

4 PAGE DOCUMENT

**FIFTH AMENDMENT
TO THE DECLARATION FOR
FAIRMOUNT VILLAGE CONDOMINIUMS**

This Fifth Amendment ("Fifth Amendment") is made at Grand Junction, Colorado, as of 4.10.08, 2008 by JBB Corporation (Declarant).

RECITALS

- A. Declarant has previously caused to be recorded in the Declaration of Covenants, Conditions and Restrictions, Fairmount Village in Book 4308, Page 1 as Reception No. 2351795 in the Mesa County, Colorado, real estate records. Capitalized terms in this Fifth Amendment have the same meaning as in the Declaration, unless specifically otherwise defined in this Fifth Amendment.
- B. In Section 2.4 of the Declaration, Declarant expressly reserved the right to expand the condominium project by construction of a Building containing twelve (12) developed units (Units 29 through 40) and one single undeveloped unit (Unit 69) on that portion of the Property on the Map attached to the Declaration ("Phase 4 - Cliffs") without the approval of any other Owners or of the Association, subject to any required governmental approvals.
- C. Declarant, because of present construction difficulties and problems has previously developed Phase 5 - Canyon of the property and now intends to develop Phase 4 - Cliffs, and to do so without further modification of this Declaration.
- D. Declarant wishes, by this Fifth Amendment, to expand the condominium project to include Phase 4 - Cliffs, of the Property platted as Fairmount Village Condominiums, Phase 4, as permitted by Article II of the Declaration and described in Recital Paragraph B above.

DECLARATION

1. General. All of the above Recitals are true and are incorporated into the Terms of this Fifth Amendment. The Declaration shall govern and apply to all of Phase 4 - Cliffs. All of Phase 4 - Cliffs of the Property shall be held, sold and conveyed subject to the Declaration, which covenants shall run with the land and be binding on Declarant and its successors and assigns, the Association and its successors and assigns, and all persons and entities now or later having any right, title or interest in all or any part of Phase 4.
2. Makeup of Phase 4. Phase 4 shall consist of one Building containing twelve (12) developed Units, (identified as "Units 29 through 40" on the attached map), and one undeveloped Unit, identified as Unit 69, together with certain Limited Common Elements reserved to Unit owners of Phase 1 - Vineyard, Phase 2 - Rio, Phase 3 - Redlands, Phase 5 - Canyon, and Phase 4 - Cliffs in accordance with the Declaration.

3. Plat Map. A supplemental Map of Phase 4 - Cliffs is attached to this Fifth Amendment as Exhibit A and incorporated here by this reference in accordance with section 2.4(e) of the Declaration. The attached supplemental Map specifies the square footage of Units 29 through 40, as required by subsection 2.5 of the Declaration.

4. Effect of Expansion on Assessments. Assessments levied by the Association as provided in the Declaration after the recording of this Fifth Amendment shall reflect the increase in the number of Units caused by the expansion of the Condominium Project to include Phase 4 and shall be levied against all Units, including Unit 29 through 40 of Phase 4 - Cliffs. The recording of this Fifth Amendment shall not alter the amount of, or liability or any lien for, any Assessments upon a Unit prior to its recording.

5. Severability. Invalidation of any provision contained in this document shall in no way affect any other provisions, which shall remain in full force and effect.

6. Conflicts Between Documents. In case of conflict between Declaration (as supplemented by the First Amendment, Second Amendment, Third Amendment, and this Fifth Amendment) and the Articles or the Bylaws of the Association, the Declaration as amended and supplemented shall control.

"DECLARANT"

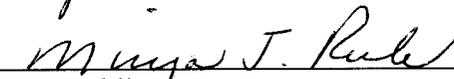
JBB CORPORATION

By: 
Jurgen Denk

State of Colorado)
) ss
County of Jefferson)

Subscribed and sworn to before me this 10th day of April, 2008 by Jurgen Denk.

