
COMMUNITY**

**(LONGVIEW PARK, FILING NO. 2)**

**THIS FIRST SUPPLEMENT TO DECLARATION FOR LONGVIEW PARK** ("First Supplement") is made this 16 day of MAR, 2005 by True Mountain Homes, Inc. a Colorado corporation ("Declarant").

**WITNESSETH:**

Whereas, Declarant has caused to be recorded that certain Declaration for Longview Park, Filing No. 1 on June 21, 2004, at Reception No. 603406 in the Office of the Clerk and Recorder for Routt County, Colorado, as amended by First Amendment to Declaration for Longview Park, Filing No. 1 recorded on September 2, 2004, at Reception No. 607290 in the Office of the Clerk and Recorder of Routt County, Colorado, (collectively the "Declaration") and that certain subdivision plat for Longview Park, Filing No. 1 recorded on June 21, 2004, at File No. 13380 in the Office of the Clerk and Recorder of Routt County, Colorado (the "Plat");

Whereas, all capitalized terms used herein shall have the meanings as defined in the Declaration unless otherwise defined or modified herein;

Whereas, pursuant to Article 4 of the Declaration, Declarant reserved the right to subject all or any part of the Expansion Property to the Project and to the provisions of the Declaration and Declarant wishes to submit to the Project the real property described on Exhibit A attached hereto and incorporated herein by reference consisting of twenty (20) Units and Common Elements;

Whereas, Declarant wishes to reserve the right to subject all or any part of the remaining Expansion Property to the Project and the provisions of the Declaration and to divide such property into additional Units and Common Elements.

NOW, THEREFORE, Declarant hereby subjects the real property described on Exhibit A attached hereto and incorporated herein by reference consisting of twenty(20) Units and Common Elements ("Supplemental Property") to the Declaration and hereby declares that the Supplemental Property shall be part of the Project and shall be conveyed and owned subject to the terms, covenants, conditions, easements, restrictions, uses, reservations, grants, limitations and obligations contained in the Declaration, as amended, which are for the purpose of protecting the value and desirability of, and which shall run with, the Supplemental Property, and the same shall be a burden and benefit to Declarant, its successors and assigns, to each Owner of a Unit and any other person acquiring or owning any interest in the Supplemental Property and any property previously subjected to the terms of the Declaration, their heirs, devisees, personal representatives, successors and assigns.



1. Supplemental Property. The Supplemental Property is hereby divided into twenty (20) Units as shown on the Supplemental Plat designated as follows:

- |         |         |
|---------|---------|
| Unit 3  | Unit 55 |
| Unit 4  | Unit 56 |
| Unit 5  | Unit 57 |
| Unit 6  | Unit 58 |
| Unit 7  | Unit 59 |
| Unit 8  | Unit 60 |
| Unit 51 | Unit 61 |
| Unit 52 | Unit 62 |
| Unit 53 | Unit 63 |
| Unit 54 | Unit 64 |

with the remainder of the Supplemental Property designated as Common Elements which shall be part of the Common Elements of the Project as provided in the Declaration. Each Owner of a Unit in the Supplemental Property and any property previously subjected to the terms of the Declaration, shall have all the rights of Owners in the Project as set forth in the Declaration, as amended.

2. Supplemental Plat. The Plat for Longview Park Filing No.2 has been filed for record at Reception No. \_\_\_\_\_, File No. \_\_\_\_\_ in the Office of the Clerk and Recorder of County of Routt, State of Colorado (the "Supplemental Plat")

3. Allocated Interests. Pursuant to paragraph 3.03 of the Declaration, the allocated interests for the Units included in the Project are recalculated as set forth in the Exhibit attached hereto and labeled "Exhibit B", which shall supersede, replace and be substituted for the Exhibit labeled "Exhibit B" attached to the Declaration. Each Unit in the Project shall have one (1) vote in the Association.

