

FIRST AMENDMENT TO MASTER DECLARATION

OF

COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

TANOA AT ELK MEADOW

KNOW ALL MEN BY THESE PRESENTS:

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WHEREAS, Evergreen Ventures, a Colorado joint venture, (the "Declarant"), has executed and caused to be recorded that certain Master Declaration of Covenants, Conditions and Restrictions for Tanoa at Elk Meadow recorded on March 10, 1994, under Reception No. 94045876 of the records of the Office of the Clerk and Recorder of Jefferson County, Colorado (the "Master Declaration") (terms that are defined in the Master Declaration shall have the same meaning herein unless otherwise defined); and 1-7

WHEREAS, pursuant to the Master Declaration, Declarant has executed and caused to be recorded that certain Map of Tanoa at Elk Meadow recorded on March 10, 1994, in Book 97 at Page 116 under Reception No. 94045877 of the records of the Office of the Clerk and Recorder of Jefferson County, Colorado (the "Map");

WHEREAS, Declarant has executed and caused to be recorded that certain First Supplementary Master Declaration of Covenants, Conditions and Restrictions for Tanoa at Elk Meadow applicable to a portion of the Project (as defined in the Master Declaration), recorded March 10, 1994, under Reception No. 94045878 of the records of the Office of the Clerk and Recorder of Jefferson County, Colorado (the "First Supplementary Master Declaration");

WHEREAS, Section 15.4 of the Master Declaration reserves to the Declarant the right and power to record technical amendments for the purposes of correcting spelling, grammar, dates or as is otherwise necessary to clarify the meaning of the provisions of the Master Declaration at any time prior to the termination of the Declarant's reserved right to appoint the Board of Directors of the Association; and

WHEREAS, Declarant desires to amend the Master Declaration to correct the legal descriptions of the Common Area described on Exhibit "B" attached to the Master Declaration and the property which may be annexed into the Project described on Exhibit "C" attached to the Master Declaration.

NOW, THEREFORE, the undersigned as Declarant states, declares and amends the Master Declaration as follows, to wit:

1. Notwithstanding anything to the contrary in the Master Declaration, the Common Area defined in Section 1.3 of the Master Declaration shall be that portion of the Property described on Exhibit "B" attached hereto and incorporated by this reference.

2. Notwithstanding anything to the contrary in the Master Declaration, the property which Declarant may annex into the Project under Section 13.1 of the Master Declaration shall be that property described on Exhibit "C" attached hereto and incorporated by this reference.

Except as modified by this First Amendment, the Master Declaration is affirmed and ratified in all other respects.

This First Amendment shall be effective upon execution hereof by Declarant and recording in the records of the Office of the Clerk and Recorder of Jefferson County, Colorado.



EXHIBIT B

LEGAL DESCRIPTION OF PRIVATE ACCESS DRIVE:

A private access drive located within Tanoa at Elk Meadow Filing No. 1, a subdivision located in the southeast one-quarter of Section 32 and the southwest one-quarter of Section 33 both being in Township 4 South, Range 71 West of the 6th Principal Meridian, County of Jefferson, State of Colorado, said private access drive being more particularly described as follows:

BEGINNING at the southwest corner of Lot 9;  
thence along the west line of said Lot 9  $N0^{\circ}04'20''E$ , a distance of 12.58 feet;  
thence 12.50 feet north of and parallel with the common lot lines of Lots 7, 8, 9, 10 and 11 the following three courses and distances:

1.  $S83^{\circ}29'01''E$ , a distance of 250.73 feet;
2.  $S76^{\circ}11'18''E$ , a distance of 128.78 feet;
3.  $S53^{\circ}36'16''E$ , a distance of 63.93 feet to a point on the northwest right-of-way line of Elk View Drive;

thence along said northwest right-of-way line of Elk View Drive along a curve to the left having a radius of 45.00 feet, a central angle of  $32^{\circ}15'19''$ , an arc length of 25.33 feet, a tangent length of 13.01 feet and whose chord bears  $S36^{\circ}23'44''W$ , a distance of 25.00 feet to a point 12.50 feet south of the common lot lines of Lots 7, 8, 9, 10, and 11;  
thence 12.50 feet south of and parallel with said common lot lines of Lots 7, 8, 9, 10, and 11 the following three courses and distances:

