

AMENDMENT TO DECLARATION OF COVENANTS  
CONDITIONS AND RESTRICTIONS, BUCKHORN VILLAGE

Giuliano & Father Construction, Inc., a Colorado corporation as the Declarant under the Declaration of Covenants, Conditions and Restrictions, Buckhorn Village recorded in the Office of the Clerk and Recorder of Larimer County, Colorado, on October 22, 1999 at Reception No. 99092095 (the "Declaration") and being the owner of all of the Initially Submitted Property as described in the Declaration hereby amends and supplements the Declaration as set forth herein.

1. Definitions. Definitions contained in the Declaration have the same meaning in this Amendment as set forth in Article II of the Declaration.
2. Corrected Description of Initially Submitted Property and Submission of Additional Property to the Declaration.
  - a. Exhibit "A" to the Declaration is a description of the real property initially submitted and made subject to the Declaration pursuant to Article III of the Declaration. The description of such initially submitted property is amended by substituting for such description of the Initially Submitted Property the description set forth on Part I of Exhibit "A" attached hereto.
  - b. The property described in Part II of Exhibit "A" is hereby also submitted and made subject to the Declaration.
3. Expansion Property. Exhibit "B" to the Declaration is a description of the Expansion Property which may be added to the Buckhorn Development and made subject to the Declaration pursuant to Section 3.2 of the Declaration. Such Exhibit "B" is amended by substituting for such description the property described on Exhibit "B" attached hereto.
4. Amendment to Article VI. Article VI of the Declaration is amended by adding additional Section 6.3 thereto as follows:
  - 6.3 Owner's Easements and Rights. Every owner shall have a nice lucid easement of use, access and enjoyment in and to the open-spaced common areas. Any owner may extend such easement to the owner's tenants and resident members of the owner's family on the owner's lot. The owner's right
5. Amendments to Article X. Article X of the Declaration is amended by adding an additional Section 10.11 thereto as follows:

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10.11 HUD/VA Approval. If and to the extent required by the Federal Housing Administration (FHA) and the United States Department of Veterans Affairs (VA), approval from FHA and VA must be obtained prior to annexation of additional property to the Buckhorn Development, dedication of additional common area to the Buckhorn Development, or amendment of the Declaration.

and by amending section 10.4 of the Declaration to read as follows:

10.4 Subject to the requirements of section 10.11, this Declaration or any portion thereof may be amended or revoked at any time by an instrument in writing signed by the owners of at least 2/3rds of the lots then constituting the Buckhorn Development; provided that, no such instruments shall be effective that are not executed by the Declarant so long as the Declarant owns any property that is within the Buckhorn Development or eligible to be Annexed to the Buckhorn Development pursuant to the terms of this Declaration. Any Amendment shall be effective only upon the recordation of the written Amendment and ratifications thereof containing the necessary signatures of Lot Owners and encumbrance holders. No Amendment to this Declaration may be made which conflicts with the applicable laws of the State of Colorado.

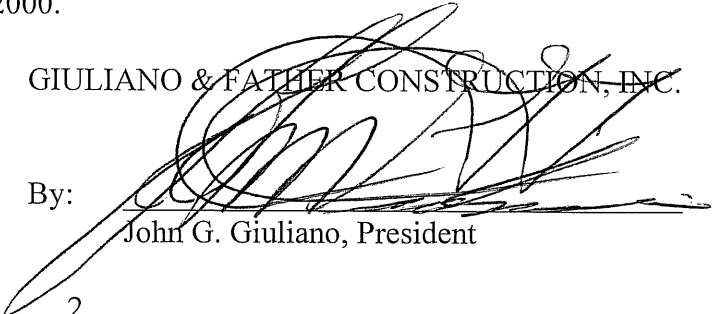
Article X of the Declaration is further amended by adding an additional Section 10.4(a) thereto as follows:

10.4(a) Amendment by Declarant. Declarant may unilaterally amend the Declaration during the period Declarant controls the removal and appointment of Directors to correct any clerical, typographical or technical errors or to comply with the requirements, standards, or guidelines of recognized secondary mortgage markets, the Department of Housing and Urban Development, the Federal Housing Administration, the Veteran's Administration, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association or the Federal National Mortgage Association.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to the Declaration to be executed this 24<sup>th</sup> day of January, 2000.

