

**FIRST AMENDMENTS**

**TO**

**DEED RESTRICTIONS**

**ASPEN MESA**

**KNOW ALL MEN BY THESE PRESENTS THAT:**

Pursuant to and in accordance with the provisions of paragraph 38 of the Deed Restrictions, Aspen Mesa, recorded July 18, 1968, in Book 213 at Page 106 as Document Number 108512 of the records in the office of the Clerk and Recorder of Eagle County, Colorado, the undersigned record owners of a majority of the lots or parcels of Aspen Mesa Estates, First Filing hereby amend the aforesaid Deed Restrictions as follows, to-wit:

I. Paragraph 1 of the aforementioned Deed Restrictions is hereby amended to read as follows:

1. Residential Use: No parcel shall be used for any purposes other than residential purposes. No parcel may be re-subdivided except by or with the consent of Mid-Valley Land Company and any re-subdivided parcel shall then be deemed separate or new parcels in accordance therewith. No buildings, improvements or structures shall be constructed on any parcel other than one single family dwelling and such improvements or structures as are incidental or appurtenant to a single family dwelling. No parcel shall be occupied at any time by more than a single family, its guests and its domestic servants. No property shall be used at any time for business or commercial activity. Notwithstanding the foregoing, any parcel may be used by Mid-Valley Land Company or its nominee for a model home or sales office for the purpose of selling parcels or homes.

II. Paragraph 12 of the aforementioned Deed Restrictions is hereby amended to read as follows:

12. Greenbelt and Equestrian Easements: All areas designated "green areas" or "equestrian easement" on the recorded plat of Aspen Mesa Estates - First Filing or any amended plat thereof shall be reserved for use by the public as equestrian trails or other recreational uses; PROVIDED HOWEVER, that the Architectural Control Authority, as hereinafter defined, may grant variances in accordance with the pro-

cedures therefore set forth in these Deed Restrictions, allowing the encroachment within such areas of structures in circumstances where conditions such as topography, natural obstructions or hardship require.

III. Paragraph 20 of the aforesaid Deed Restrictions is hereby amended to read as follows:

20. Aspen Mesa Homeowner's Association: A non-profit corporation will be created to further the interest of the property owners at Aspen Mesa and to assume the responsibility of Architectural Control upon delegation of such authority by Mid-Valley Land Company, and shall assume responsibility for the ownership, care, maintenance and operation of the water system upon conveyance of said water system, including all facilities connected therewith, by Mid-Valley Land Company. The owners of all parcels shall be members and shall be required to maintain membership in such association and shall be entitled to one vote for each parcel owned and shall be required to pay assessments rendered by the Association which assessments shall be prorated equally among the parcels. If the owner or owners of any parcel fail, after demand, to pay the assessments levied by the Homeowner's Association, then the Homeowner's Association or Mid-Valley Land Company, whichever incurs such costs, shall have a lien, from and after the time notice of such failure to pay is recorded in the office of the Clerk and Recorder of Eagle County, Colorado, against the parcel of such owner or owners for the amount due and not paid, plus interest from the date of demand for payment at the rate of 6 per cent per annum, plus all costs and expenses of collecting the unpaid amount, including reasonable attorney's fees. The lien may be foreclosed in the manner of foreclosure of mortgages in the State of Colorado.

In accordance with the provisions of paragraph 38 of the aforementioned Deed Restrictions, these amendments shall become effective upon the recording in the office of the Clerk and Recorder of Eagle County, Colorado, of these amendments, duly executed by the record owners of a majority of the parcels or lots as platted by that certain plat of Aspen Mesa Estates - First Filing appearing in Book 213 at Page 107 as Document No. 108513 of the Eagle County Records and the consent of Mid-Valley Land Company. From and after the date these amendments become effective, any prior or existing violation of the provisions of the original Deed Restrictions - Aspen Mesa appearing in Book 213 at Page 106 which would not be a violation under the terms and conditions of these amendments shall not be deemed a violation of the restrictions on the land subject hereto. These amendments shall supercede the purported Amendment to Deed Restrictions - Aspen Mesa appearing in Book 221 at Page 137 of the Eagle County Records and said purported Amendment shall hereafter be of no force and effect whatsoever.

IN WITNESS WHEREOF, the undersigned record owner of Lots 1, 2, 3, 4, 5 and 6 ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consents to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consents to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 11th day of MARCH, 1976.

OPPORTUNITIES UNLIMITED, a Partnership

BY: *Hereward R. Shepherd*  
General Partner

STATE OF Connecticut  
COUNTY OF New Haven ) ss.

The foregoing was acknowledged before me this 11th day of March, 1976 by Hereward R. Shepherd as a general partner of OPPORTUNITIES UNLIMITED, a Partnership.

Witness my hand and official seal.

My commission expires: April 1 1978

*Anne E. Pickett*  
Notary Public





IN WITNESS WHEREOF, the undersigned record owner of Lots 15 and 16 ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consents to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consents to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 25 day of November, 1975.

