

SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS
 FOREST LAKES/DURANGO FIVE

THIS SECOND AMENDED DECLARATION OF RESTRICTIONS is made this 14th day of May, 1981, by SOUTHWEST PROPERTIES, INC., an Arizona corporation, (hereafter "DECLARANT").

WHEREAS, DECLARANT is the owner of certain real property located in La Plata County, Colorado, described as FOREST LAKES/DURANGO FIVE, according to the plat thereof filed for record June 5, 1975 at Reception No. 391795 in the office of the Clerk and Recorder of said county; and

WHEREAS, DECLARANT intends to sell, dispose of, or convey from time to time all or a portion of the lots in said FOREST LAKES/DURANGO FIVE, and desires to subject each and every lot to certain protective reservations, covenants, conditions and restrictions (hereafter "Conditions") between it and the acquirers and/or users of said lots; and

WHEREAS, an original DECLARATION OF RESTRICTIONS dated May 16, 1975 was filed against this subdivision in the office of the Clerk and Recorder of La Plata County, Colorado, on May 16, 1975 at Reception No. 391493 (hereafter "original DECLARATION OF RESTRICTIONS") and an Amended DECLARATION OF RESTRICTIONS dated August 29, 1980 was filed against this subdivision in the office of the Clerk and Recorder of La Plata County, Colorado on the 10th day of September, 1980 at Reception No. 446939 (hereafter "amended DECLARATION OF RESTRICTIONS"); and

WHEREAS, Paragraph 1, Entitled Duration of Article V, entitled GENERAL PROVISIONS, of said original DECLARATION OF RESTRICTIONS and the same paragraph of the section entitled GENERAL PROVISIONS in the Amended DECLARATION OF RESTRICTIONS state that until 75 percent of the lots in FOREST LAKES/DURANGO FIVE "have been sold (and conveyed), SOUTHWEST PROPERTIES, INC., an Arizona corporation . . . may cause the within restrictions and covenants or any part thereof to be altered, deleted or otherwise set aside . . ."; and

WHEREAS, DECLARANT now desires to exercise the authority granted in said original and amended DECLARATION OF RESTRICTIONS to correct page 8 of said amended DECLARATION OF RESTRICTIONS and replace said page 8 with a new page 8 submitted herewith;

THEREFORE, KNOW: That this Second Amendment to DECLARATION OF RESTRICTIONS shall amend page 8 of the amended DECLARATION OF RESTRICTIONS recorded September 10, 1980 at Reception No. 446939 and shall supercede page 8 of said amended DECLARATION OF RESTRICTIONS in its entirety. DECLARANT executes this Second Amendment to DECLARATION OF RESTRICTIONS to run with said real property pursuant to DECLARANT'S purpose to establish a general plan for the protection, maintenance, development, improvement of FOREST LAKES/DURANGO FIVE,

EXCEPT AS Corrected and Modified Specifically by this Second Amendment to DECLARATION OF RESTRICTIONS, the amended DECLARATION OF RESTRICTIONS recorded Sept. 10, 1980 at Reception No. 446939 shall continue in full force and effect;

Said Page 8 of the Amended DECLARATION OF RESTRICTIONS shall hereby be corrected and amended to read as follows:

37. Street

Any vehicular way constructed within or upon any portion of common area designated as a private road or right-of-way on the recorded plat map of FOREST LAKES/DURANGO FIVE.

38. Street Line

The boundary which separates the right-of-way of a street from the abutting property.

39. Structural Alteration

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

40. Structure

Anything constructed or erected which requires location on the ground or attached to something having location on the ground, but not including camping or mobile units or vehicles.

41. Surfacing, Non

An area upon a lot which may be used in the natural condition or utilizing the soil as a finished surface.

42. Surfacing, Temporary

An area on a lot used for driveways, parking or walkways, upon which gravel, cinders or other nonpermanent materials have been placed.

43. Use

The purpose for which land or a building is designed, arranged, intended, or may be occupied or maintained. The principal use is the main use of land or a building as distinguished from an accessory use.

GENERAL LAND USE REGULATIONS

The following provisions shall be applicable to all property located within FOREST LAKES/DURANGO FIVE regardless of its zone or classification.

1. Advertising; Signs; Billboards

No sign, advertisement, billboard or advertising structure of any kind is allowed on any unimproved residential lot except approved signs offering the lot for sale to the public.

No sign, advertisement, billboard or advertising structure of any kind may be erected or displayed on any lot until plans and specifications as to the form of advertisement and its location on the lot or building have been submitted and approved by the Architectural Committee and are in compliance with all local, county, state and/or federal regulations.

2. Antennas, Air Conditioning Units, Water Softening Units

No antenna, air conditioning unit, evaporative cooler, water softener or other similar object which is not part of the basic structure of a dwelling or other building may be placed upon or

IN WITNESS WHEREOF, SOUTHWEST PROPERTIES, INC., an Arizona corporation, has caused its corporate name and seal to be hereunto affixed by its officers hereunto duly authorized this 14th day of May, 1981.

SOUTHWEST PROPERTIES, INC., an Arizona corporation

By: John M. Hill *Exec V-P*

STATE OF COLORADO)
) ss.
County of La Plata)

Before me this 14th day of May, 1981, personally appeared John M. Hill, who acknowledged himself to be Executive Vice President of SOUTHWEST PROPERTIES, INC., an Arizona corporation, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation as Executive Vice President, by himself as such officer.

Linda Lankford
Notary Public

My commission expires: My Commission Expires July 31, 1982