

**THIRD AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF FOUNTAIN GREENS MASTER ASSOCIATION**

THIS THIRD AMENDMENT to the Declaration of Covenants, Conditions, Restrictions and Easements of Fountain Greens Master Association is made this 2nd day of May, 2003, by FOUNTAIN GREENS, LLC, a Colorado Limited Liability Company (hereinafter referred to as the "Declarant").

WITNESSETH,

WHEREAS, the Declarant has recorded with the Clerk & Recorder of Mesa County, Colorado, on the 30th day of December, 1999, in Book 2667 at Page 1, the "Declaration of Covenants, Conditions, Restrictions and Easements of Fountain Greens Master Association" (hereinafter referred to as the "Declaration"), submitting certain land described therein, together with all improvements, appurtenances and facilities thereon to the restrictions and conditions set forth therein; and

WHEREAS, the Declarant has recorded with the Clerk & Recorder of Mesa County, Colorado, on the 13th day of December, 2001, in Book 2981 at Page 486, the "First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Fountain Greens Master Association" (hereinafter referred to as the "First Amendment"), submitting certain land described therein, together with all improvements, appurtenances and facilities thereon to the restrictions and conditions set forth therein; and

WHEREAS, the Declarant has recorded with the Clerk & Recorder of Mesa County, Colorado, the "Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Fountain Greens Master Association" (hereinafter referred to as the "Second Amendment"), submitting certain land described therein, together with all improvements, appurtenances and facilities thereon to the restrictions and conditions set forth therein; and

WHEREAS, the Declarant has recorded with the Clerk & Recorder of Mesa County, Colorado, the "Declaration of Covenants, Conditions, Restrictions and Easements of Hamlet at Fountain Greens Association" (hereinafter referred to as the "Hamlet Declaration"), submitting certain land described therein, together with all improvements, appurtenances and facilities thereon to the restrictions and covenants set forth therein; and

WHEREAS, the Declarant has reserved the right to expand such Declaration, First Amendment and Second Amendment by additional amendment to be recorded by Declarant in the Office of the Clerk & Recorder for Mesa County, Colorado; and

WHEREAS, the Declarant has further improved the subject property for the purpose of protecting the value and desirability of said property and to the end that a harmonious and attractive development of the property may be accomplished and the health, comfort, safety, convenience, and

general welfare of the owners thereof, as defined in the Declaration and by the Declarant, may be promoted and safeguarded.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

- Concerning the land described in the Hamlet Declaration, together with all improvements, appurtenances and facilities thereon, the terms and conditions of the Hamlet Declaration shall supercede any and all inconsistent terms and conditions contained in the Declaration for Fountain Greens Master Association, together with all amendments thereto.

IN WITNESS WHEREOF, Declarant has caused this Third Amendment to Declaration to be executed this 2nd day of May, 2003.

FOUNTAIN GREENS, LLC

By: *Donald J. Humphrey*
 Donald J. Humphrey, Manager

STATE OF COLORADO)
) ss.
 COUNTY OF BOULDER)

Subscribed and sworn to before me this 2nd day of May, 2003 by Donald J. Humphrey, Manager of Fountain Greens, LLC.

My commission expires: 1/22/2004



Susan J. Armour
 Notary Public

2003 MAY 02 10:11 AM
 FOUNTAIN GREENS, LLC
 10000 E. WILLOW AVE.
 DENVER, CO 80231