RECEPTION#: 20160024641, 04/22/2016 at 11:56:31 AM, 1 OF 4, R \$26.00 TD Pgs: 0 Angela Myers, Clerk & Recorder, Larimer County, CO

### THIRD AMENDMENT

## DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR 2534 MASTER ASSOCIATION

This Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for 2534 Master Association ("Third Amendment") is made effective as of the date recorded with the Clerk and Recorder of Larimer County, Colorado ("Clerk and Recorder").

#### Recitals

- A. The Declaration of Covenants, Conditions, Restrictions and Easements for 2534 Master Association was recorded with the Clerk and Recorder on June 16, 2005 at Reception No. 2005-0049299, as amended by the First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for 2534 Master Association recorded with the Clerk and Recorder on July 24, 2013 at Reception No. 20130056387, the Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for 2534 Master Association recorded with the Clerk and Recorder on February 9, 2016, at Reception No. 20160007751, the First Declaration of Annexation to 2534 Master Association recorded with the Clerk and Recorder on April 22, 2008 at Reception No. 20080024774, and the Second Declaration of Annexation to 2534 Master Association recorded with the Clerk and Recorder on March 25, 2009 at Reception No. 20090017944 (collectively, the "Declaration").
- B. Article 21.4 of the Declaration provides that it may be amended upon approval of the amendment by vote of Members of the 2534 Master Association, a Colorado nonprofit corporation ("Association") holding at least 67% of the voting power of the Association present in person or by proxy at a duly constituted meeting of the Members.
- C. As certified by the Association's President and Secretary on the Certification page attached to this Third Amendment, this Third Amendment has been approved by Association Members holding at least 67% of the voting power of the Association present in person or by proxy at a duly constituted meeting of the Members.

#### **Third Amendment**

- 1. The definition of Property in Article 2.32 of the Declaration is amended to specifically exclude the real property described on **Exhibit A**, attached and incorporated by reference ("<u>Johnstown Plaza Property</u>"). As a result, the Johnstown Plaza Property is no longer subject to or encumbered by the Declaration, and instead shall be subject to the 2534 Johnstown Plaza Cost Sharing Agreement recorded with the Clerk and Recorder on February 9, 2016 at Reception No. 20160007752, as amended.
- 2. Unless otherwise defined, capitalized words and phrases used in this Third Amendment are as defined in the Declaration.



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3. Except as amended by this remain in full force and effect.	Third Amendment, all provisions of the Declaration
Dated: December	2534 Master Association, a Colorado nonprofit corporation
ATTEST:	By: Todd Williams, President
Nathan Gerrard, Secretary	
STATE OF COLORADO )	
COUNTY OF LARIMER )	- ·
The foregoing instrument was acknown 2015, by Todd Williams, as President of corporation.	knowledged before me this day of December, of 2534 Master Association, a Colorado nonprofit
Witness my hand and official seal.	
My commission expires: $\frac{9}{9/19}$	Notary Public  Notary Public
STATE OF COLORADO ) ) ss. COUNTY OF LARIMER )	JUSTIN M MORRISON NOTARY PUBLIC - STATE OF COLORADO My Identification # 20034018574 Expires September 8, 2019
The foregoing instrument was ack 2015, by Nathan Gerrard, as Secretary corporation.	knowledged before me this day of December, of 2534 Master Association, a Colorado nonprofit
Witness my hand and official seal.	
My commission expires: $\frac{9}{8/19}$	Notary Public
	JUSTIN M MORRISON  NOTARY PUBLIC - STATE OF COLORADO  My Identification # 20034018574  Expires September 8, 2019

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#### **CERTIFICATION**

The undersigned, being the President and Secretary of 2534 Master Association, a Colorado nonprofit corporation ("Association"), certify as follows:

- 1. Members of the Association holding at least 67% of the voting power of the Association present in person or by proxy at a duly constituted meeting of the Members have voted to amend the Declaration as set forth in the foregoing Third Amendment.
- 2. Todd Williams is the duly elected and acting President and Nathan Gerrard is the duly elected and acting Secretary of the Association. By proper corporate action of the Association, Todd Williams and Nathan Gerrard have been authorized to execute the foregoing Third Amendment.

Inira Amenament.	
Dated: December 2 , 2015	ALS -
Todd Williams, President of 2534 Master Association, a Colorado nonprofit corporation	Nathan Gerrard, Secretary of 2534 Master Association, a Colorado nonprofit corporation
STATE OF COLORADO ) ss.	
COUNTY OF LARIMER )  The foregoing instrument was subscribed and so 2015 by Todd Williams, as President of 25 corporation.	worn to before me this 2 day of December, 34 Master Association, a Colorado nonprofit
Witness my hand and official seal.  My commission expires: 9/e/19	Justi U. Monorsan Notary Public
STATE OF COLORADO ) ) ss. COUNTY OF LARIMER )	JUSTIN M MORRISON NOTARY PUBLIC - STATE OF COLORADO My Identification # 20034018574 Expires September 8, 2019
The foregoing instrument was subscribed and s 2015 by Nathan Gerrard, as Secretary of 25 corporation.	worn to before me this day of December, 534 Master Association, a Colorado nonprofit
Witness my hand and official seal.  My commission expires: $9/e/19$	Justi M. Monneson Notary Public
	BUSTIN M MORRISON

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# EXHIBIT A TO THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR 2534 MASTER ASSOCIATION

<u>Legal Description of Property Excluded from Declaration</u>

LOT 1, 2534 FILING NO. 16, BEING A REPLAT OF BLOCK 12, 2534, LOCATED IN THE NORTHWEST QUARTER OF SECTION 14 AND THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO.