

**FIRST AMENDMENT TO THE  
AMENDED AND RESTATED  
DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
OF  
BONNER PEAK LANDOWNERS' ASSOCIATION**

This First Amendment to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Bonner Peak Landowners' Association is effective upon the date of recordation of this instrument in the real estate records of the Clerk and Recorder of Larimer County, Colorado.

Witnesseth:

Whereas, the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Bonner Peak Landowners' Association was recorded February 9, 2005, at Reception No. 2005-0011113 and re-recorded February 27, 2006, at Reception No. 2006-0013982, all in the real estate records of the Clerk and Recorder of Larimer County, Colorado (referred to herein as the "Restated Declaration"); and

Whereas, the real property described in and subject to the Restated Declaration is described on Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

Whereas, the Restated Declaration, at Article XI, Section 6, provides that any provisions, covenants, conditions or restrictions contained in the Restated Declaration may be amended upon approval of the amendment by Owners in good standing in the Bonner Peak Landowners' Association (the "Association") and entitled to vote, holding sixty-seven percent (67%) or more of all votes of all Owners, and that approval of any such amendment shall be effective upon the recording in the office of the Clerk and Recorder of Larimer County, Colorado, of a certificate executed by the appropriate officer of the Association setting forth the amendment that has been approved by Owners; and

Whereas, the Owners executing approvals and ratifications of this document (the "First Amendment") are the record owners holding sixty-seven percent (67%) or more of all votes of all Owners belonging to the Association and desire to amend the Restated Declaration as hereinafter provided:

Now, Therefore, the Bonner Peak Landowners' Association, by and through its undersigned officer, hereby certifies (a) that the signature pages attached to this document represent the record owners holding sixty-seven percent (67%) or more of all votes of all Owners belonging to the Association and that this First Amendment to the Amended and Restated

✓  
E Return to Bonner Peak Landowners' Association  
13173 North US Highway 287  
LaPorte CO 80535

Declaration of Covenants, Conditions, and Restrictions of Bonner Peak Landowners' Association is and shall be effective upon the date of recordation of this instrument in the real estate records of the Clerk and Recorder of Larimer County, Colorado, and (b) that the Property shall be held, sold, conveyed, transferred, leased, subleased, and occupied subject to the easements, covenants, conditions and restrictions set forth in the Restated Declaration, as amended by this First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Bonner Peak Landowners' Association, and (c) that the easements, covenants, conditions and restrictions of the Restated Declaration as amended by this First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Bonner Peak Landowners' Association shall run with the land described on Exhibit "A" attached hereto and shall be binding upon and inure to the benefit of all persons and entities having any right, title or interest in and to the Property or any portion thereof, their respective heirs, personal representatives, successors and assigns.

1. Article I, Section 4 of the Restated Declaration is hereby amended and restated in its entirety as follows:

Section 4. "Owner" or "member" shall mean and refer to the recorded owners, whether one or more persons or entities, of any Lot, including contract purchasers, but excluding those having such interest merely as a security for the performance of an obligation, and, with reference to entities (e.g., corporations, limited liability companies, trusts) owning any Lot, the owner of at least one-quarter of any entity or the person in control of such owning entity.

2. The first sentence of Article IX of the Restated Declaration, entitled "Architectural Control Committee", is hereby amended and restated in its entirety as follows:

The Architectural Control Committee is a Standing Committee that consists of five (5) Owners who shall be elected by a vote of the majority of the members of the Association present in person or by proxy at an annual meeting or a special meeting called for such purpose, provided, however, that for the purpose of this paragraph, the term "Owner" shall include the spouse or a parent or child over the age of 21 years who resides on the Ranch and who is the representative, designated in writing, of the recorded owner of the Lot on which that person resides.

3. The first sentence of Article X of the Restated Declaration, entitled "Animal and Livestock Control Committee", is hereby amended and restated in its entirety as follows:

The Board of Directors shall establish an Animal and Livestock Control Committee by appointing three (3) Owners to serve on this Committee, provided, however, that for the purpose of this paragraph, the term "Owner" shall include the spouse or a parent or child over the age of 21 years who resides on the Ranch and who is the representative, designated in writing, of the recorded owner of the Lot on which that person resides.



**EXHIBIT "A"**  
**ATTACHED TO AND MADE A PART OF THE**  
**FIRST AMENDMENT TO THE**  
**AMENDED AND RESTATED**  
**DECLARATION OF**  
**COVENANTS, CONDITIONS, AND RESTRICTIONS**  
**OF**  
**BONNER PEAK LANDOWNERS' ASSOCIATION**

Legal Description

Township 9 North, Range 70 West of the 6th P.M.

- Section 3: SE ¼;
- Section 10: SW ¼ NE ¼, W ½ SE ¼;
- Section 11: All;
- Section 13: All
- Section 14: NE ¼, N ½ NW ¼, SE ¼ NW ¼, E ½ SE ¼, SW ¼ SE ¼,  
N ½ SW ¼, SE ¼ SW ¼;
- Section 15: NE ¼ NE ¼, E ½ SE ¼;
- Section 21: E ½ SE ¼;
- Section 22: E ½ NE ¼, NW ¼ SE ¼, S ½ SE ¼, SW ¼;
- Section 23: N ½, SE ¼, NE ¼ SW ¼, S ½ SW ¼.

Township 9 North, Range 69 West of the 6th P.M.

Section 18: Beginning at the Northwest corner of Section 18, thence South 89° 50' East 365.2 feet to center of County Road(*Highway 287*), thence South along the center of said road 4426.6 feet; thence South 15° 21' West along road 876.7 feet to Section line; thence North 89° 43' West on Section line 134.5 feet to Southwest corner of said Section; thence North 0° 09' East along West Section line 5272.5 feet to place of beginning; EXCEPT parcel conveyed by deed recorded in Book 1379, Page 171, EXCEPT access rights conveyed by deed recorded in Book 1379, Page 173, and EXCEPT parcel conveyed by deed recorded in Book 593, Page 319.

Larimer County, Colorado.