1.  $N53^{\circ}36'16''W$ , a distance of 58.94 feet;
2.  $N76^{\circ}11'18''W$ , a distance of 122.20 feet;
3.  $N83^{\circ}29'01''W$ , a distance of 246.31 feet to a point on the west lot line of Lot 10;

thence along said west lot line of Lot 10  $N0^{\circ}04'20''E$ , a distance of 12.58 feet to the northwest corner of said Lot 10 which is also the southwest corner of Lot 9 and the POINT OF BEGINNING; contains 10,856 square feet, more or less.

LEGAL DESCRIPTION OF PRIVATE ACCESS DRIVE:

A private access drive located within Tanoa at Elk Meadow Filing No. 1, a subdivision located in the southeast one-quarter of Section 32 and the southwest one-quarter of Section 33 both being in Township 4 South, Range 71 West of the 6th Principal Meridian, County of Jefferson, State of Colorado, said private access drive being more particularly described as follows:

BEGINNING at a point on the north right-of-way line of Tanoa Road, said point being 12.50 feet east of the common lot line of Lots 24 and 28;  
thence along said north right-of-way line of Tanoa Road along a curve to the left having a radius of 275.00 feet, a central angle of  $5^{\circ}12'38''$ , an arc length of 25.01 feet, a tangent length of 12.51 feet and whose chord bears  $N86^{\circ}14'43''W$ , a distance of 25.00 feet to a point 12.50 feet west of said common lot line of Lots 24 and 28;  
thence 12.50 feet west of and parallel with said common lot line of Lots 24 and 28  $N3^{\circ}45'17''E$ , a distance of 131.73 feet to a point 10.00 feet southwest of the common lot line of Lots 25 and 26;  
thence 10.00 feet southwest of and parallel with said common lot line of Lots 25 and 26  $N53^{\circ}40'52''W$ , a distance of 28.55 feet;  
thence  $N36^{\circ}19'08''E$ , a distance of 20.00 feet to a point 10.00 feet northeast of the common lot line of said Lots 25 and 26;  
thence 10.00 feet northeast of and parallel with said common lot line of Lots 25 and 26  $S53^{\circ}40'52''E$ , a distance of 29.83 feet to a point 10.00 feet northwest of the common lot line of Lots 27 and 28;  
thence 10.00 feet northwest of and parallel with said common lot line of Lots 27 and 28  $N55^{\circ}02'48''E$ , a distance of 29.83 feet;  
thence  $S34^{\circ}57'12''E$ , a distance of 20.00 feet to a point 10.00 feet southeast of said common lot line of Lots 27 and 28;  
thence 10.00 feet southeast of and parallel with said common lot lines of Lots 27 and 28  $S55^{\circ}02'48''W$ , a distance of 29.00 feet to a point 12.50 feet east of the common lot line of Lots 24 and 28;  
thence 12.50 feet east of and parallel with said common lot line of Lots 24 and 28  $S3^{\circ}45'17''W$ , a distance of 132.82 feet to a point on the north right-of-way line of Tanoa Road which is also the POINT OF BEGINNING;  
contains 4,670 square feet, more or less.

LEGAL DESCRIPTION OF PRIVATE ACCESS DRIVE:

A private access drive located within Tanoa at Elk Meadow Filing No. 1, a subdivision located in the southeast one-quarter of Section 32 and the southwest one-quarter of Section 33 both being in Township 4 South, Range 71 West of the 6th Principal Meridian, County of Jefferson, State of Colorado, said private access drive being more particularly described as follows:

