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JOHNETTE PHILLIPS
EAGLE CTY. RECORDER

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BOOK 411
PAGE 229

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FIRST AMENDMENT TO REORGANIZATION AND AMENDMENT
OF DEED RESTRICTIONS FOR ASPEN MESA ESTATES

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, Aspen Mesa Estates, First Filing, and Aspen Mesa Estates, Unit II, have been duly created, and the plats and other documents evidencing the existence of Aspen Mesa Estates have been recorded in the Office of the Eagle County, Colorado Clerk and Recorder; and

WHEREAS, the Deed Restrictions relating to Aspen Mesa Estates, and the amendments thereto, have been reorganized and a Reorganization and Amendment of Deed Restrictions for Aspen Mesa Estates has been duly recorded in Book 371 at Page 47 in the Office of said Clerk and Recorder; and

WHEREAS, by the terms of those Deed Restrictions, as reorganized and amended, the provisions contained therein may be amended by a majority of the lot owners voting, provided a quorum exists; and

WHEREAS, in accordance with those Deed Restrictions, as reorganized and amended, and the Bylaws of the Aspen Mesa Home Owners Association, those Deed Restrictions are hereby amended as indicated herein.

NOW, THEREFORE, the Board of Directors of the Aspen Mesa Home Owners Association, being duly authorized and directed following a vote of the lot owners entitled to vote, a quorum existing hereby amends the Reorganization and Amendment of Deed Restrictions for Aspen Mesa Estates, as follows, to-wit:

1. Paragraph 3 of the Reorganization and Amendment of Deed Restrictions for Aspen Mesa Estates is hereby amended to read as follows:

3. Animals. No animals, livestock, or poultry other than household pets shall be kept on any lot, except as otherwise stated in this Paragraph. Horses may be kept and maintained if a special written variance from the Architectural Control Committee and the written consent of all adjacent lot owners are first obtained; provided, however, that no such variance or consent shall be required to keep the same number of horses on any lot as was there on September 19, 1984. Approval of any request for a variance shall be governed by such written criteria or regulations as the Architectural Control Committee may adopt. Any lot owner keeping horses on his lot on September 19, 1984 shall be required to comply with the written criteria and regulations of the Architectural Control Committee governing the

cation of any stable and fencing, the construction plans for any stable and fencing, methods of confining such horses on the lot, and maintenance of all areas containing such horses in a safe and sanitary condition.

All animal owners are responsible for the control of their animals. The Board of Directors of the Aspen Mesa Home Owners Association shall have the authority to require any owner to restrain or otherwise prevent any animal from interfering with the pleasurable use and occupancy of any other lot owner.

2. Paragraph 25 of the Reorganization and Amendment of Deed Restrictions for Aspen Mesa Estates is hereby amended to read as follows:

25. Amendment and Termination. These Deed Restrictions may be amended or terminated by a majority of the members voting in a meeting of the members of the Aspen Mesa Home Owners Association at which a quorum exists or voting by mail in an election conducted by the Board of Directors in accordance with the Bylaws of the Association.

A. The request for amendment or termination may take the form of a resolution of the Board, duly passed by a majority of its members in any duly called meeting at which a quorum exists, or a petition signed by 25% of the members of the Association. The resolution or petition must recite the exact text of the change requested. Unless the Board of Directors sets another period of time, any petition must be presented to the secretary of the Association, or his designee, at least 60 days prior to any meeting of the members called for the purpose of acting on the petition.

B. Following passage of the resolution or acceptance of the petition by the secretary (and his certification that it contains a sufficient number of signatures of qualified members), the Board shall determine and set the manner, date and, if applicable, the place and time of a vote on the issue. Within the period of time prior to voting specified in the Bylaws, notice either announcing a meeting or accompanying the ballot shall be sent to each member, and the notice (or in the case of a ballot by mail, the ballot) shall contain the text of the proposed change.