John P. Powers  
John P. Powers

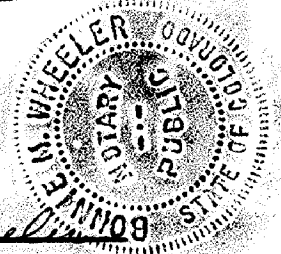
STATE OF COLORADO )  
County of GARFIELD ) ss.

The foregoing was acknowledged before me this 25th day of November, 1975 by JOHN P. POWERS.

Witness my hand and official seal.

My commission expires: July 1, 1978.

Bonnie M. Wheeler  
Notary Public



IN WITNESS WHEREOF, the undersigned record owner of Lots 17, 18 and 19 ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consents to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consents to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 16 day of April, 1976.

Annalee G. Newman  
Annalee G. Newman

STATE OF Ny )  
                  ) ss.  
COUNTY OF Alb .)

The foregoing was acknowledged before me this 16 day of April, 1976 by ANNALEE G. NEWMAN.

Witness my hand and official seal.

My commission expires:

Michael J. Meyer  
Notary Public  
MICHIGAN METEOROLOGICAL SOCIETY  
Notary Public, State of New York  
No. 41-2633290  
Qualified in Queens County  
Term Expires March 30, 1977



IN WITNESS WHEREOF, the undersigned record owner of Lots 21 and 22 ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consents to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consents to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 18th day of October, 1974.

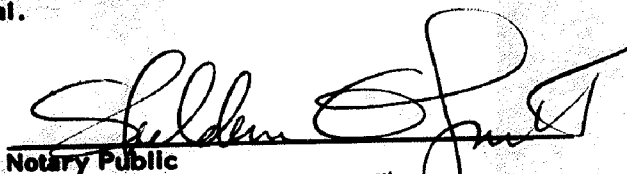
  
Harold Diamond

STATE OF New York )  
County of New York ) ss.

The foregoing was acknowledged before me this 18th day of Oct, 1974 by HAROLD DIAMOND.

Witness my hand and official seal.

My commission expires:

  
Notary Public

SHELDON G. SMITH  
Notary Public, State of New York  
No. 41-4501456  
Qualified in Queens County  
Commission Expires March 30, 1976



IN WITNESS WHEREOF, the undersigned record owner of Lots 30 and  
ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the  
First Amendments to Deed Restrictions - Aspen Mesa and further consents  
filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH  
29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the  
County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA  
ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records  
further consents to the changes in the green belt and equestrian easements  
platted on the aforementioned refilings.

Dated this 19 day of May, ~~1974~~ 1975

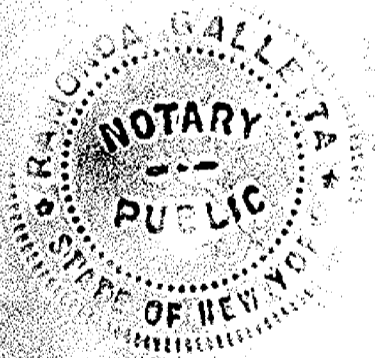
Hugh Knowlton, Jr.  
Hugh Knowlton, Jr.

STATE OF New York )  
County of New York ) ss.

The foregoing was acknowledged before me this 19 day of  
May, <sup>1975</sup> ~~1974~~ by HUGH KNOWLTON, JR.

Witness my hand and official seal.

My commission expires:



Ramonda Galletta  
Notary Public

RAMONDA GALLETTA  
NOTARY PUBLIC, State of New York  
No. 03-6449-00  
Qualified in Broux County  
Certificate filed in New York County  
Commission Expires March 30, 1976

IN WITNESS WHEREOF, the undersigned record owner of Lot 32 ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consents to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consents to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 4 day of February, 1975.

Bruce Bergquist  
Bruce Bergquist

STATE OF ARIZONA        )  
                                  )        ss.  
County of Maricopa    )

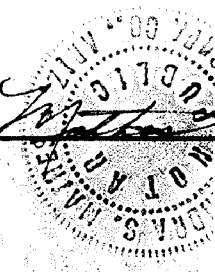
The foregoing was acknowledged before me this 4 day of February, 1975, by BRUCE BERGQUIST.

Witness my hand and official seal.

My commission expires:

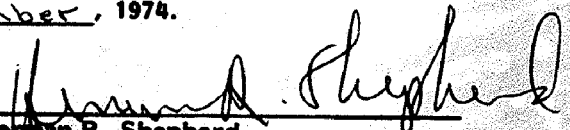
My Commission Expires July 6, 1976

Dorothy L. Patton  
Notary Public



IN WITNESS WHEREOF, the undersigned record owner of Lots 33, 34, 35 and 36 ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consents to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consents to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 27 day of November, 1974.

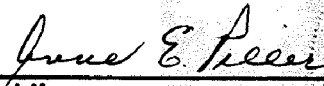
  
Herman R. Shepherd

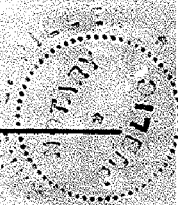
STATE OF Connecticut )  
County of New Haven ) ss.

The foregoing was acknowledged before me this 27th day of November, 1974 by HERMAN R. SHEPHERD.

