

Reception#: 760337  
12/19/2008 10:39:41 AM Jean Alberico  
1 of 2 Rec Fee:\$11.00 Doc Fee:\$0.00 GARFIELD COUNTY CO

**FIRST AMENDMENT TO THE  
COMMON INTEREST COMMUNITY DECLARATION  
OF  
KEATOR GROVE CONDOMINIUMS**

**KEATOR GROVE, LLC**, a Colorado limited liability company ("Declarant"), being the owner of the following real property located in the Town of Carbondale, County of Garfield, State of Colorado:

Lots 1A and 1B, as shown on the Final Plat of Keator Grove, a Planned Unit Development, recorded October 8, 2007, as Reception No. 734736, in the Office of the Clerk and Recorder of Garfield County, Colorado,

has submitted such real property and all improvements thereon to the provisions of the Colorado Common Interest Ownership Act, C.R.S., §§38-33.3-101 *et seq.*, for the purpose of creating Keator Grove Condominiums pursuant to the Common Interest Community Declaration of Keator Grove Condominiums recorded on August 29, 2008 at Reception No. 754795 in the real property records of Garfield County, Colorado (the "Declaration"). Declarant does hereby DECLARE that such property and all improvements thereon shall be held and conveyed subject to this First Amendment to the Declaration.

1. Pursuant to the Act at section 38-33.3-205(4), a declarant may amend the declaration to correct clerical, typographical or technical errors.
2. Pursuant to section 18.4(c) of the Declaration, Eligible Mortgagees are allowed thirty (30) days to respond to a notice of amendment of the Declaration.
3. Pursuant to the Act at section 38-33.3-217(1)(b)(II), Colorado law provides that first mortgagees shall have sixty (60) days to respond to a notice of amendment of a declaration.
4. The Declaration, at section 18.4(c), contains a technical error that is hereby corrected by the Declarant.
5. Declarant hereby amends section 18.4(c) of the Declaration pursuant to section 38-33.3-205(4) of the Act, to read as follows:

"The failure of an Eligible Mortgagee or Eligible Insurer to respond within sixty (60) days to any written request for approval of an addition or amendment to the Document wherever Eligible Mortgagee or Eligible Insurer approval is required, when such request is delivered by certified or registered mail, return receipt requested, shall constitute an implied approval of the addition or amendment."

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed this 18<sup>th</sup> day of December, 2008.

KEATOR GROVE, LLC,  
a Colorado limited liability company  
BY: [Signature]  
John A. Elmore II, Manager



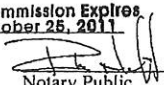
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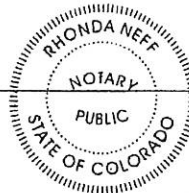
STATE OF COLORADO )  
 ) ss.  
COUNTY OF Eagle )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December by  
John A. Elmore II, Manager of Keator Grove, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: My Commission Expires  
October 25, 2011

  
Notary Public



**FIRST SUPPLEMENT TO  
THE COMMON INTEREST COMMUNITY DECLARATION  
OF KEATOR GROVE CONDOMINIUMS**

This First Supplement to the Common Interest Community Declaration of Keator Grove Condominiums (the "First Supplement") is made by Keator Grove, LLC, a Colorado limited liability company (the "Declarant"), this 18<sup>th</sup> day of December, 2008, for the purposes recited herein.

**RECITALS**

- A. The Common Interest Community Declaration of Keator Grove Condominiums (the "Keator Grove Condominium Declaration") was recorded in the office of the Clerk and Recorder of Garfield County, Colorado, on August 29, 2008, as Reception No. 754795. Both the Keator Grove Condominium Declaration and this First Supplement touch and concern the real property described in Exhibit A (the "Property"), attached hereto and incorporated herein by this reference.
- B. The Property contains eight (8) Townhome Condominiums as described on the Condominium Map of the Keator Grove Condominiums, Filing No. 1, recorded in the real property records of Garfield County, Colorado, on August 29, 2008, as Reception No. 754794 (the "Townhomes Condominium Map"), together with eight (8) Flat Units as described in this First Supplement and on the Flats Condominium Map which is described below.
- C. Pursuant to Section 8.1 of the Keator Grove Condominium Declaration, Declarant reserved the right to create additional Units and Common Elements within the Property by recording an additional Condominium Map and by recording a Supplemental Declaration setting forth any covenants, conditions, restrictions and easements particular to such additional Units.
- D. The Property is also subject to the Master Declaration of Protective Covenants, Conditions and Restrictions for Keator Grove, recorded October 8, 2007, as Reception No. 734737, in the office of the Clerk and Recorder of Garfield County, Colorado (the "Master Declaration"), and any and all amendments or supplements thereto.