GIULIANO & FATHER CONSTRUCTION, INC.

By:

  
John G. Giuliano, President

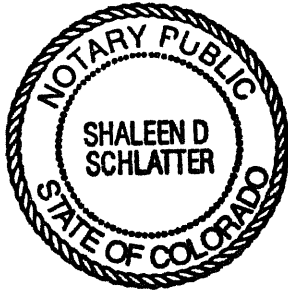
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STATE OF COLORADO )  
 ) ss.  
COUNTY OF LARIMER )

The foregoing instrument was acknowledged before me this 24th day of January, 2000, by John G. Giuliano as President of Giuliano & Father, Construction, Inc., a Colorado corporation.

Witness my hand and official seal.

My commission expires: 2-24-02



Shaleen D Schlatter  
Notary Public

**EXHIBIT A**

**PART I  
INITIALLY SUBMITTED PROPERTY**

A tract of land being a part of the Buck First and Second Additions to the City of Loveland, Larimer County, Colorado, situated in the North ½ of Section 4, Township 5 North, Range 69 West of the Sixth P.M., which considering the North Line of the Northeast 1/4 of said Section 4 as bearing N89°20'42"E and with all bearings contained herein relative thereto is contained within the boundary lines which begin at a point which bears S00°00'27"W 1320.00 feet and again S89°20'42"W 70.00 feet from the Northeast corner of said Section 4 and run thence S89°20'42"W 1015.23 feet; thence N85°49'34"E 391.01 feet; thence N88°46'54"E 610.33 feet; thence N00°00'27"E 349.99 feet; thence N89°20'42"E 15.00 feet; thence S00°00'27"W 379.99 feet to the point of beginning containing 0.6165 acres more or less, which is Tract "O" of the Buck First Subdivision.

**AND ALSO**

A tract of land being a part of the Buck First and Second Additions to the City of Loveland, Larimer County, Colorado, situated in the North ½ of Section 4, Township 5 North, Range 69 West of the Sixth P.M., which considering the North Line of the Northeast 1/4 of said Section 4 as bearing N89°20'42"E and with all bearings contained herein relative thereto is contained within the boundary lines which begin at a point on the North line of the said Buck First Addition which bears S00°00'27" W 50.00 feet and again S89°20'42" W 1120.00 feet from the Northeast corner of said Section 4 and run thence S00°39'18"E 275.00 feet; thence S30°40'00"E 418.68 feet; thence N43°34'57"W 128.79 feet; thence S56°00'00"W 30.00 feet; thence S13°10'00"E 64.39 feet; thence S32°22'32"E 73.43 feet; thence S13°32'56"E 84.79 feet; thence S09°08'35"E 82.65 feet; thence S00°39'18"E 197.74 feet; thence S10°47'58"W 139.50 feet; thence S47°29'44"W 20.00 feet; thence S73°08'46"W 117.05 feet; thence S06°47'26"W 40.34 feet; thence S89°20'42"W 623.14 feet; thence N04°52'03"E 190.89 feet; thence N00°39'18"W 75.00 feet; thence N06°53'19"W 53.29 feet; thence N29°05'14"W 55.46 feet; thence N34°00'00"W 488.79 feet; thence N21°38'41"W 96.17 feet; thence N00°39'18"W 140.06 feet; thence S89°20'42"W 350.00 feet; thence S62°46'48"W 55.90 feet; thence S89°20'42"W 215.00 feet; thence S78°02'06"W 50.99 feet; thence S89°20'42"W 100.00 feet; thence N03°35'26" W 195.26 feet; thence N00°39'18"W 105.00 feet to the North line of Buck First Addition; thence along said North line N89°20'42"E 1695.00 feet to the point of beginning containing 30.3835 acres more or less, which is Lots 1 through 26, Block 1; Lots 1 through 16, Block 2; Lot 1 and the east part of Lot 2, Block 3; Lots 5 through 7, Block 4; Lots 1 through 3, Block 5; Lots 1 and 2, Block 6; Lots 1 through 15, Block 7; Lots 1 through 28, Block 8; Lots 1 through 26, Block 9; and Tracts A, B, C, H, I, J and K and Parts of Tracts D and G.

