



703981 08/08/2006 03:59P B1830 P102 M ALSDORF  
 1 of 6 R 31.00 D 0.00 GARFIELD COUNTY CO

**FIRST AMENDMENT TO THE RESTATED DECLARATION OF COVENANTS,  
 CONDITINS, RESTRICTINS AND EASEMETNS FOR ROARING FORK PRESERVE  
 SUBDIVISION**

THIS FIRST AMEMENDMENT is made this 29 day of June, 2006 by owners of lots in the Roaring Fork Preserve Subdivision, Garfield County, Colorado (the "Owners").

WHEREAS, Declaration of Covenants, Conditions, Restrictions and Easements for Roaring Fork Preserve Subdivision (the "Declaration") was recorded May 31, 2002 in Book 1359 at Page 128 as Reception No. 604486 of the Garfield County real estate records;

WHEREAS, the required number of Owners, and first mortgage holders, as set forth in 12.6 of the Declaration, have consented to this First Amendment.

NOTW THEREFORE, the Declaration is hereby amended as follows:

1. The first full sentence of Section 7.3 of the Declaration is hereby amended as follows:

Subject to governmental regulations, no buildings shall be placed, erected, altered or permitted to remain on any Lot other than one (1) building containing a single family dwelling, one (1) attached or detached garage, and one (1) other non-residential outbuilding other than as garage not exceeding four thousand five hundred (4,500) square feet.

2. The third full sentence of Section 7.3 of the Declaration is hereby amended as follows:

All buildings shall be located wholly within the building envelope(s) designated for a Lot as depicted on the Plat, except that a barn may be located outside of the building envelope(s) if such location is approved by Garfield County, the Association, and by any neighboring lot owner that might be adversely impacted by such barn location.

3. Section 8.8 of the Declaration is hereby amended, in its entirety, as follows:

8.8 Horses. Up to three (3) horses may be kept on Lots 3 and 4, and up to five (5) horses may be kept on Lots 5 through 9, subject to these Covenants and rules established from time to time to time by the Association. The lot owner of any lot with horses shall be solely responsible for keeping the horse(s) on the Lot Owner's Lot and for any damage or injury caused by said horse(s) if off of said Lot. Horses shall be kept in accordance the guidelines of the Colorado Extension Office, set forth in its publication entitled "Pasture Management For Horses on Small Acreage".

4. The second sentence in Section 7.8 of the Declaration is hereby amended as follows:

Horses permitted on any Lot under section 8.8 of this Declaration may be watered using well water, if allowed by the permit, or ditch water allocated to the Lot.

807  
301  
(6)



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5. The following sentence is hereby added to the end of Section 7.15 of the Declaration:

The of forty-two inch height limitation, and restriction on number of fence rails set forth in this section shall not apply to fences for horses,

6. The following sentence is hereby added to the end of Section 7.17 of the Declaration:

Wood fencing containing horses shall not exceed four (4) feet in height, and shall not have more than three (3) horizontal poles.

This First Amendment may be executed in multiple counterparts, which, when recorded together, shall constitute one instrument.

Signed by the following lot owners, to be effective as of the date set forth above.

LOTS 1 and 2:

JONATHAN C. WHITTMAN REVOCABLE TRUST

By: \_\_\_\_\_  
\_\_\_\_\_, Trustee

LOT 3:

\_\_\_\_\_  
William L. Hutton

LOTS 4, 5, 6, 7 and 8:

GENERAL PROPERTY MORTGAGE, INC.

BY: Jay Fisher Secretary  
Jay Fisher, Secretary and  
authorized signatory

LOT 9:

DAVID A. MULKERY FAMILY LIMITED PARTNERSHIP

BY: \_\_\_\_\_  
\_\_\_\_\_, General Partner

MORTGAGE HOLDER (LOT 9):

\_\_\_\_\_  
Michael B. Gerbaz



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STATE OF )  
)  
COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006 by \_\_\_\_\_, as Trustee of the Jonathan C. Whitman Revocable Trust.

Witness my Hand and Official Seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF )  
)  
COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006 by William L. Hutton.

Witness my Hand and Official Seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

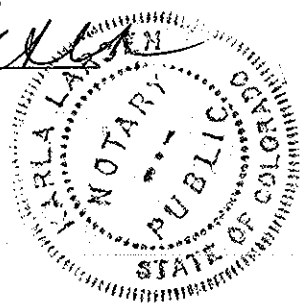
STATE OF *Colorado* )  
)  
COUNTY OF *Arapahoe* )

The foregoing instrument was acknowledged before me this *29* day of *June* 2006 by Jay Fisher, as Secretary and authorized signatory for General Property Mortgage, Inc.

