



## THIRD AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR BUFFALO CREEK SUBDIVISION AT WELLINGTON

(a Common Interest Limited Expense Planned Community)

THIS THIRD AMENDMENT to Declaration of Protective Covenants, Conditions and Restrictions for Buffalo Creek Subdivision at Wellington ("Third Amendment") is made and entered into this 28th day of September, 2004, by TIMBERLINE DEVELOPMENT GROUP, INC., a Colorado Corporation (the "Declarant").

## WITNESSETH:

WHEREAS, the Declaration of Protective Covenants, Conditions and Restrictions for Buffalo Creek Subdivision at Wellington (the "Initial Declaration") was filed with the Clerk and Recorder of Larimer County, State of Colorado, under Reception No. 152760 on the 20<sup>th</sup> day of May, 2003; and

WHEREAS, the First Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Buffalo Creek Subdivision at Wellington (the "First Amendment") was filed with the Clerk and Recorder of Larimer County, State of Colorado, under Reception No. 242429 on the 28<sup>th</sup> day of October, 2003; and

WHEREAS, the Second Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Buffalo Creek Subdivision at Wellington (the "Second Amendment") was filed with the Clerk and Recorder of Larimer County, State of Colorado, under Reception No. 20040048841 on the 21st day of May, 2004; and

WHEREAS, the Initial Declaration, the First Amendment, and the Second Amendment are collectively referred to hereinafter as the "Declaration"; and

WHEREAS, Section 1(g) of Article XII of the Declaration reserves the right for the Declarant to add some or all of the Expansion Property identified on <u>Exhibit "B"</u> to the Property; and

WHEREAS, Section 1(f)(i) of Article XII of the Declaration allows the Declarant to amend the Declaration to add some or all of the Expansion Property to the Property; and

WHEREAS, Section 1(i) of Article XII of the Declaration provides that the Declarant shall, upon adding some or all of the Expansion Property to the Property, record an amendment to the Declaration reallocating the Allocated Interests so that the Allocated Interests appurtenant to each Lot will be apportioned according to the total number of Lots submitted to the Declaration; and

Except as amended hereby, the Declaration remains in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this Third Amendment to the Declaration to be executed as of the day and year first above written.

> TIMBERLINE DEVELOPMENT GROUP, INC., a Colorado Corporation:

Its: Vice President

STATE OF COLORADO )ss. **COUNTY OF LARIMER** 

The foregoing instrument was subscribed, sworn to, and acknowledged before me this ember, 2004 by John Donaldson, as Vice President of TIMBERLINE DEVELOPMENT GROUP, INC.

WITNESS my hand and official Scal.

My commission expires: May 30, 3006

Anna Monaldso

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## **RATIFICATION**

The undersigned, having a security interest in all or any part of the Real Estate described on Exhibit "A" attached hereto and incorporated herein by reference, hereby approves, ratifies, confirms and consents to the foregoing DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR, BUFFALO CREEK SUBDIVISION AT WELLINGTON (A Common Interest Limited Expense Planned Community)

IN WITNESS WHEREOF, the undersigned has caused its name to be hereunto subscribed on the 28 day of September 2004.

By Rous Denks, N. M.

By Rous Denks, N. M.

Title: Branch President

STATE OF COLORADO ) ss. COUNTY OF **adams** )

The foregoing instrument was acknowledged before me this 28 day of September, 2004, by Rocco A. Villani as Branch Pics. of Horizon Banks

Witness my hand and official seal.

My commission expires: 0+10.04

Notary Public

My Commission Expires 4-10-2006