BEGINNING at the southeast corner of Lot 13 thence along the east lot line of Lot 13 N6°33'56"E, a distance of 12.505 feet;  
thence 12.50 feet north of and parallel with the common lot lines of Lots 13 and 21 N85°15'29"W, a distance of 162.83 feet to a point on the common lot line of Lots 13 and 14;  
thence along said common lot line of Lots 13 and 14 N3°06'37"W, a distance of 263.02 feet to a point on the common lot line of Lots 12 and 14;  
thence along said common lot line of Lots 12 and 14 N88°31'34"W, a distance of 20.06 feet;  
thence 20.00 feet west of and parallel with the common lot line of Lots 13 and 14 S3°06'37"E, a distance of 262.39 feet to a point 12.50 feet north of the common lot line of Lots 14, 15, 16, 19, 20 and 21;  
thence 12.50 feet north of and parallel with said common lot lines of Lots 14, 15, 16, 19, 20 and 21 N86°38'07"W, a distance of 384.33 feet to a point 10.00 feet north of the common lot line of Lots 17 and 18;  
thence 10.00 feet north of and parallel with said common lot line of Lots 17 and 18 N68°45'38"W, a distance of 27.28 feet;  
thence S21°14'22"W, a distance of 20.00 feet to a point 10.00 feet south of said common lot line of Lots 17 and 18;  
thence 10.00 feet south of and parallel with said common lot line of Lots 17 and 18 S68°45'38"E, a distance of 29.33 feet to a point 10.00 feet west of the common lot line of lots 18 and 19;  
thence 10.00 feet west of and parallel with said common lot line of Lots 18 and 19 S5°14'37"W, a distance of 29.33 feet;  
thence S83°45'23"E, a distance of 20.00 feet to a point 10.00 feet east of the common lot line of Lots 18 and 19;  
thence 10.00 feet east of and parallel with said common lot line of Lots 18 and 19 N6°14'37"E, a distance of 24.99 feet to a point 12.50 feet south of the common lot line of lots 14, 15, 16, 19, 20 and 21;  
thence 12.50 feet south of and parallel with said common lot line of lots 14, 15, 16, 19, 20 and 21 S86°38'07"E, a distance of 390.17 feet to a point 12.50 feet south of the common lot line of Lots 13 and 21;  
thence 12.50 feet south of and parallel with said common lot line of Lots 13 and 21 S85°15'29"E, a distance of 160.16 feet to a point on the east lot line of said lot 21;  
thence along said east lot line of Lot 21 N6°33'56"E, a distance of 12.505 feet to the northeast corner of said Lot 21 which is also the southwest corner of Lot 13 and the POINT OF BEGINNING;  
contains 20,539 square feet, more or less.

EXHIBIT C

LEGAL DESCRIPTION OF FUTURE PHASES:

A parcel of land comprising a portion of the SE 1/4 of Section 32 and a portion of the SW 1/4 of Section 33, Township 4 South, Range 71 West of the 6th Principal Meridian, County of Jefferson, State of Colorado, being more particularly described as follows with the information in parentheses ( ) being recorded information:

BEGINNING at the center of Section 32 and considering the north line of the NW 1/4 of the SE 1/4 of said Section 32 to bear N89°15'36"E with all bearings herein relative thereto. Said north line of the NW 1/4 of the SE 1/4 of Section 32 being marked by a 2" steel pipe at said center of Section 32 and a pin and cap stamped L.S. 6735 at the northeast corner of the NW 1/4 of the SE 1/4 of said Section 32;

thence along said north line of the NW 1/4 of the SE 1/4 of Section 32 N89°15'36"E, a distance of 643.00 feet to the northwest corner of a tract of land conveyed to the Public Service Company of Colorado as recorded in book 2916 at page 309 in the Jefferson County Records;

thence along the boundary of said Public Service tract the following 3 courses and distances:

1. S0°04'20"W (S0°03'30"W), a distance of 639.98 (640.00) feet;
2. N89°15'44"E (N89°16'16"E), a distance of 340.31 (340.33) feet;
3. N0°04'20"E (N0°03'30"E), a distance of 639.99 (640.00) feet to a point on said north line of the NW 1/4 of the SE 1/4 of Section 32;

thence along said north line of the NW 1/4 of the SE 1/4 of Section 32 N89°15'36"E, a distance of 334.72 feet to the northeast corner of the NW 1/4 of the SE 1/4 of said Section 32; thence along the north line of the NE 1/4 of the SE 1/4 of said Section 32 N89°16'54"E, a distance of 630.15 feet to a point on the southwesterly right-of-way line of Colorado State Highway #74;

thence along said southwesterly right-of-way line of Colorado State Highway #74 the following 5 courses and distances:

