

WHEN RECORDED, RETURN TO: GRANT, GRANT & GOIRAN LLP 436 COFFMAN STREET, SUITE 200 POST OFFICE BOX 908 LONGMONT, COLORADO 80502-0908

ATTN: PHILIP A. GOIRAN

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUMMIT VIEW

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUMMIT VIEW (the "Amendment") is made effective as of November 15, 2005.

RECITALS

- A. Certain Declaration of Covenants, Conditions and Restrictions of Summit View (the "Declaration"), was executed by Capital Pacific Holdings, LLC, a Delaware limited liability company, ("Declarant"), which was recorded in the real property records of Weld County, Colorado on October 1, 1999 as Reception No. 2724057 (for purposes of this Amendment, defined terms, indicated by initial capital letters, shall have the meaning set forth in the Declaration, unless otherwise defined herein).
- B. Section 14.2 of the Declaration provides that the Declaration may be amended by the vote of the Members of the Association.
- C. At the annual meeting of the Association, held November 15, 2005, two-thirds or more of the Members approved the following Amendments to the Declaration.
- NOW, THEREFORE, in consideration of the premises, the Members amend the Declaration by adding the following provisions to Article 8, Duties and Powers of Association and Article 5, Living Environment Standards:
- Section 8.5. Power to Establish and Collect Assessments. The Board shall have the authority to establish annual dues based on the projected annual budget, but can not increase that amount by more than 10% over the previous year. Any special assessments to cover one-time expenditures must be voted on and approved by the homeowners at the annual meeting. Due shall be due the first quarter of each year. The Annual dues for 2006 shall be \$40.00.
- <u>Section 5.3.1</u> <u>Trash Service.</u> The Board shall have the authority to represent the community in negotiating one trash service provider and the rate for the service. All homeowners who require trash pick up will be required to use this trash service provider.

Except as so amended, the Declaration is hereby ratified and affirmed and shall remain in full force and effect.



3415562 08/29/2006 04:30P Weld County, CO 2 of 2 R 11.00 D 0.00 Steve Moreno Clerk & Recorder

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IN WITNESS WHEREOF, the President and Secretary of the Summit View Homeowner's Association have executed this First Amendment to Declaration of Covenants, Conditions and Restrictions effective as of November 15, 2005 and do hereby certify that the approvals of the required percentages of members, First mortgagees and Agencies were obtained.

SUMMIT VIEW HOMEOWNER'S ASSOCIATION, INC.
By: Scale President
By: Secretary
STATE OF COLORADO)
country of Boulder) ss.
The foregoing instrument was acknowledged before me this 25 H day of Aug ust, 2006, by Phand, as President of the Summit View Homeowner's Association, Inc., a Colorado Nonprofit Corporation. WITNESS my hand and official seal. My commission expires: Tuly 2. 200?
Notary Public Notary Public
STATE OF COLORADO)) ss. COUNTY OF FOLLOW)
The foregoing instrument was acknowledged before me this the day of August 2006, by Arga Arga Arga as Secretary of the Summit View Homeowner's Association, Inc., a Colorado Nonprofit Corporation.
WITNESS my hand and official seal. My commission expires: LEAH L Notary Public
G/S/SVASS/HOA/AMEN MEN TO COLOR AND OF COVENANTS DOC 07/11/06 9:44 AM - SUZAN D. FRITCHE