

**CORRECTED
NINTH SUPPLEMENTAL DECLARATION TO THE
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR THE
CENTERRA RESIDENTIAL COMMUNITY
AND RELATED DEED**

NOV 14 2002

WHEREAS, McStain Enterprises, Inc. ("Declarant") recorded the Declaration of Covenants, Conditions and Restrictions For The Centerra Residential Community in the records of Larimer County, State of Colorado, on December 5, 2001, at Reception No. 2001110566, as has been previously supplemented (the "Declaration");

WHEREAS, Section 16.4 of the Declaration allows Declarant to add to the Declaration any of the specific Additional Property described in Exhibit B of the Declaration at any time prior to December 31, 2050;

WHEREAS, Declarant is the owner of the following described real property which is a portion of the specific Additional Property described on Exhibit B of the Declaration, and Declarant desires to make the following described property subject to the terms of the Declaration (the "Annexed Property"):

That portion of Tract A of the Rocky Mountain Village Third Subdivision described and depicted on Exhibit A attached hereto (the "Dog Park");

Outlots/Tracts H, K, O, Q, V, W, AA, BB, and CC,
all of the Rocky Mountain Village Second Subdivision (the "Outlots");

Lots 36 and 37 of Block 4, and
Lots 32 through 37, inclusive, of Block 5,
all of the Rocky Mountain Village Second Subdivision (the "Townhome Lots");

and

Lots 1 through 5, inclusive, of Block 9, and
Lots 21 through 25, inclusive, of Block 9.
all of Rocky Mountain Village Second Subdivision (the "SF Lots").

WHEREAS, Section 3.3 of the Declaration provides that the Declarant may declare any property added to the Declaration to be a General Common Element as defined in the Declaration;

*Lathane Uzzielino
McStain Neighbor hood
75 Manhattan Dr, Suite 7
Boulder CO
80303-4254*

2
NOW, THEREFORE,

1. The Annexed Property is hereby added to the Declaration and shall be part of the "Property" as that term is used and defined in the Declaration, and shall hereafter be owned, held, transferred, conveyed, sold, leased, rented, hypothecated, encumbered, used, occupied, maintained, altered and improved subject to the terms and conditions set forth in the Declaration.

2. The Dog Park and Outlots described above are hereby declared to be General Common Elements as that term is defined in the Declaration.

3. The Townhome Lots described above will be developed as townhomes and are therefore designated as "Special Benefit Areas" under Section 6.4 of the Declaration.

4. In addition to the easements and licenses set forth in Exhibit F of the Declaration, some or all of the Annexed Property is also subject to those matters set forth on Exhibit B attached hereto.

5. Pursuant to Section 4.5(A) of the Declaration, the Townhome Lots and SF Lots described above are hereby assigned to the Rocky Mountain Village Second Subdivision Neighborhood.

6. Declarant hereby sells, transfers and conveys the Dog Park and the Outlots described above to the Centerra Residential Community Association, Inc., a Colorado nonprofit corporation, whose address is 75 Manhattan Blvd, Suite 1, Boulder, CO 80303, subject to all liens, interests, easements, rights of way, restrictions, reservations and other matters of record.

7. This documents supercedes, and corrects a error in, the initial Ninth Supplemental Declaration to the Declaration of Covenants, Conditions and Restriction for the Centerra Residential Community dated October 15, 2002, recorded in the real property records of Larimer County, Colorado at Reception No. 2002111782, which earlier document incorrectly described the subject Outlots, SF Lots and Townhome Lots as being part of the Third, rather than Second, Rocky Mountain Village Subdivision.

Dated this 28th day of October, 2002.

ATTEST:

Shirley A. Weyer
Asst. Secretary

McSTAIN ENTERPRISES, INC.,
a Colorado corporation

By: [Signature]
Name:
Title:

[Signature]
VP. Const

STATE OF COLORADO)

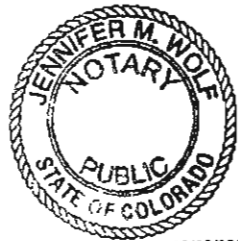
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) SS.
COUNTY OF BOULDER)

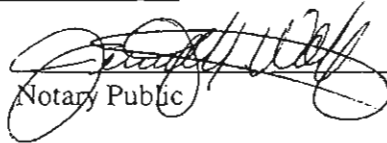
The foregoing instrument was acknowledged before me this 28th day of October, 2002 by Patrick Murphy as Vice President of Construction and Lynne Dyer as ^{Asst.} Secretary of McStain Enterprises, Inc., a Colorado corporation.

WITNESS my hand and official seal.

My commission expires: 2-23-05



My Commission Expires 02/23/2005


Notary Public

x

EXHIBIT A

[ADD LEGAL DESCRIPTION AND MAP OF DOG PARK]

6

EXHIBIT A

DESCRIPTION:

A tract of land being a part of Tract A, Rocky Mountain Village Third Subdivision Amended Plat and located in the Southwest Quarter of Section 9, Township 5 North, Range 68 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado and being more particularly described as follows:

Considering the southwest line of said Tract A as bearing South 19°40'53" East as indicated on the recorded plat referenced above (Reception Number 2002016946) and with all bearings contained herein relative thereto;

Commencing at the westernmost corner of said Tract A; thence along the southwest line of said Tract A, South 19°40'53" East 30.81 feet to THE POINT OF BEGINNING; thence continuing along said southwest line, South 19°40'53" East 50.00 feet to the beginning of a non-tangent curve concave to the southeast, having a central angle of 15°58'05", a radius of 762.22 feet and a chord which bears North 74°39'53" East 211.74 feet; thence along the arc of said curve 212.43 feet to a non-tangent line; thence along said non-tangent line, North 00°00'00" East 25.69 feet; thence North 35°41'44" West 67.91 feet; thence South 55°12'01" West 94.08 feet to the beginning of a non-tangent curve concave to the southeast, having a central angle of 7°53'50", a radius of 800.35 feet and a chord which bears South 70°54'03" West 110.23 feet; thence along the arc of said curve, 110.31 feet to the POINT OF BEGINNING.