4. Easement for Utilities. Declarant hereby reserves for itself and its successors and specific assigns, and grants, sells, and conveys to the Association and its successors and specific assigns and to any public or quasi-public utility or governmental or quasi-governmental agency, authority, or entity a blanket easement to enter upon, across, over, in, and under each Unit and the Common Elements for the purpose of installation, replacement, repair, and maintenance of utilities, including but not limited to water, sewer, telephone, cable television, electricity, and natural gas. It shall be expressly permissible for the Companies or entities providing such utilities to install, erect, and maintain the necessary equipment on or within any of the Units and Common Elements including without limitation, telephone, cable television, and electrical wires, cables, circuits, conduits and meters, gas lines and meters, and other facilities (collectively "Utility Equipment") on, under, over, above, and within the Units, all in a manner customary for such utilities, subject to approval of Declarant as to location, and provided that no Unit shall be burdened with utility equipment for more than such Unit and one other Unit with which such Unit shares a party wall.

5. Incorporation of Declaration Terms. All terms, covenants, definitions, conditions, provisions, easements, restrictions, uses, reservations, limitations and obligations





**EXHIBIT "A"**

**ATTACHED TO THE FIRST SUPPLEMENT TO  
DECLARATION FOR LONGVIEW PARK, A COLORADO  
COMMON INTEREST COMMUNITY**

DESCRIPTION OF PROPERTY SUBJECTED  
TO THIS DECLARATION

The real property situated in the County of Routt, State of Colorado, which is described as Expansion Property I and Expansion Property III of LONGVIEW PARK, Filing No. 2, filed on June 21, 2004 at File No. 13380 in the office of the Clerk and Recorder of Routt County, Colorado.

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**EXHIBIT "B"**

**ATTACHED TO THE FIRST SUPPLEMENT TO  
 DECLARATION FOR LONGVIEW PARK, A COLORADO  
 COMMON INTEREST COMMUNITY**

**UNIT DESIGNATIONS AND TABLE OF ALLOCATED  
 INTERESTS FOR LONGVIEW PARK, FILING NO. 1 AND FILING NO. 2**

| <u>Unit Number</u> | <u>Vote in the Affairs<br/>of the Association</u> | <u>Percentage Allocated<br/>Interest</u> |
|--------------------|---|--|
| Unit 1             | 1   | 3.125%                                   |
| Unit 2             | 1   | 3.125%                                   |
| Unit 3             | 1   | 3.125%                                   |
| Unit 4             | 1   | 3.125%                                   |
| Unit 5             | 1   | 3.125%                                   |
| Unit 6             | 1   | 3.125%                                   |
| Unit 7             | 1   | 3.125%                                   |
| Unit 8             | 1   | 3.125%                                   |
| Unit 15            | 1   | 3.125%                                   |
| Unit 16            | 1   | 3.125%                                   |
| Unit 17            | 1   | 3.125%                                   |
| Unit 18            | 1   | 3.125%                                   |
| Unit 19            | 1   | 3.125%                                   |
| Unit 20            | 1   | 3.125%                                   |
| Unit 21            | 1   | 3.125%                                   |
| Unit 22            | 1   | 3.125%                                   |
| Unit 41            | 1   | 3.125%                                   |
| Unit 42            | 1   | 3.125%                                   |
| Unit 51            | 1   | 3.125%                                   |
| Unit 52            | 1   | 3.125%                                   |
| Unit 53            | 1   | 3.125%                                   |
| Unit 54            | 1   | 3.125%                                   |
| Unit 55            | 1   | 3.125%                                   |
| Unit 56            | 1   | 3.125%                                   |
| Unit 57            | 1   | 3.125%                                   |
| Unit 58            | 1   | 3.125%                                   |
| Unit 59            | 1   | 3.125%                                   |
| Unit 60            | 1   | 3.125%                                   |
| Unit 61            | 1   | 3.125%                                   |
| Unit 62            | 1   | 3.125%                                   |
| Unit 63            | 1   | 3.125%                                   |
| Unit 64            | 1   | 3.125%                                   |
| <b>TOTAL</b>       | <b>32</b>   | <b>100%</b>                              |

