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Page: 1 of 3

06/05/2003 03:5

Kay Weinland Routt County, CO AMEND CONR 16.00

D 0.00

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS,
AND EASEMENTS FOR AGATE CREEK
PRESERVE**

This Second Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements For Agate Creek Preserve (the "Second Amendment") is made effective as of January 1, 2002, and constitutes an amendment to the Declaration of Covenants, Conditions, Restrictions and Easements For Agate Creek Preserve dated June 23, 1999, and recorded in the office the Clerk and Recorder of Routt County, Colorado, on June 25, 1999, in Book 759 at Page 840, under Reception No. 512333 as amended by that First Amendment to the Declaration recorded on June 5 2002 under Reception No. 584364. (The Original Declaration and First Amendment are collectively referred to as the "Declaration").

RECITALS

A. Section 16.2 of the Declaration provides that the Declaration may be amended at any time by the Owners holding more than fifty percent (50%) of the votes possible to be cast under the Declaration at a meeting of the Owner's called for that purpose, or by written consent, or by a mail-in election.

B. By mail-in election, owner's representing more than fifty percent (50%) of the votes possible to be cast voted to amend the Declaration as provided in this First Amendment.

NOW, THEREFORE, The Declaration is hereby amended as follows:

AMENDMENT

1. Section 15.1.2 of the Declaration is amended effective as of January 1, 2002 to read as follows:

15.1.2 Use of Lots. Excepting the provisions of Section 15.7 which permits certain business use of a Lot, each lot may be used only for residential purposes in accordance with the restrictions applicable to a particular Lot contained in the Plats and in the County Documents. Notwithstanding the above, each Lot may be used for the grazing of livestock, pursuant to a lease with the current owner of Remainder Parcel A, Agate Creek Preserve, for said purposes.

2. Except as expressly amended and modified by the First Amendment and this Second Amendment, all the terms and provisions of the Declaration remain unchanged and in full force and effect.

3. In case of any conflict between this Second Amendment and the Declaration, the provisions hereof shall prevail.



584365

Page: 2 of 3
06/05/2003 03:5

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D 0.00

IN WITNESS WHEREOF, the President of the Agate Creek Preserve Homeowners Association has executed this Second Amendment as of the date and year first above written.

Agate Creek Preserve Homeowners Association, a Colorado nonprofit corporation

By: 

Ed P. Trousil

Title: President

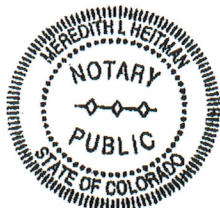
STATE OF COLORADO)

COUNTY OF ROUTT)

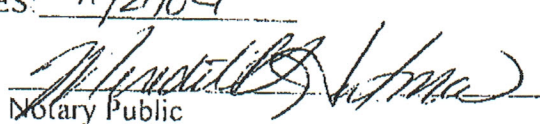
The foregoing instrument was acknowledged before me this 3 day of June, 2003, by Ed P. Trousil as President of the Agate Creek Preserve Homeowners Association, a Colorado nonprofit corporation.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 11/21/04



MY COMMISSION EXPIRES:
November 21, 2004


Notary Public



584365

Page: 3 of 3

08/05/2003 03:51

Kay Weinland Routt County, CO AMEND CONR 16.00

D 0.00

CERTIFICATE OF APPROVAL

The undersigned, as Secretary of the Agate Creek Preserve Homeowners Association, does hereby certify that, in accordance with Section 16.2 of the Declaration of Covenants For Agate Creek Preserve, the foregoing Second Amendment To Declaration of Covenants, Conditions, Restrictions and Easements For Agate Creek Preserve was approved by the written consent of more than fifty percent (50%) of the votes possible to be cast under said Declaration of Covenants.

Nancy Jarcho
Secretary

STATE OF COLORADO)

) ss

COUNTY OF ROUTT)

The foregoing instrument was acknowledged before me this 3rd day of June, 2003 by _____

Witness my hand and official seal.
My commission expires.

My Commission Expires
4/2/2005

Christine M. Schmitz
Notary Public