My Commission expires: 06/05/08


Notary Public

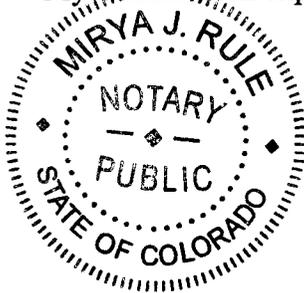
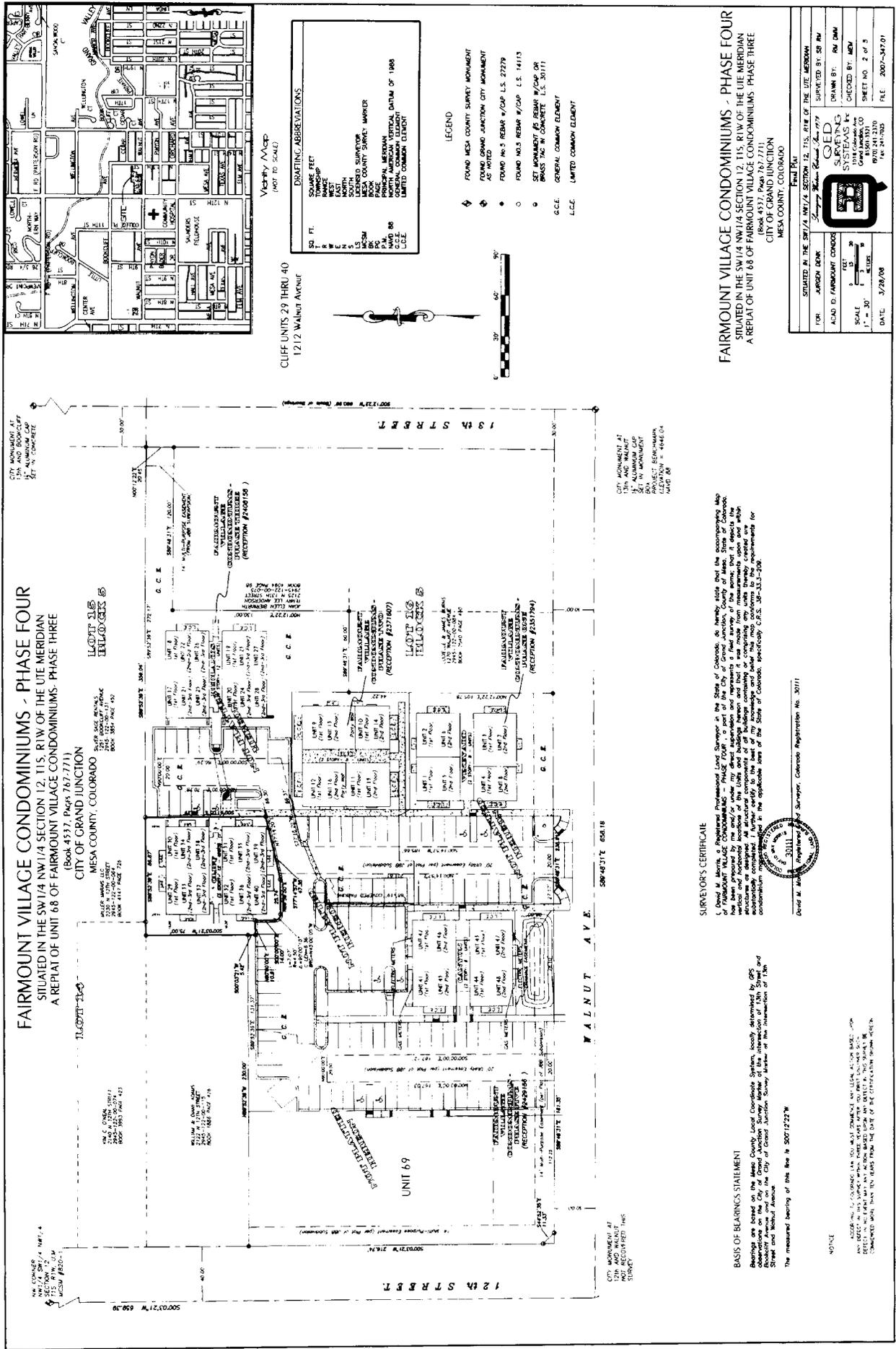