✓

*[Handwritten signature]*

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**SECOND SUPPLEMENT TO DECLARATION FOR  
LONGVIEW PARK, A COLORADO COMMON INTEREST  
COMMUNITY**

**(LONGVIEW PARK, FILING NO. 3)**

**THIS SECOND SUPPLEMENT TO DECLARATION FOR LONGVIEW PARK**  
("Second Supplement") is made this 14 day of FEB., 2006 by True Mountain  
Homes, Inc. a Colorado corporation ("Declarant").

**WITNESSETH:**

Whereas, Declarant has caused to be recorded that certain Declaration for Longview Park, Filing No. 1 on June 21, 2004, at Reception No. 603406 in the Office of the Clerk and Recorder for Routt County, Colorado, as amended by First Amendment to Declaration for Longview Park, Filing No. 1 recorded on September 2, 2004, at Reception No. 607290, and as amended by Second Amendment to Declaration For Longview Park, Filing No. 1 recorded on February 18, 2005, at Reception No. 614737, and as supplemented by First Supplement to Declaration For Longview Park recorded March 17, 2005 at Reception No. 615626, all in the Office of the Clerk and Recorder of Routt County, Colorado, (collectively the "Declaration") and that certain subdivision plat for Longview Park, Filing No. 1 recorded on June 21, 2004, at File No. 13380 and that Plat for Longview Park, Filing No. 2 recorded at Reception No. 614603, all in the Office of the Clerk and Recorder of Routt County, Colorado.

Whereas, all capitalized terms used herein shall have the meanings as defined in the Declaration unless otherwise defined or modified herein;

Whereas, pursuant to Article 4 of the Declaration, Declarant reserved the right to subject all or any part of the Expansion Property to the Project and to the provisions of the Declaration and Declarant wishes to submit to the Project the real property described on Exhibit A attached hereto and incorporated herein by reference consisting of thirty-two (32) Units and Common Elements;

NOW, THEREFORE, Declarant hereby subjects the real property described on Exhibit A attached hereto and incorporated herein by reference consisting of thirty-two (32) Units and Common Elements ("Supplemental Property") to the Declaration and hereby declares that the Supplemental Property shall be part of the Project and shall be conveyed and owned subject to the terms, covenants, conditions, easements, restrictions, uses, reservations, grants, limitations and obligations contained in the Declaration, as amended, which are for the purpose of protecting the value and desirability of, and which shall run with, the Supplemental Property, and the same shall be a burden and benefit to Declarant, its successors and assigns, to each Owner of a Unit and any other person acquiring or owning any interest in the Supplemental Property and any property previously subjected to the terms of the Declaration, their heirs, devisees, personal representatives, successors and assigns.

1. Supplemental Property. The Supplemental Property is hereby divided into thirty-two (32) Units as shown on the Supplemental Plat designated as follows:

|         |         |         |         |
|---------|---------|---------|---------|
| Unit 9  | Unit 27 | Unit 37 | Unit 49 |
| Unit 10 | Unit 28 | Unit 38 | Unit 50 |
| Unit 11 | Unit 29 | Unit 39 |         |
| Unit 12 | Unit 30 | Unit 40 |         |
| Unit 13 | Unit 31 | Unit 43 |         |
| Unit 14 | Unit 32 | Unit 44 |         |
| Unit 23 | Unit 33 | Unit 45 |         |
| Unit 24 | Unit 34 | Unit 46 |         |
| Unit 25 | Unit 35 | Unit 47 |         |
| Unit 26 | Unit 36 | Unit 48 |         |

with the remainder of the Supplemental Property designated as Common Elements which shall be part of the Common Elements of the Project as provided in the Declaration. Each Owner of a Unit in the Supplemental Property and any property previously subjected to the terms of the Declaration, shall have all the rights of Owners in the Project as set forth in the Declaration, as amended and supplemented.