The above-described tract contains 0.289 acre, more or less and is subject to all easements and rights of way now of record or existing.

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August 27, 2002 - arp

REPRESENTATION OF EXHIBIT A

A TRACT OF LAND BEING A PART OF TRACT A, ROCKY MOUNTAIN VILLAGE THIRD SUBDIVISION AMENDED PLAT AND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

NOTE: ONLY THOSE EASEMENTS SHOWN ON THE REFERENCED RMV 3RD SUB. AMENDED PLAT ARE DEPICTED.

WESTERNMOST CORNER OF TRACT A, ROCKY MOUNTAIN VILLAGE THIRD SUBDIVISION AMENDED PLAT

P.O.C.

S 19°40'53" E
30.81'

P.O.B.

S 19°40'53" E
50.00'

SOUTHWEST LINE OF TRACT A (BASIS OF BEARINGS)
S 19°40'53" E
9.84'



SCALE IN FEET

R = 515.00
Δ = 23°05'22"
CH = N 63°21'14" E
206.14
L = 207.54

R = 800.35
Δ = 7°53'50"
CH = S 70°54'03" W
110.23
L = 110.31

R = 750.00
Δ = 18°54'28"
CH = N 76°05'56" E
246.38
L = 247.50

OUTLOT K
R.M.V. 1ST

S 55°12'01" W
94.08'

5' GREELEY-LOVELAND
IRR. CO. CANAL
EASEMENT

12.591 ± S.F.
0.289 AC.

TRACT A
ROCKY MOUNTAIN VILLAGE
THIRD SUBDIVISION
AMENDED PLAT
(REC. NO. 2002016946)

(PRIVATE ACCESS, PRIVATE
DRAINAGE AND UTILITY
EASEMENT)

N 35°41'44" W
67.91'

N 00°00'00" E
25.69'

15' POSTAL AND UTILITY
EASEMENT

R = 762.22
Δ = 15°58'05"
CH = N 74°39'53" E
211.74
L = 212.43

NORTH RIGHT-OF-WAY LINE
OF MCWHINNEY BOULEVARD



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LTC FORT COLLINS

#2583 P. 007

<p>CONTRACTOR'S TITLE PLANNED DRAWING NO. 440-002</p>	<p>PROJECT ENGINEER/PROJECT M. CARR PROJECT MANAGER M. LANG</p>	<p>SEAR·BROWN 209 South Eldorado Ft. Collins, CO. 80521-2683 (970) 482-5927 www.searbrown.com</p>	<p>PROJECT ROCKY MOUNTAIN VILLAGE CONDOS</p>	<p>PROJECT NO. 440-002 DRAWING NO. 1</p>
<p>DRAWN BY R. PERKINS SCALE 1" = 50' DATE 8-27-2002</p>		<p>TITLE OF DRAWING REPRESENTATION OF EXHIBIT A</p>		

4

EXHIBIT B

EXISTING TITLE EXCEPTIONS

1. Reservations made by Denver Pacific Railroad, in deed recorded August 11, 1883, in Book 29 at Page 97, providing substantially as follows: Reserving unto said company and its assigns all coal that may be found underneath the surface of land herein described and the exclusive right to prospect and mine for same, also such right of way and other grounds as may appear necessary for proper working of any coal mine that may be developed upon said premises and for transportation of coal from same.
2. Terms, conditions and provisions of Annexation Agreement recorded December 8, 1997, at Reception No. 97081909.
3. Terms, conditions and provisions of Notice of Conditions or Restrictions recorded November 19, 1997 at Reception No. 97076948.
4. Right of Way Easement as granted to Mountain States Telephone and Telegraph Company in instruments recorded February 27, 1934, in Book 637 at Page 380.
5. Oil and Gas Lease recorded June 7, 2170 at Page 1415 and any all assignments thereof, or interest therein, affidavit of production recorded February 4, 1983 in Book 2205 at Page 767.
6. Oil and Gas Lease recorded August 8, 1982 in Book 2179 at Page 1239 and any and all assignments thereof, or interest therein, affidavit of production recorded February 4, 1983 in Book 2205 at Page 767.
7. Undivided 1/2 interest in and to all oil, gas and other minerals as reserved in deed recorded September 9, 1982, in Book 2184 at Page 582, and any and all assignments thereof or interests therein.
8. Undivided 1/2 interest in and to all oil, gas and other minerals as reserved in deed recorded September 9, 1982, in Book 2184 at Page 588, and any and all assignments thereof or interests therein.
9. Terms, conditions and provisions of Relinquishment of Surface Rights Agreement recorded December 8, 2000 at Reception No. 2000083706.
10. Terms, conditions and provisions of Notice recorded February 17, 1993 at Reception No. 93009861.