

**FIRST AMENDMENT TO  
THIRD SUPPLEMENTAL DECLARATION TO THE  
AMENDED AND RESTATED MASTER DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR RED ROCKS VALLEY**

This First Amendment to Third Supplemental Declaration to the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions for Red Rocks Valley ("First Amendment") is effective the 30<sup>th</sup> day of November, 2021.

**RECITALS**

A. On July 7, 2017, Conquest Homes, LLC, a Colorado limited liability company ("Declarant"), recorded a Third Supplemental Declaration to the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions for Red Rocks Valley in the real property records of Mesa County, Colorado at Reception No. 2806276 (the "Third Supplemental Declaration"). Capitalized terms in this First Amendment have the same meanings as in the Third Supplemental Declaration unless otherwise defined in this First Amendment.

B. Declarant is the owner of all of the Lots subject to the Third Supplemental Declaration.

C. Exhibit A of the Third Supplemental Declaration erroneously described the property subject to the Declaration on the date of the Third Amendment.

D. Exhibit B of the Third Supplemental Declaration erroneously described the Additional Property to be annexed into the Common Interest Community.

E. Declarant wishes to correct the errors in the legal descriptions in Exhibit A and Exhibit B and to make additional changes to the Third Supplemental Declaration.

F. Declarant also wishes to subject the Lots within the Additional Property to additional terms, conditions and restrictions.

NOW THEREFORE, in consideration of the foregoing, Declarant hereby amends the Third Supplemental Declaration and declares that:

**AMENDMENTS**

1. Exhibit A of the Third Supplemental Declaration is amended and replaced in its entirety with the attached and incorporated Exhibit A.

2. Exhibit B of the Third Supplemental Declaration is amended and replaced in its entirety with the attached and incorporated Exhibit B.

3. Paragraph 6 of the Third Supplemental Declaration is deleted in its entirety and replaced with the following:

6. Declarant designates the Improvements located upon the Additional Property as "limited common elements" ("LCEs") for the primary use and benefit of the Lots within the Additional Property. Improvements to the Additional Property shall include (a) any fencing installed by Declarant to separate private trails in the Additional Property from the Lots, (b) any perimeter privacy fencing and/or retaining walls installed by Declarant to separate the common areas in the Additional Property from the Lots, and (c) the storm drains located on the Additional Property; provided, however, that the Owners of Lots where a storm drain grate is located shall be responsible for keeping the inlet to the grate free from debris. In addition to the foregoing listed Improvements, property for private street purposes are also LCEs.

4. In addition to and not in lieu of the prohibitions against nuisances and sounds set forth in Chapter Four, Article I of the Amended Declaration, because of the smaller size of the Lots and the close proximity of the building envelopes within the Additional Property, no trampolines, basketball hoops, throw nets, batting cages, soccer goals, or similar sporting equipment of any nature, nor any wood burning fire pits, shall be permitted on any Lot within the Additional Property.

5. For all landscaping within the front yard area of a Lot within the Additional Property, the Owner of the Lot must submit a landscaping plan showing the dimensions of the project, plant number and type, and watering requirements to the Architectural Review Committee in accordance with Chapter Two, Article III of the Amended Declaration. Notwithstanding the foregoing, however, Declarant and its affiliates and successors shall not be required to obtain Architectural Review Committee approval for any landscaping installed by Declarant within the Additional Property.

6. Grass lawns are prohibited on all Lots within the Additional Property. Owners may use xeriscaping or drought-tolerant vegetative landscapes to provide ground covering on their Lots, subject to design or aesthetic guidelines or rules that may be adopted by the Architectural Review Committee from time to time that regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on these Lots.

7. Each Owner shall maintain all landscaping on their Lot. Notwithstanding the foregoing, however, the Association shall have the authority to maintain all landscaping in the front yard area of each Lot (as determined by the Architectural Review Committee in its reasonable discretion in the event there is any ambiguity as to what constitutes a front yard area), if so requested by Declarant or a majority of the Owners of the Lots within the Additional Property. The fee for maintaining such landscaping in the front yard area shall be determined by the Executive Board and included in the annual budget prepared by the Executive Board. This landscaping fee shall be included in the annual assessment levied against each Lot.

8. The Association shall have no obligation to maintain any custom landscaping approved by the Architectural Review Committee unless the Executive Board agrees, in writing, to include the custom landscaping as a maintenance obligation of the Association, with the added requirement that it shall determine the additional costs, if any, that the Lot shall be assessed for additional maintenance and/or water that may be required for that Lot as a result of the custom landscaping. If the Executive Board does not agree, then the landscaping plan shall be denied.

IN ALL OTHER RESPECTS the Third Supplemental Declaration shall remain as written.

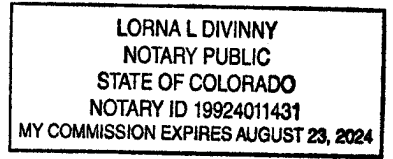
CONQUEST HOMES, LLC,  
a Colorado limited liability company

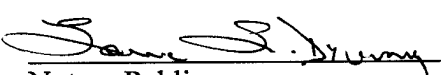
  
Darren Caldwell, Member

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF MESA        )

Subscribed and sworn to before me the 3<sup>rd</sup> day of November, 2021 by Darren Caldwell, Member of Conquest Homes, LLC, a Colorado limited liability company.

WITNESS my hand and official seal.  
My commission expires: 8-23-2024



  
Notary Public

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

LOTS 1 THROUGH 6, INCLUSIVE, BLOCK 1;  
LOTS 1 THROUGH 17, INCLUSIVE, BLOCK 2;  
LOTS 1 THROUGH 9, INCLUSIVE, BLOCK 3;  
LOTS 1 THROUGH 10, INCLUSIVE, BLOCK 4;  
LOTS 1 THROUGH 4, INCLUSIVE, BLOCK 6;  
TRACTS A, B, C, D, E, F, G, H, J, K, L, M, T AND U  
RED ROCKS VALLEY SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO,  
According to the plat thereof recorded on October 10, 2008 at Reception No. 2461307 in the real  
property records of Mesa County, Colorado  
AND  
TRACTS B, C AND D  
RED ROCKS PATIO HOMES  
COUNTY OF MESA  
STATE OF COLORADO  
A replat of Block 5 Red Rocks Valley (Rec. No. 2461307) County of Mesa, State of Colorado  
AND  
LOTS 1 THROUGH 12, INCLUSIVE;  
TRACTS A, B, C AND D  
RED ROCKS HOMES FILING 1,  
COUNTY OF MESA  
STATE OF COLORADO  
A replat of Block 1 of Red Rocks Patio Homes (Rec. No. 2689268) County of Mesa, State of  
Colorado

**EXHIBIT B**

LEGAL DESCRIPTION OF ADDITIONAL PROPERTY BEING ANNEXED

LOTS 13 THROUGH 25, INCLUSIVE;  
TRACTS B, E, F AND G,  
RED ROCKS HOMES FILING 2,  
COUNTY OF MESA  
STATE OF COLORADO

A replat of Block 2 of Red Rocks Patio Homes (Rec No. 2689268) County of Mesa, State of Colorado