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El Paso County, CO

After recording return to: Susan K. Wood-Eilis, Attorney at Law Berniger, Berg, Diver, Noecker & Wood-Eilis, LLC P.O. Box 1716 Colorado Springs, CO 80903

# FIRST AMENDMENT/SUPPLEMENT TO THE CONDOMINIUM DECLARATION FOR HARTSOCK VILLAGE CONDOMINIUMS

This FIRST AMENDMENT/SUPPLEMENT TO THE CONDOMINIUM DECLARATION FOR HARTSOCK VILLAGE CONDOMINIUMS ("First Supplemental Declaration") is made on the date hereinafter set forth by Hartsock Village Condos, Inc., a Colorado corporation ("Declarant").

#### WITNESSETH:

WHEREAS, on September 22, 2005, the Declarant has recorded in the Office of the Clerk and Recorder, El Paso County, Colorado, the CONDOMINIUM DECLARATION FOR HARTSOCK VILLAGE CONDOMINIUMS as reception number 205149609 (the "Declaration"), and on September 22, 2005 has recorded with the said Clerk and Recorder the CONDOMINIUM MAP OF HARTSOCK VILLAGE CONDOMINIUMS (the "Condominium Map"), submitting certain land described therein together with all improvements, appurtenances and facilities thereon to condominium ownership ("Condominium Project"); and,

WHEREAS, the Declarant reserved the right in Article XVII of the Declaration to annex certain additional property without the consent of the Owners or First Mortgagees, and upon such annexation such real property shall be subject to all the terms and conditions of the Declaration. Such annexation shall be accomplished by the filing for record by the Declarant in the said County Clerk and Recorder's Office, this First Supplemental Declaration and the First Supplemental Condominium Map of Hartsock Village Condominiums ("First Supplemental Map"); and,

WHEREAS, the Declarant has improved the real property described on the attached Exhibit "A" (the "Property"), and desires to subject and place upon this Property the covenants, conditions, restrictions and other charges as set forth in the Declaration.

#### NOW, THEREFORE IT IS AGREED AS FOLLOWS:

Declarant, upon recording of the First Supplemental Map and this First Supplemental Declaration in the said County Clerk and Recorder's Office, herby submits the Property to condominium ownership under the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101, et seq., as amended, and hereby imposes upon all of the Property the covenants, conditions, restrictions and other provisions set forth in the Declaration, as supplemented.

Declarant hereby declares that the Property shall hereinafter be held, sold, conveyed, encumbered, leased, rented, occupied and improved, subject to the following paragraphs:

- 1. The formula used to determine an Owner's Proportionate Share and Proportionate Interest is set forth in Section 1.18 of the Declaration, and are as set forth on the attached Exhibit "C-1".
- 2. The formula used to determine an Owner's Voting Rights is set forth in Section 8.3 of the Declaration and each Condominium Unit shall have the voting rights based upon one vote per Unit.
- 3. The definitions used in the Declaration shall be expanded automatically to encompass and refer to the Condominium Project as expanded. All conveyances of Condominium Units shall be effective to transfer right in the Condominium Project as expanded by use of the form of description set forth in Section 4.1 of the Declaration, but with references to the original Condominium Map or the First Supplemental Map, as appropriate,
- 4. The recordations in the said County Clerk and Recorder's Office of this First Supplemental Declaration and the First Supplemental Map incident to the expansion operate automatically to grant, transfer and convey to the Owners of Condominium Units who existed before this expansion a Proportionate Interest in the Common Elements as they exist after such expansion as set forth on the attached Exhibit "C-1". Such recordations also operate automatically to grant, transfer and convey to any Mortgagee of a Condominium Unit which existed before this expansion a security interest in its Unit Owners' Proportionate Interest in the Common Elements as they exist after such expansion.
- 5. The new Condominium Units are subject to all of the terms and conditions of the Declaration as supplemented. The Common Elements and any Limited Common Elements and the Unit to which the latter are allocated are described on the First Supplemental Map.
- 6. The Owners of each Condominium Unit now or hereafter included in the Condominium Project shall have a perpetual easement and right-of-way for access to and from such Condominium Unit over, upon and across the Common Elements to and from the public streets within and adjacent to the Condominium Project.
- 7. The Certificate of Completion required by C.R.S. 38-33,3-201(s) is set forth on the First Supplemental Map
- 8. The last sentence of Section 1.4 (B) of the Declaration shall be amended to read as follows: "Limited Common Elements may be designated as being appurtenant to a particular Condominium Unit either by the Condominium Map or supplement thereto or by any deed or other conveyance from Declarant or by other assignment by Declarant under this Declaration or under CCIOA. Such allocation shall not thereafter be altered without the consent of the Unit Owners whose Units are affected, and all such reallocations of a Limited Common Element between or among Unit Owners shall comply with the procedures set forth in C.R.S. 38-33.3-208. Notwithstanding any of the foregoing, garages, carports, parking spaces and storage units which have not been assigned by the Declarant prior to the last sale of the last Condominium Unit owned by Declarant may be assigned by the Board, at its sole discretion."

