

~~FIRST SUPPLEMENTAL DECLARATION~~  
FOR  
ASPEN MOUNTAIN VIEW  
THE SUMMIT AND OAK RIDGE III, FILING NO. 3  
EAGLE COUNTY, COLORADO

Recorded  
29, 1991

This First Supplemental Declaration is made this \_\_\_\_ day of April, 1991, by SUMMIT VIEW, INC., a Colorado Corporation.

I.  
CERTAIN DEFINITIONS

1.1 Declarant. Declarant shall mean Summit View, Inc., a Colorado Corporation, as successor in interest and to Aspen, Mountain View, Ltd., a Colorado Limited partnership who, in turn, was the successor in interest to Basalt Mountain Associates, a Colorado general partnership.

1.2 Master Declaration. Master Declaration shall mean that certain Master Declaration of Protective Covenants for the Residential Areas of Aspen, Mountain View, Eagle County, Colorado, made and executed by Basalt Mountain Associates, and recorded April 14, 1981, in Book 321 and Page 619 in the records of the office of the Clerk and Recorder of Eagle County, Colorado.

1.3 Supplemental Declaration. The First Supplemental Declaration shall mean this Supplemental Declaration.

1.4 Real Property. The Property shall mean the real property described in Paragraph 2.3 of this Supplemental Declaration.

1.5 Terms Previously Defined. All terms defined in the Master Declaration shall have the same meaning when used in this Supplemental Declaration, except to the extent such term is given a different meaning in this Supplemental Declaration.

II.  
DECLARATION - PROPERTY AFFECTED

2.1 Declaration. Declarant, as owner of all of the hereinafter described real property, hereby declares, for itself, its successors and assigns, that all of said Property shall, at all times, be owned, held, used and occupied subject to all of the provisions, covenants, conditions and restrictions contained in the Master Declaration, except as hereinafter specifically amended and stated in this First Supplemental Declaration, each of which is hereby adopted and incorporated herein by this reference, and to the additional provisions, covenants, conditions and restrictions contained in this Supplemental Declaration.

2.2 Other Supplemental Declarations. The Property shall not be subject to any of the provisions, covenants, or conditions or restrictions contained in any other Supplemental Declaration to the Master Declaration or instrument prepared or recorded with respect to any other property unless and except to the extent any such provision, covenant, condition or restriction is herein or hereafter specifically adopted and made applicable to the Property.

2.3 Property Affected. The Property herein referred to is more particularly described as:

Lots 1 through 26, constituting and forming a part of Aspen Mountain View, The Summit and Oak Ridge III,



Filing No. 3, Eagle County, Colorado according to the Final Plat thereof recorded October 2, 1990, reception No. 435434 in Book 539 at Page 284 in the office of the Clerk and Recorder of Eagle County, Colorado.

2.4 Amendment or Revocation. As provided in Paragraph 3.5 of the Master Declaration, this Supplemental Declaration may be amended or repealed, with the written consent of Declarant, by the recording of a written instrument, specifying the amendment or the repeal, executed by Declarant and by the owners of not less than eighty (80%) percent of Lots then subject to this Supplemental Declaration including any such Lots owned by Declarant. No such amendment or repeal shall be effective with respect to the holder or successor or assign of the holder of a mortgage or deed of trust recorded prior to recording of the instrument specifying the amendment or repeal unless more than eighty (80%) percent of such holders execute said instrument.

### III.

#### LAND CLASSIFICATIONS

3.1 Lots. Each numbered lot of the Property shown on the recorded Plat of the Property is and shall be a Lot as that term is defined and used in the Master Declaration.

*where*  
3.2 Common Areas. Portions of the Property as shown on the recorded plat and marked Tracts A, B and C shall be or constitute Common Area as that term is defined and used in the Master Declaration.

3.3 Easements. None of the Property shall be and constitute Greenbelt Area as the term is defined and used in the Master Declaration. Any portion of the Property encumbered by any easement specified on the recorded plat of the Property may be utilized and improved to the extent reasonably necessary to the proper use and enjoyment of the easement for the purpose or purposes designated thereon only as permitted under the Master Declaration.

### IV.

#### SUPPLEMENTAL PROVISIONS APPLICABLE TO LOTS

*1800*  
4.1 Residence Floor Area. The minimum floor area required of any residence structure which may be constructed on a Lot shall be 1800 square feet.

*Re verify envelope*  
4.2 Building Location Requirements. All above-ground improvements on any Lot except permitted landscaping and necessary crossings by access drives, bridges or paths and except improvements necessary or desirable in connection with any easements referred to herein or on the recorded Plat of the Property or other easements approved by the Owner of the Lot and by Declarant, shall be located within the building envelope established for that Lot as shown and identified on the Final Plat of the Property.

### V.

#### ADDITIONAL PROVISIONS APPLICABLE TO PROPERTY

5.1. Reserved Right to Enter for Development. Declarant, in continuation of its development of the Property and the surrounding area, shall at any time and for so long as Declarant shall have any remaining obligation under the Subdivision and Off-Site Improvements Agreement dated October 1, 1990, and recorded in Book 539 at Page 283, as amended by Book 546 at Page 756 in the office of the Clerk and Recorder of Eagle County, Colorado, have and retain the right to enter upon any Lot to