2. Supplemental Plat for Filing No. 3. The Plat for Longview Park Filing No. 3 has been filed for record at Reception No. 633261, in the Office of the Clerk and Recorder of County of Routt, State of Colorado (the "Supplemental Plat for Filing No. 3")

3. Allocated Interests. Pursuant to paragraph 3.03 of the Declaration, the allocated interests for the Units included in the Project are recalculated as set forth in the Exhibit attached hereto and labeled "Exhibit B", which shall supersede, replace and be substituted for the Exhibit labeled "Exhibit B" attached to the Declaration and for Exhibit B attached to the First Supplement. Each Unit in the Project shall have one (1) vote in the Association.

4. Easement for Utilities. Declarant hereby reserves for itself and its successors and specific assigns, and grants, sells, and conveys to the Association and its successors and specific assigns and to any public or quasi-public utility or governmental or quasi-governmental agency, authority, or entity a blanket easement to enter upon, across, over, in, and under each Unit and the Common Elements for the purpose of installation, replacement, repair, and maintenance of utilities, including but not limited to water, sewer, telephone, cable television, electricity, and natural gas. It shall be expressly permissible for the Companies or entities providing such utilities to install, erect, and maintain the necessary equipment on or within any of the Units and Common Elements including without limitation, telephone, cable television, and electrical wires, cables, circuits, conduits and meters, gas lines and meters, and other facilities (collectively "Utility Equipment") on, under, over, above, and within the Units, all in a manner customary for such utilities, subject to approval of Declarant as to location, and provided that no Unit shall be burdened with utility equipment for more than such Unit and one other Unit with which such Unit shares a party wall.

5. Easement for Signs. Declarant hereby reserves for itself and for its successors and specific assigns, an easement upon, over, under and above that area shown on the Plat of Longview Park, Filing No. 3 as "Hatched Area" for a utility and Landscape Easement per

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Longview Subdivision Plat No. 12286, Reception No. 456444, for the purpose of the installation, replacement, repair and maintenance of a sign or signs advertising Longview Park and all other projects developed by Declarant or its successors and specific assigns in the City of Steamboat Springs, Colorado.

6. Incorporation of Declaration Terms. All terms, covenants, definitions, conditions, provisions, easements, restrictions, uses, reservations, limitations and obligations provided or set forth in the Declaration not inconsistent herewith are hereby fully incorporated in this Second Supplement by this reference. The Supplemental Property shall be administered and managed pursuant to the Declaration, as amended, and the Articles of Incorporation and Bylaws of the Longview Park Owners Association, a Colorado non-profit corporation, and each Unit Owner shall be a member of such Association until such Owner ceases to be an Owner. Except as otherwise set forth herein, capitalized terms shall have the same meaning as set forth in the Declaration.

7. Amendment or Revocation. This Second Supplement may be amended or revoked in the same manner as is provided in the Declaration for amendments to or revocation of the Declaration.

8. General Reservations. Declarant hereby reserves those Development rights and Special Declarant rights with regard to the Supplemental Property as are provided in the Declaration.

9. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

10. Conflicts Between Documents. In case of conflict between the Declaration, as amended and supplemented hereby, and the Articles or the Bylaws of the Association, the Declaration, as amended and supplemented, shall control.

**IN WITNESS WHEREOF**, Declarant has executed this Second Supplement.

True Mountain Homes, Inc.  
a Colorado corporation

By:

  
\_\_\_\_\_  
J.G. Nesbitt, President



**EXHIBIT "A"**

**ATTACHED TO THE SECOND SUPPLEMENT TO  
DECLARATION FOR LONGVIEW PARK, A COLORADO  
COMMON INTEREST COMMUNITY**

**DESCRIPTION OF PROPERTY SUBJECTED  
TO THIS DECLARATION**

The real property situated in the County of Routt, State of Colorado, which is described as Expansion Properties I, II, IV and V of LONGVIEW PARK, Filing No. 2, filed at Reception No. 614603 in the office of the Clerk and Recorder of Routt County, Colorado.

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**EXHIBIT "B"**

**ATTACHED TO THE SECOND SUPPLEMENT TO  
DECLARATION FOR LONGVIEW PARK, A COLORADO  
COMMON INTEREST COMMUNITY**

**UNIT DESIGNATIONS AND TABLE OF ALLOCATED  
INTERESTS FOR LONGVIEW PARK,  
FILING NO. 1, FILING NO. 2 and FILING NO. 3**

| <u>Unit Number</u> | <u>Vote in the Affairs<br/>of the Association</u> | <u>Percentage Allocated<br/>Interest</u> |
|--------------------|---|--|
| Unit 1             |   | 1.5625%                                  |
| Unit 2             |   | 1.5625%                                  |
| Unit 3             |   | 1.5625%                                  |
| Unit 4             |   | 1.5625%                                  |
| Unit 5             |   | 1.5625%                                  |
| Unit 6             |   | 1.5625%                                  |
| Unit 7             |   | 1.5625%                                  |
| Unit 8             |   | 1.5625%                                  |
| Unit 9             |   | 1.5625%                                  |
| Unit 10            |   | 1.5625%                                  |
| Unit 11            |   | 1.5625%                                  |
| Unit 12            |   | 1.5625%                                  |
| Unit 13            |   | 1.5625%                                  |
| Unit 14            |   | 1.5625%                                  |
| Unit 15            |   | 1.5625%                                  |
| Unit 16            |   | 1.5625%                                  |
| Unit 17            |   | 1.5625%                                  |
| Unit 18            |   | 1.5625%                                  |
| Unit 19            |   | 1.5625%                                  |
| Unit 20            |   | 1.5625%                                  |
| Unit 21            |   | 1.5625%                                  |

|         |         |
|---------|---------|
| Unit 22 | 1.5625% |
| Unit 23 | 1.5625% |
| Unit 24 | 1.5625% |
| Unit 25 | 1.5625% |
| Unit 26 | 1.5625% |
| Unit 27 | 1.5625% |
| Unit 28 | 1.5625% |
| Unit 29 | 1.5625% |
| Unit 30 | 1.5625% |
| Unit 31 | 1.5625% |
| Unit 32 | 1.5625% |
| Unit 33 | 1.5625% |
| Unit 34 | 1.5625% |
| Unit 35 | 1.5625% |
| Unit 36 | 1.5625% |
| Unit 37 | 1.5625% |
| Unit 38 | 1.5625% |
| Unit 39 | 1.5625% |
| Unit 40 | 1.5625% |
| Unit 41 | 1.5625% |
| Unit 42 | 1.5625% |
| Unit 43 | 1.5625% |
| Unit 44 | 1.5625% |
| Unit 45 | 1.5625% |
| Unit 46 | 1.5625% |
| Unit 47 | 1.5625% |
| Unit 48 | 1.5625% |
| Unit 49 | 1.5625% |
| Unit 50 | 1.5625% |
| Unit 51 | 1.5625% |
| Unit 52 | 1.5625% |
| Unit 53 | 1.5625% |

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|              |           |                      |
|--------------|-----------|----------------------|
| Unit 54      | 1         | 1.5625%              |
| Unit 55      | 1         | 1.5625%              |
| Unit 56      | 1         | 1.5625%              |
| Unit 57      | 1         | 1.5625%              |
| Unit 58      | 1         | 1.5625%              |
| Unit 59      | 1         | 1.5625%              |
| Unit 60      | 1         | 1.5625%              |
| Unit 61      | 1         | 1.5625%              |
| Unit 62      | 1         | 1.5625%              |
| Unit 63      | 1         | 1.5625%              |
| Unit 64      | 1         | 1.5625%              |
| <u>TOTAL</u> | <u>64</u> | <u>100%</u> <i>1</i> |