- The reference in Section 2.2 of the Declaration to C.R.S. 38-51-102 shall be changed to C.R.S. 38-51-106.
- This First Supplemental Declaration shall be recorded in the office of the Clerk and Recorder of El Paso County, Colorado and shall be indexed in the grantee's index in the name of the common interest community "Hartsock Village Condominiums" and in the name of the Association "Hartsock Village Condominium Homeowners Association, Inc.", and in the grantor's index in the name of Declarant "Hartsock Village Condos, Inc,".

Except to the extent supplemented and amended hereby, the Declaration remains unaltered and in full force and effect. IN WITNESS WHEREOF, the Declarant has executed this FIRST SUPPLEMENTAL DECLARATION this 3<sup>kD</sup> day of February, 2006. HARTSOCK VILLAGE CONDOS, INC. A Colorado corporation STATE OF COLORADO COUNTY OF EL PASO Village Condos, Inc., a Colorado corporation. WITNESS my hand and official seal. SEAL Notary Public My Commission Expires: D. PROHASKA NOTARY PUBLIC STATE OF COLORADO My Commission Expires Feb. 4, 2006

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#### EXHIBIT A

TO THE FIRST AMENDMENT/SUPPLEMENT TO THE CONDOMINIUM DECLARATION FOR HARTSOCK VILLAGE CONDOMINIUMS

LEGAL DESCRIPTION OF THE REAL PROPERTY SUBMITTED TO THE HARTSOCK VILLAGE CONDOMINIUMS

A TRACT OF LAND BEING A PORTION OF LOT 1, BLOCK 1, BAIN SUBDIVISION IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO AS RECORDED IN PLAT BOOK Z-2 AT PAGE 10 OF THE RECORDS OF SAID COUNTY, LOCATED IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6th P.M. EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965" AT THE NORTHEAST CORNER OF SAID LOT 1, FROM WHICH A 5/8" REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965" AT THE NORTHWEST CORNER OF SAID LOT 1 BEARS N71°11'12"W, A DISTANCE OF 317.43 FEET AND IS THE BASIS OF BEARINGS USED HERBIN; THENCE S00°08'35"E ALONG THE COMMON LINE OF SAID LOT 1 AND THE WEST RIGHT-OF-WAY LINE OF ACADEMY BOULEVARD, A DISTANCE OF 103.53 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE S00°08'35"E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 283.15 FEET: THENCE ALONG THE ARC OF A 19.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 12°48'09", AN ARC LENGTH OF 4.25 FEET (THE LONG CHORD OF WHICH BEARS N75°34'18"W, A LONG CHORD DISTANCE 4.24 FEET) TO A POINT OF REVERSE CURVE; THENCE ALONG THE ARC OF A 57,00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 81°58'23", AN ARC LENGTH OF 81.55 FEET (THE LONG CHORD OF WHICH BEARS N40°59'11"W, A LONG CHORD DISTANCE 74.77 FEET); THENCE N00°00'00"W, A DISTANCE OF 15.20 FEET; THENCE N90°00'00"W, A DISTANCE OF 51.73 FEET; THENCE N83°29'17"W, A DISTANCE 37.93 FEET; THENCE N00°00'00"W, A DISTANCE OF 163.17 FEET; THENCE S89°54'22"W, A DISTANCE OF 21.33 FEET; THENCE N00°08'35"W, A DISTANCE 42.87 FEET; THENCE N89°57'03"E, A DISTANCE OF 163.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 33,869 SQUARE FEET (0.78 ACRES) OF LAND, MORE OR LESS.