1. S36°52'40"E, a distance of 360.46 feet;
2. S37°51'38"E, a distance of 2139.36 feet to the intersection of said southwesterly right-of-way line of Colorado State Highway #74 and the north right-of-way line of Stage Coach Boulevard as recorded in book 2123 at page 151 in the Jefferson County Records;
3. S40°07'03"E, a distance of 60.00 feet to the intersection of said southwesterly right-of-way line of Colorado State Highway #74 and the south right-of-way line of said Stage Coach Boulevard;
4. S39°55'23"E, a distance of 349.52 feet;
5. S41°27'00"E, a distance of 395.64 feet to a point on the south line of the SW 1/4 of Section 33;

thence along said south line of the SW 1/4 of Section 33 S88°49'39"W, a distance of 1365.54 feet to southeast corner of

Section 32;

thence along the south line of the SE 1/4 of the SE 1/4 of said Section 32, said line also being the northerly line of Palo Verde Park, a resurvey, recorded in plat book 71, at pages 13 and 14 in the Jefferson County Records, the following 3 courses and distances:

1. S89°24'51"W (S89°31'08"W), a distance of 846.09 feet to a point on the easterly right-of-way line of Overlook Trail as recorded under Reception No. 91082902 in the Jefferson County Records;
2. S89°24'51"W (S89°31'08"W), a distance of 91.62 feet to a point on the westerly right-of-way line of said Overlook Trail;
3. S89°24'51"W (S89°31'08"W), a distance of 383.25 feet to the southwest corner of the SE 1/4 of the SE 1/4 of said Section 32;

thence along the south line of the SW 1/4 of the SE 1/4 of said Section 32, said line also being the northerly line of Tract A of El Pinal Acres - 1st Filing, recorded in plat book 30 at page 52 in the Jefferson County Records, the following 3 courses and distances:

1. S89°21'16"W (S89°22'W), a distance of 112.60 (113.32) feet to a point on the easterly right-of-way line of Quarter Horse Road as recorded in plat book 30 at page 52 in the Jefferson County Records;
2. S89°21'16"W, a distance of 67.50 feet to a point on the westerly right-of-way line of said Quarter Horse Road;
3. S89°21'16"W (S89°22'W), a distance of 1138.59 (1138.60) feet to the south 1/4 corner of said Section 32;

thence along the west line of the SW 1/4 of the SE 1/4 of said Section 32 the following 3 courses and distances:

1. N0°03'44"E, a distance of 733.70 feet to a point on the south right-of-way line of Stage Coach Boulevard as recorded in book 2123 at pages 151 in the Jefferson Records;
2. N0°03'44"E, a distance of 68.40 feet to a point on the north right-of-way line of said Stage Coach Boulevard;
3. N0°03'44"E, a distance of 506.86 feet to the northwest corner of the SW 1/4 of the SE 1/4 of said Section 32;

thence along the west line of the NW 1/4 of the SE 1/4 of said Section 32 N0°04'48"E, a distance of 1310.32 feet to the POINT OF BEGINNING; except the following:

1. All of Stage Coach Boulevard right-of-way lying within the SE 1/4 of Section 32 and the SW 1/4 of Section 33 as recorded in book 2123 at page 151, Jefferson County Records, comprising 5.31 acres.
2. All of Quarter Horse Road right-of-way lying within the SW 1/4 of the SE 1/4 of Section 32 as recorded in book 30 at page 52, Jefferson County Records, comprising 1.10 acres.
3. All of Overlook Trail right-of-way lying within the SE 1/4 of the SE 1/4 of Section 32 as recorded under reception no. 91082902 Jefferson County Records, comprising 1.90 acres.
4. All of Tanoa Road right-of-way lying within the SE 1/4 of Section 32 as recorded under reception no. 13197435, Jefferson County Records, comprising 1.38 acres.
5. Tanoa at Elk Meadow Filing No. 1 subdivision as recorded under reception no. 93197429, Jefferson County Records, comprising 54.16 acres.

Total area of Future Phases 108.79 acres, more or less.