WHEREFORE, the Declarant has executed and caused to be recorded this First Supplement pursuant to the Keator Grove Condominium Declaration for the purposes recited below.

- 1. Creation of Units. By and through the execution and recording of the Condominium Map of Keator Grove Condominiums, Filing No. 2, which describes Units F-1 through and including F-8 of the Keator Grove Condominiums on December 19, 2008, in the office of the Clerk and Recorder of Garfield County, Colorado, as Reception No. 760335 (the "Flats Condominium Map"), together with this First Supplement, the Declarant has created eight (8) additional Units, together with General and Limited Common Elements, as depicted and described on said Flats Condominium Map. Each of the Units and the General and Limited Common Elements, as described on the Flats Condominium Map, are and shall be subject to

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the provisions of the Keator Grove Condominium Declaration and the Master Declaration and all subsequent amendments or supplements to either. Such Units shall be designated by the numbers as set forth on the Flats Condominium Map and on Exhibit B, hereto.

2. Allocated Interests. Pursuant to Section 8.1 and other applicable provisions of the Keator Grove Condominium Declaration, the Allocated Interests appurtenant to each Unit within the Keator Grove Condominiums shall be as described on Exhibit B, attached hereto and incorporated here by this reference. In addition, the Units, as described in said Exhibit B shall correspond to the Units referred to as "Lots 1-A and 1-B, Units 1-16, inclusive," on Exhibit A to the Master Declaration for the purpose of Allocated Interests pursuant to the Master Declaration.

IN WITNESS WHEREOF, the undersigned, being Declarant herein, has set its hand and seal on the date first written above.

KEATOR GROVE, LLC,  
a Colorado limited liability company

By: \_\_\_\_\_

John A. Elmore II, Manager

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF Eagle    )

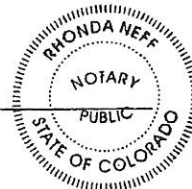
The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December, 2008, by John A. Elmore II, as Manager of Keator Grove, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires:

My Commission Expires  
October 28, 2011

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



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12/19/2008 10:39:41 AM Jean Alberico  
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EXHIBIT A

Lots 1-A and 1-B, as shown on the Final Plat of Keator Grove, a Planned Unit Development, recorded October 8, 2007, as Reception No. 734736, in the office of the Clerk and Recorder of Garfield County, Colorado, as amended by the First Lot Line Adjustment of Keator Grove, a Planned Unit Development, according to the Plat recorded June 18, 2008, as Reception No. 750709, in the office of the Clerk and Recorder of Garfield County, Colorado.

**EXHIBIT B**  
**TO FIRST SUPPLEMENT**

**KEATOR GROVE CONDOMINIUMS**

Unit No.	Fractional Share of Common Elements	Fractional Share of Common Expenses	Vote in the Affairs of Association
TH-1	1/16	1/16	1
TH-2	1/16	1/16	1
TH-3	1/16	1/16	1
TH-4	1/16	1/16	1
TH-5	1/16	1/16	1
TH-6	1/16	1/16	1
TH-7	1/16	1/16	1
TH-8	1/16	1/16	1
F-1	1/16	1/16	1
F-2	1/16	1/16	1
F-3	1/16	1/16	1
F-4	1/16	1/16	1
F-5	1/16	1/16	1
F-6	1/16	1/16	1
F-7	1/16	1/16	1
F-8	1/16	1/16	1