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SECOND AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR BUFFALO CREEK SUBDIVISION AT WELLINGTON
(a Common Interest Limited Expense Planned Community)

THIS SECOND AMENDMENT to Declaration of Protective Covenants, Conditions and Restrictions for Buffalo Creek Subdivision at Wellington ("Second Amendment") is made and entered into this 14th day of May, 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 20th 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 28th day of October, 2003; and

WHEREAS, the Initial Declaration and the First 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 Exhibit "B" 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

WHEREAS, Declarant hereby adds the applicable portion of the Expansion Property known as Phase B to the Property as contemplated in Section 1(g) of Article XII of the Declaration and as outlined below.

✓
Security Title
Ft. Collins

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6. The Capitalized terms used in this Second Amendment shall have the same meaning as ascribed in the Declaration.

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

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

TIMBERLINE DEVELOPMENT GROUP, INC., a Colorado Corporation:

By: *John Donaldson*
Its: Vice President

STATE OF COLORADO)
)ss.
COUNTY OF LARIMER)

14th The foregoing instrument was subscribed, sworn to, and acknowledged before me this day of *May*, 2004 by John Donaldson, as Vice President of TIMBERLINE DEVELOPMENT GROUP, INC.

WITNESS my hand and official seal.

My commission expires: *May 20, 2006*

Donna Donaldson
Notary Public



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RATIFICATION

The undersigned, having a security interest in all or any part of the Real Estate subject hereof, hereby approves, ratifies, confirms and consents to the foregoing Second Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Buffalo Creek Subdivision at Wellington.

IN WITNESS WHEREOF, the undersigned has caused its name to be hereunto subscribed on the 14th day of May, 2004.

HORIZON BANKS, N.A.

By: Rocco Villani
Title: Branch President

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 14th day of May 2004, by [Name]: Rocco Villani, as [Title]: Br. President of Horizon Banks, N.A..

Witness my hand and official seal.

My commission expires: May 20, 2006

Donna Donaldson
Notary Public