Witness my Hand and Official Seal.  
My commission expires: \_\_\_\_\_

*Parla Gattuso*  
\_\_\_\_\_  
Notary Public

**My Commission Expires 02/21/2010**



STATE OF )  
)  
COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006 by \_\_\_\_\_, as general partner of the David A. Mulkery Limited Partnership.

Witness my Hand and Official Seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

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STATE OF )  
 )  
 COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006 by \_\_\_\_\_, as Trustee of the Jonathan C. Whitman Revocable Trust.

Witness my Hand and Official Seal.  
 My commission expires: \_\_\_\_\_

\_\_\_\_\_  
 Notary Public

STATE OF )  
 )  
 COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006 by William L. Hutton.

Witness my Hand and Official Seal.  
 My commission expires: \_\_\_\_\_

\_\_\_\_\_  
 Notary Public

STATE OF )  
 )  
 COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006 by Jay Fisher, as Secretary and authorized signatory for General Property Mortgage, Inc.

Witness my Hand and Official Seal.  
 My commission expires: \_\_\_\_\_

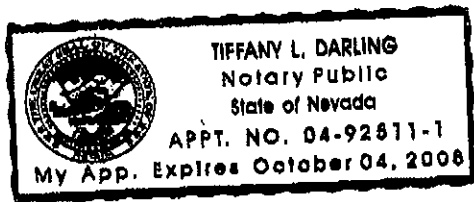
\_\_\_\_\_  
 Notary Public

STATE OF )  
 )  
 COUNTY OF )

The foregoing instrument was acknowledged before me this 29th day of June, 2006 by David A. Mulkey, as general partner of the David A. Mulkey Limited Partnership.

Witness my Hand and Official Seal.  
 My commission expires: Oct. 4, 2008

Tiffany L. Darling  
 Notary Public



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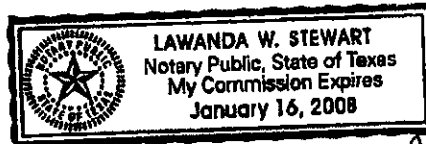
STATE OF )  
 )  
 COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2006 by \_\_\_\_\_, as Trustee of the Jonathan C. Whitman Revocable Trust.

Witness my Hand and Official Seal.  
 My commission expires: \_\_\_\_\_

\_\_\_\_\_  
 Notary Public

STATE OF *Texas* )  
 )  
 COUNTY OF *Dallas* )



The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of June, 2006 by William L. Hutton. *[Signature]*

Witness my Hand and Official Seal.  
 My commission expires: 1-16-08

*Lawanda W. Stewart*  
 Notary Public

STATE OF )  
 )  
 COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2006 by Jay Fisher, as Secretary and authorized signatory for General Property Mortgage, Inc.

Witness my Hand and Official Seal.  
 My commission expires: \_\_\_\_\_

\_\_\_\_\_  
 Notary Public

STATE OF )  
 )  
 COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2006 by \_\_\_\_\_, as general partner of the David A. Mulkey Limited Partnership.

Witness my Hand and Official Seal.  
 My commission expires: \_\_\_\_\_

\_\_\_\_\_  
 Notary Public



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5. The following sentence is hereby added to the end of Section 7.15 of the Declaration:

The of forty-two inch height limitation, and restriction on number of fence rails set forth in this section shall not apply to fences for horses,

6. The following sentence is hereby added to the end of Section 7.17 of the Declaration:

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This First Amendment may be executed in multiple counterparts, which, when recorded together, shall constitute one instrument.


Signed by the following lot owners, to be effective as of the date set forth above.

LOTS 1 and 2:

JONATHAN C. WHITTMAN REVOCABLE TRUST

By: \_\_\_\_\_,  
Trustee

LOT 3:

  
\_\_\_\_\_  
William L. Hutton

LOTS 4, 5, 6, 7 and 8:

GENERAL PROPERTY MORTGAGE, INC.

BY: \_\_\_\_\_  
Jay Fisher, Secretary and  
authorized signatory

LOT 9:

DAVID A. MULKERY FAMILY LIMITED PARTNERSHIP

BY: \_\_\_\_\_  
General Partner

MORTGAGE HOLDER (LOT 9):

\_\_\_\_\_  
Michael B. Gerbaz