

FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CREEKSIDE TOWNHOMES

Recitals:

1. Creekside Townhomes Owners Association, Inc. is a Colorado common interest community and a planned community generally administered by the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Creekside Townhomes recorded on August 29, 1996 at Reception Number 9647195, in Book 1366 at page 1028 in the office of the Douglas County Clerk and Recorder ("Declaration").
2. The Declaration is ambiguous about the specific elements of the community that are designated as Limited Common Elements, and the Declaration was recorded without Exhibit C-2 that may have provided the necessary clarification of the Limited Common Elements.
3. Despite language of the Declaration, and occasional practices of the Association and the Unit Owners, it is equitable that owners are responsible for all exterior improvements made to the Lots not originally constructed by the developer of the Creekside community ("Owner Installed Betterments").
3. This Amendment is intended to clarify the elements within the community that are to be designated as Limited Common Elements and change the terms of the Declaration as to the maintenance obligation for all Owner Installed Betterments.
4. It is the desire of the Unit Owners to which at least 67 percent of the votes in the Association are allocated to amend the Declaration to clarify the elements within the community designated as Limited Common Elements, provide that the Unit Owner has sole maintenance, repair, and replacement obligation for Owner Installed Betterments, and to provide a remedy for a breach of the Unit Owner's maintenance obligation.

THEREFORE, the following sections of the Declaration shall be added or amended to read as follows:

Section: 2.18 Owner Installed Betterments. Shall mean and refer to additions to, and betterments of, those exterior improvements of the unit owner's lot that were not built or constructed as part of the initial development of the Creekside Townhomes community. Owner Installed Betterments do not include replacement of unit exteriors built or constructed as part of the initial development of the Creekside community.

Section: 8.1 Limited Common Elements. That portion of the Common Elements reserved for the exclusive use of one or more, but fewer than all of the Units.

8.1.1 Walk ways, driveways, and balconies (except those elements defined as Owner Installed Betterments) located outside the Unit's boundaries;

8.1.2 Utility vaults, all walkways, driveways, and other improvements which without regard to their location, shared by two or more Unit Owners that serve the community.

8.1.3 The term Limited Common Elements shall specifically exclude the interior-elements of garages, including the slab, garage doors, garage door openers, and hardware, as well as all Owner Installed Betterments without regard to their location.

Section 9.2 Maintenance, Alterations, and Improvements to Unit Exteriors. With the exception of Owner Installed Betterments, the Association shall pay all costs of the maintenance, repair, alteration, and improvement of all exterior improvements, including Unit Exteriors, balconies, outside water faucets, patios, and car ports. The Unit Owners shall be responsible to maintain the interior elements of garages, glass surfaces, screens, interior vents and flues in such condition and repair as the Association may require and shall pay the costs thereof.

9.2.1 In the event the Unit Owner fails to maintain the Owner Installed Betterments, interior elements of the garage, glass surfaces, screens, interior vents and flues in such condition and repair as the Association may require, and after notice to the Owner, the Association may perform the necessary maintenance. The costs of the necessary maintenance will become part of the Common Expense Assessment allocated to the Owner and collectable as more fully set forth in Article 7 of the Declaration. The Association shall have the right of entry for this purpose as set forth in Section 9.5 of the Declaration.

Section 9.3 Maintenance, Alteration, and Improvements to Common Elements. Except for maintenance of the Owner Installed Betterments, the Association shall pay all costs of the maintenance, repair, alteration, and improvement of the Common Elements, including removing snow, leaves, and debris from the

driveways and sidewalks. In the event said maintenance is the result of the negligent or willful actions or omissions of the Owner, the Owner's family members, tenants, guests, or invitees the cost of the maintenance or repair shall become part of the Common Expense Assessment allocated to the Owner and collectable as more fully set forth in article 7 of the Declaration.

The remainder of the Declaration shall remain in full force and effect provided those sections are not in conflict with the amendments of Sections 2.8, 8.1, 9.2, and 9.3 in which case the conflicting provision shall be interpreted to complement the amendments set forth above.

This Amendment was approved, in accordance with Colorado Revised Statutes, Section 38-33.3-217, by Unit Owners to which at least 67 percent of the votes in the Association have been allocated.

Certified this _____ day of _____ 201_ by Creekside Townhomes Owners Association, Inc.

Creekside Townhome Owners Association, Inc.

By _____
As President/Secretary