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**EXHIBIT A**

**PART II**  
**ADDITIONAL SUBMITTED PROPERTY**

A part of the Buck First Subdivision, situate in the North ½ of Section 4, Township 5 North, Range 69 West, of the Sixth P. M., City of Loveland, County of Larimer, State of Colorado, which is contained within the boundary lines which begin at the Southwest corner of Lot 2 in Block 7 of said Buck First Subdivision, and run thence South 00 degrees 39 minutes 18 seconds East 140.06 feet; thence South 21 degrees 38 minutes 41 seconds East 96.17 feet; thence South 34 degrees 00 minutes 00 seconds East 488.79 feet; thence South 29 degrees 05 minutes 14 seconds East 55.46 feet; thence South 06 degrees 53 minutes 19 seconds East 53.29 feet; thence South 00 degrees 39 minutes 18 seconds East 75.00 feet; thence South 04 degrees 52 minutes 03 seconds West 150.69 feet to a point on the South line of Lot 2 in Block 3 of said Buck First Subdivision; thence South 89 degrees 20 minutes 42 seconds West 374.70 feet; thence North 00 degrees 39 minutes 18 seconds West 100.00 feet to the south line of Williamsburg Street; thence South 89 degrees 20 minutes 42 seconds West 46.60 feet; thence North 00 degrees 39 minutes 18 seconds West 75.00 feet along the Westerly line of Rockvale Drive; thence again along the Westerly line of Rockvale Drive, along the arc of a 125.00 foot radius curve to the left a distance of 72.75 feet, the long chord of which bears North 17 degrees 19 minutes 39 seconds West 71.73 feet; thence again along the Westerly line of Rockvale Drive, North 34 degrees 00 minutes 00 seconds West 425.09 feet; thence again along the westerly line of Rockvale Drive on the arc of a 275.00 foot radius curve to the right a distance of 160.04 feet, the long chord of which bears North 17 degrees 19 minutes 39 seconds West 157.80 feet; thence again along the westerly line of Rockvale Drive, North 00 degrees 39 minutes 18 seconds West 189.94 feet to the Southeast corner of Lot 3 in Block 5 of said Buck First Subdivision; thence North 62 degrees 46 minutes 48 seconds East 55.90 feet to the Southwest corner of Lot 1 in Block 6 of said Buck First Subdivision; thence North 89 degrees 20 minutes 42 seconds East 350.00 feet to the point of beginning, containing 9.7851 acres, in the County of Larimer, State of Colorado; said property being Lots 3 through 7 and the west part of Lot 2 and the east part of Lot 8 in Block 3; Lots 3 through 28 in Block 6; Lots 16 through 28 in Block 7; and Tract F and a part of Tract G.

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## EXHIBIT B

### Expansion Property

A tract of land situate in Section 33, Township 6 North, Range 69 West of the Sixty P.M., Larimer County, Colorado which considering the South line of the said Section 33 as bearing S89°20'42"W and with all bearings contained herein relative thereto is contained within the boundary lines which begin at a point on said South line which bears S89°20'42"W 30.00 feet from the Southeast corner of Section 33; thence along the West line of the South ½ of the South ½ of said Section 33, N01°27'25"W 1318.19 feet to the South 1/16 corner on the West line of said Section 33; thence along the North line of the South ½ of the South ½ of said Section 33, N89°18'33"E 5301.14 feet to the South 1/16 corner on the East line of said Section 33; thence along the east line of the South ½ of the South ½ of said Section 33, S00°37'18"E 330.35 feet; thence S89°20'42"W 30.00 feet to the Northwest corner of Picabo Hills Addition to the City of Loveland, Colorado; thence along the West line of said Picabo Hills Addition and the West line of the Mountain Vista Addition, S00°37'18"E 991.03 feet to the point of beginning containing 159.6326 acres more or less and being subject to all easements and rights-of-way in place or are now of record.