Witness my hand and official seal.


My commission expires: 4-1-78

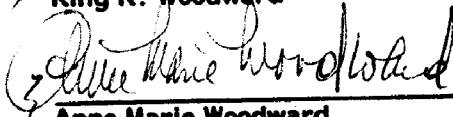
  
Notary Public



IN WITNESS WHEREOF, the undersigned record owners of Lots 37, 38, 39 and 40 ASPEN MESA ESTATES - FIRST FILING, hereby approve and adopt the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consent to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consent to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 24 day of January, 1975.

  
\_\_\_\_\_  
King R. Woodward

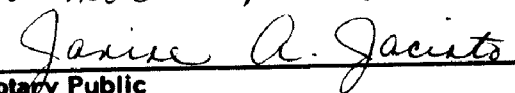
  
\_\_\_\_\_  
Anne Marie Woodward

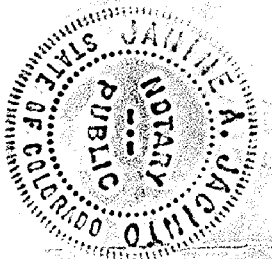
STATE OF COLORADO )  
                                  ) ss.  
County of Pitkin        )

The foregoing was acknowledged before me this 3<sup>rd</sup> day of February, 1975 by KING R. WOODWARD and ANNE MARIE WOODWARD.

Witness my hand and official seal.

My commission expires: November 7, 1978

  
\_\_\_\_\_  
Notary Public



IN WITNESS WHEREOF, the undersigned record owner of Lots 41 and 45 ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consents to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consents to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 10 day of December, 1974.

  
Richard A. Crawford

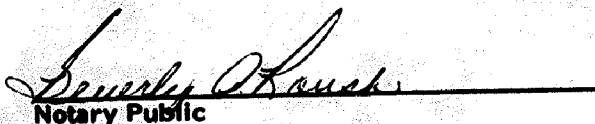
STATE OF KANSAS     )  
                                  )     ss.  
County of Shawnee     )

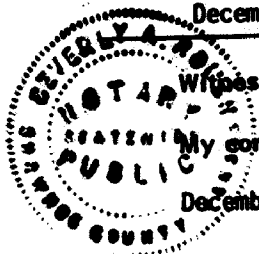
The foregoing was acknowledged before me this 10th day of December, 1974 by RICHARD A. CRAWFORD.

Witness my hand and official seal.

My commission expires:


December 1, 1975

  
Notary Public



IN WITNESS WHEREOF, the undersigned record owner of Lots 46 and 47 ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consents to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consents to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 25<sup>th</sup> day of November, 1974.

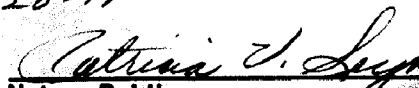
  
\_\_\_\_\_  
Charles W. Oswald

STATE OF MINNESOTA )  
County of DeSoto ) ss.

The foregoing was acknowledged before me this 25<sup>th</sup> day of November, 1974 by CHARLES W. OSWALD.

Witness my hand and official seal.

My commission expires: 10-20-77

  
\_\_\_\_\_  
Notary Public - PATRICIA V. SEYKORA  
Notary Public, DeSoto County, Minn.  
My Commission Expires Oct. 20, 1977





IN WITNESS WHEREOF, the undersigned record owner of Lots 56 and 57 ASPEN MESA ESTATES - FIRST FILING, hereby approves and adopts the foregoing First Amendments to Deed Restrictions - Aspen Mesa and further consents to the filing of the amended plats thereto appearing as REFILING OF LOTS 25 THROUGH 29 OF ASPEN MESA ESTATES FIRST FILING in Book 215 at Page 434 of the Eagle County Records, and as REFILING OF LOTS 8 THROUGH 13 OF ASPEN MESA ESTATES - FIRST FILING in Book 217 at Page 568 of the Eagle County Records and further consents to the changes in the green belt and equestrian easements as platted on the aforementioned refilings.

Dated this 4 day of Feb, 1976.

MID-VALLEY LAND COMPANY, an  
Arizona Corporation

BY: C. T. Garth, Jr.  
President

Susan Whitney  
Secretary

ARIZONA )  
STATE OF COLORADO )  
COUNTY OF PITKIN ) ss.

The foregoing was acknowledged before me this 4th day of

February, 1976 by C. T. GARTH, JR. as

President and SUSAN WHITNEY as Secretary of MID-VALLEY  
LAND COMPANY, an Arizona Corporation.

Witness my hand and official seal.

My Commission expires: Dec. 3, 1977

Laurence M. Minner  
Notary Public









142638

STATE OF COLORADO } ss.  
County of EAGLE }  
I hereby certify that this instrument was  
Filed for record in my office on

MAY 17 1976

At 1<sup>st</sup> o'clock P. M. and recorded  
in Book 246 Page 448  
MANNILL R. BART, County Clerk of Recorder  
By Starr Wall Deputy

\$42.00 pd

RETURN TO:  
MINCER, LARSON AND HARTERT  
P. O. Box 850  
Glenwood Springs, Co. 81601