

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS AND EASEMENTS OF SIENA VIEW SUBDIVISION

This Amendment to Declaration of Covenants, Conditions, Restrictions and  
Easements of Siena View Subdivision is made pursuant to the provisions of C.R.S. § 38-  
33.3-217(4)(a) by the Owners holding not less than 67% of the votes entitled to be cast.

RECITALS

The Declaration of Covenants, Conditions, Restrictions and Easements of Siena  
View Subdivision ("the Declaration"), was recorded on October 26, 2006, at reception  
no. 2345841, Book 4279, Page 786 of the real property records of Mesa County,  
Colorado. The Recitals in the Declaration reference real property described in Exhibit A,  
said to be attached to the Declaration. However, due to an error, Exhibit A was not  
attached to the Declaration as recorded.

The plat for Siena View Subdivision Filing No. One ("the Subdivision") was  
recorded at reception no. 2345834, Book 4279, Pages 777 and 778 of the real property  
records of Mesa County, Colorado on October 26, 2006 ("the Plat"). The Plat created  
Lots 1 through 7, Block 1; Lot 8, Block 1; and Lots 1 through 8, Block 2, as well as Tract  
A, Tract B and Tract C, Siena View Subdivision.

The Declaration did not reserve or provide the right to further subdivide any of  
the lots in the Subdivision created by the Plat and the Declaration, so as to create  
additional lots. However, the Owners wish to allow the creation of up to ten (10) lots by  
the further subdivision of Lot 8, Block 1 and an extension of the existing road, thus  
resulting in the creation of nine (9) additional residential lots in the subdivision.

Return to:  
Siena View HOA  
894 Overview Rd.  
Grand Jct CO 81506

Now therefore, the Declaration is amended to provide as follows:

1. Exhibit A attached to this amendment is the Exhibit A intended to have been attached to the Declaration and is the real property which is the Siena View Subdivision.

2. Section 1.1 Definition is amended to add the following:

N. "Common Elements" shall mean and include all property, easements, pedestrian easements, irrigation facilities, irrigation rights and other attributes of the Property with the exception of Lots.

Section 4.3 Voting Rights item "C" is amended to read as follows:

C. From date of formation of the Association until the termination of Declarant control as provided below, Declarant shall have the right to appoint and remove all members of the Board and all officers of the Association. The period of Declarant's control of the Association shall terminate upon the first to occur of either sixty (60) days after conveyance of seventy-five percent (75%) of the Lots to Owners other than Declarant or two (2) years after the last conveyance of a Lot by Declarant in the ordinary course of business, or two years after any right to add new units was last exercised. Declarant may voluntarily surrender the right to appoint and remove officers of the Association and members of the Board before termination of the period of Declarant's control, but in that event Declarant may require, for the duration of the period of Declarant's control, that specified actions of the Association or Board, described in a recorded instrument executed by Declarant, be approved by Declarant before they become effective. Not later than sixty (60) days after conveyance of twenty-five percent

(25%) of the Lots that may be created to Owners other than Declarant, at least one member and not less than twenty-five percent (25%) of the Board must be elected by Owners other than Declarant. Not later than sixty days after conveyance of fifty (50%) of the Lots that may be created to Owners other than Declarant, not less than thirty-three and one-third percent (33 1/3%) of the members of the Board must be elected by Owners other than Declarant. Within sixty (60) days after Owners other than Declarant elect a majority of the Board, Declarant shall deliver to the Association all property of the Owners and the Association held or controlled by Declarant, including, without limitation, those items specified in section 38-33.3-303(9), C.R.S. (1997)

Section 4.8 Specific Powers and Duties of the Association will be amended to add the following:

D. Maintenance, repair and operation of the storm water detention system including the storm water detention pond and pumps as well as all appurtenant non-public storm water conveyance systems. The storm water system shall be operated and maintained in conformance with City of Grand Junction requirements and ordinances and in substantial conformance with the design as provided in the approved plans, specifications and drainage studies. The cost of all such maintenance shall be a common expense to all of the Owners. The Association shall not be required to obtain the prior approval of the Owners to cause such maintenance or repairs to be accomplished, regardless of the cost thereof.

E. The ownership and maintenance of the fencing and landscaping tracts on D ½ Rd.

F. The Association will maintain all Common Elements including Tract B, a 20' Wide Pedestrian Access Easement.

3. Article VII is amended by the addition of the following:

7.5 Future Developments It is contemplated that Lot 8, Block 1, Siena View Subdivision will be developed pursuant to a coordinated plan which may, from time to time be amended or modified. The original Declarant, Siena View, LLC, and any successor to whom the right is assigned shall have the right to create lots and common areas on Lot 8, Block 1 and to subdivide any portion of Lot 8, Block 1 and convert said lot into a total of lots not exceeding ten (10). These rights may be exercised with respect to any portion of Lot 8, Block 1 at any time on or before December 31, 2012. As each lot created from Lot 8, Block 1, is developed and added, the declarant shall comply with the provisions of C.R.S. § 38-33.3-210.

4. Article XI is amended by the addition of the following:

The rights and reservations of Declarant under this Declaration may be freely assigned by Declarant, including without limitation, Declarant's rights and reservations under Paragraph 3.15, 7.4, 7.5 and 10.6.

5. The Declarant's exemption found at Paragraph 3.15 and the general reservation found at Paragraph 7.4 shall apply to the development and further conversion of Lot 8, Block 1, notwithstanding the earlier expiration of Declarant rights.

6. Paragraph 10.4 is amended so that the last date set forth in said Paragraph shall be amended to: December 31, 2012.

Cindy Leigh Miles  
Notary Public  
My commission expires: 05/12/2011

EXHIBIT A

All of Siena View Subdivision, Filing No. One according to the plat recorded October 26, 2006, in Book 4279 at Page 777 as reception no. 2345834, County of Mesa, State of Colorado.