Also known as Unit Numbers 101, 102, 103, 104, 105, 106, 107, 108, 201, 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 308, Building 2, Hartsock Village Condominiums together with all Parking Units, Storage Units, Limited Common Areas, General Common Areas and other areas and improvements located upon the real property described above.

#### EXHIBIT C-1

## TO THE FIRST AMENDMENT/SUPPLEMENT TO THE CONDOMINIUM DECLARATION FOR HARTSOCK VILLAGE CONDOMINIUMS

### OWNER'S PROPORTINATE INTEREST/PROPORTIONATE SHARE

Unit 101, Building 1	1422.5 s.f.	. 4.0%
Unit 102, Building 1	1422.5 s.f.	4,0%
Unit 201, Building 1	1238.9 s.f.	3.4%
Unit 202, Building 1	1238.9 s.f.	
Unit 101, Building 2	1174.4 s.f.	3.4% 3.3% Tota P5322.10
Unit 102, Building 2	1336,8 s.f.	3.8%
Unit, 103, Building 2	1336.8 s.f.	3.8%
Unit 104, Building 2	1174,4 s.f.	3.3%
Unit 105, Building 2	1174.4 s.f.	3.3%
Unit 106, Building 2	1336.8 s.f.	3.8%
Unit 107, Building 2	1336.8 s.f.	3.8%
Unit 108, Building 2	1174.4 s.f.	
Unit 201, Building 2	1174.4 s.f.	3.3% 3.3%
Unit 202, Building 2	1336.8 s.f.	3.8%
Unit 203, Building 2	1336,8 s.f.	3.8%
Unit 204, Building 2	1174.4 s.f.	3.3%
Unit 205, Building 2	1174,4 s.f,	
Unit 206, Building 2	1336.8 s.f.	3.3% '
Unit 207, Building 2	1336,8 s.f.	3.8%
Unit 208, Building 2	1174.4 s.f.	3.8%
Unit 301, Building 2	1174.4 s.f.	3.3%
Unit 302, Building 2	1336.8 s.f.	3,3%
Unit 303, Building 2	1336.8 s.f.	3.8%
Unit 304, Building 2	1174.4 s.f.	3.8%
Unit 305, Building 2	1174.4 s.f.	3.3%
Unit 306, Building 2	1336.8 s.f.	3.3%
Unit 307, Building 2	1336.8 s.f.	3.8%
Unit 308, Building 2	1550,8 s.f. 1174,4 s.f.	3.8%
TOTAL	35457.2 s.f.	3,3%
TOTAL	プラよう 1 'ヤ 2'T'	100%

Unit 204, Building 3	1174.4 s.f.	1.8%
Unit 205, Building 3	1174.4 s.f.	1.8%
Unit 206, Building 3	1336.8 s.f.	2.0%
Unit 207, Building 3	1336.8 s.f.	2.0%
Unit 208, Building 3	1174.4 s.f.	1.8%
Unit 301, Building 3	1174.4 s.f.	1.8%
Unit 302, Building 3	1336.8 s.f.	2.0%
Unit 303, Building 3	1336,8 s.f.	2.0%
Unit 304, Building 3	1174,4 s.f.	1.8%
Unit 305, Building 3	1174.4 s.f.	1.8%
Unit 306, Building 3	1336.8 s.f.	2.0%
Unit 307, Building 3	1336,8 s.f.	2.0%
Unit 308, Building 3	1174,4 s.f.	1.8%
TOTAL	65,591.60 s.f.	100%

Total Mag # 16,241.6