Exhibit A - Supplemental Map of Phase 4



FAIRMOUNT VILLAGE CONDOMINIUMS - PHASE FOUR
 SITUATED IN THE SW 1/4 NW 1/4 SECTION 12, T15, R1W OF THE UTE MERIDIAN
 A REPLAT OF UNIT 68 OF FAIRMOUNT VILLAGE CONDOMINIUMS - PHASE THREE
 (Book 4537, Page 782771)
 CITY OF GRAND JUNCTION
 MESA COUNTY, COLORADO

UNIT 69
 5007371W 656.39
 5007371E 656.18

DRAFTING ABBREVIATIONS

SQ FT
 1/8" = 1' (SCALE)
 1/4" = 2' (SCALE)
 1/2" = 4' (SCALE)
 3/4" = 6' (SCALE)
 1" = 8' (SCALE)
 1 1/4" = 10' (SCALE)
 1 1/2" = 12' (SCALE)
 1 3/4" = 14' (SCALE)
 2" = 16' (SCALE)
 2 1/4" = 18' (SCALE)
 2 1/2" = 20' (SCALE)
 2 3/4" = 22' (SCALE)
 3" = 24' (SCALE)
 3 1/4" = 26' (SCALE)
 3 1/2" = 28' (SCALE)
 3 3/4" = 30' (SCALE)
 4" = 32' (SCALE)
 4 1/4" = 34' (SCALE)
 4 1/2" = 36' (SCALE)
 4 3/4" = 38' (SCALE)
 5" = 40' (SCALE)

LEGEND

◆ FOUND MESA COUNTY SURVEY MONUMENT
 ◆ FOUND GRAND JUNCTION CITY MONUMENT
 ◆ FOUND NO. 3 REBAR #/CAP U.S. 27279
 ○ FOUND NO. 3 REBAR #/CAP U.S. 14113
 ○ SET MONUMENT AS REBAR #/CAP OR REBAR TAG IN CONCRETE U.S. 30111
 G.C.E. GENERAL COMMON ELEMENT
 L.C.E. LIMITED COMMON ELEMENT

Verity Map
 (NOT TO SCALE)

CLIFF UNITS 29 THRU 40
 1212 WALNUT AVENUE

SURVEYOR'S CERTIFICATE

I, David M. Morris, a Registered Professional Land Surveyor in the State of Colorado, do hereby state that the accompanying map of Fairmount Village Condominiums - Phase Four, is a part of the City of Grand Junction, County of Mesa, State of Colorado, and that the same was prepared by me or under my direct supervision and that it was made from measurements upon and within the vertical and horizontal boundaries of the units and buildings shown and that the same are in accordance with the provisions of the Colorado Condominium Act, Chapter 38, Article 10, of the Colorado Revised Statutes, and that the same conform to the requirements for a condominium replat as set forth in the applicable laws of the State of Colorado, specifically C.R.S. §§ 38-333-336.

David M. Morris
 Registered Professional Land Surveyor, Colorado Registration No. 30111

BASIS OF BEARINGS STATEMENT

Bearings are based on the Mesa County Local Coordinate System, locally determined by GPS observations on the City of Grand Junction Survey Marker at the intersection of 13th Street and Walnut Avenue, and the City of Grand Junction Survey Marker at the intersection of 13th Street and Walnut Avenue.

The measured bearing of this line is S00712227W

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 (Book 4537, Page 782771)
 CITY OF GRAND JUNCTION
 MESA COUNTY, COLORADO

FOR: JARREN DEAR	DESIGNED BY: QED	DRAWN BY: RM DM
ALACID FAIRMOUNT CHANGE	CHECKED BY: MEW	SHEET NO. 2 OF 3
DATE: 3/28/08	FILE: 2007-30701	

SCALE: 1" = 30'
 1" = 30'
 1" = 30'

SITUATED IN THE SW 1/4 NW 1/4 SECTION 12, T15, R1W OF THE UTE MERIDIAN
FOR: JARREN DEAR
ALACID FAIRMOUNT CHANGE
DESIGNED BY: QED
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NOTICE

ANY PERSON WHO COPIES OR REPRODUCES THIS MAP OR ANY PART THEREOF WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR IS SUBJECT TO PROSECUTION UNDER THE PROVISIONS OF THE COLORADO CONDOMINIUM ACT.