



Reception#: 770336
 06/30/2009 11:01:05 AM Jean Alberico
 1 of 4 Rec Fee:\$26.00 Doc Fee:0.00 GARFIELD COUNTY CO

AMENDMENT NO. 2
 TO
 DEED RESTRICTION NO. 3

This "Amendment No. 2" to Deed Restriction No. 3 – Declaration of Deed Restriction and Agreement concerning the Sale, Occupancy and Resale of Resident Occupied Condominium Units and Single Family Homes in the Keator Grove PUD, Town of Carbondale, Garfield County, Colorado (No Resale Cap), hereinafter referred to as "Deed Restriction No. 3", is made and entered into this 23rd day of June, 2009, by and between Keator Grove, LLC as "Declarant" pursuant to Deed Restriction No. 3, Carbondale Housing Authority ("CHA") and the Board of Trustees of the Town of Carbondale, Colorado (the "Town").

RECITALS

A. Deed Restriction No. 3 was recorded in the Office of the Clerk and Recorder of Garfield County, Colorado on June 24, 2008 at Reception No. 751029 with respect to the Lots within Keator Grove which are described on **Exhibit A**.

B. Amendment No. 1 to Deed Restriction No. 3, hereinafter referred to as "Amendment No. 1", was recorded in the Office of the Clerk and Recorder of Garfield County, Colorado on February 25, 2009 at Reception No. 763717 with respect to the Lots within Keator Grove which are described on **Exhibit A**.

C. Pursuant to the provisions of Section 10.12 of Deed Restriction No. 3, as applied to the Lots described on **Exhibit A**, the parties hereto desire to amend and restate Section 4.2 of Deed Restriction No. 3 as provided herein.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and based upon the authority reserved by CHA and the Town to modify Deed Restriction No. 3 as set forth in Section 10.12, thereof, the parties agree as follows:

1. The reference in Section 4.2 to subsection 3.8 is hereby changed to read as subsection 3.3.

2. This Amendment No. 2 modifies and amends Deed Restriction No. 3 as recorded at Reception No. 751029 and Amendment No. 1 as recorded at Reception No. 763717 with respect to the Lots described therein and on **Exhibit A**. In all other respects, Deed Restriction No. 3, as amended, as so recorded shall remain in full force and effect. This Amendment No. 2 shall become effective upon recording in the Office of the Clerk and Recorder of Garfield County, Colorado.

Executed in duplicate originals on the day and year set forth following the signatures which follow:

KEATOR GROVE, LLC

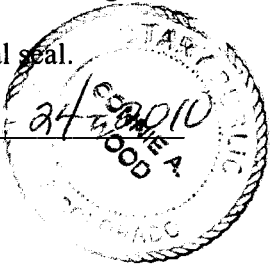
By: [Signature]
 John A. Elmore, II, Manager

STATE OF COLORADO)
) ss.
 COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 19th day of June, 2009, by John A. Elmore, II as Manager of Keator Grove, LLC.

Witness my hand and official seal.

My commission expires: 6-24-2010



[Signature]
 Notary Public

CARBONDALE HOUSING AUTHORITY

By: [Signature]
 Its: President

STATE OF COLORADO)
) ss.
 COUNTY OF Garfield)

The above and foregoing document was acknowledged before me this 25 day of June, 2009, by John R. Baker as President of the Carbondale Housing Authority.

Witness my hand and official seal.

My commission expires: 10/13/09

[Signature]
 Notary Public

PATRICIA FRIEDRICH
 Notary Public
 State of Colorado

My Commission Expires 10/13/2009



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3 of 4 Rec Fee:\$26.00 Doc Fee:0.00 GARFIELD COUNTY CO

**BOARD OF TRUSTEES OF THE TOWN OF
CARBONDALE**

By: *[Signature]*
Mayor



ATTEST: *[Signature]*
Town Clerk

STATE OF COLORADO)
) ss.
COUNTY OF Garfield)

The above and foregoing document was acknowledged before me this 24th day of June, 2009, by Michael Harris as Mayor of the Board of Trustees of the Town of Carbondale, Colorado.

Witness my hand and official seal.
My commission expires: 10.13.2009

Patricia Friedrich
Notary Public

PATRICIA FRIEDRICH
Notary Public
State of Colorado
My Commission Expires 10/13/2009



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EXHIBIT A

Lots 11 through and including 24, Keator Grove, as described on the Final Plat of the Keator Grove Planned Unit Development, recorded October 8, 2007, at Reception No. 734736, in the Office of the Clerk and Recorder of Garfield County, Colorado, also known by the following street addresses:

- Lot 11, 0332 Linden Circle, Carbondale, Colorado 81623
- Lot 12, 0324 Linden Circle, Carbondale, Colorado 81623
- Lot 13, 0318 Linden Circle, Carbondale, Colorado 81623
- Lot 14, 0314 Linden Circle, Carbondale, Colorado 81623
- Lot 15, 0310 Linden Circle, Carbondale, Colorado 81623
- Lot 16, 0306 Linden Circle, Carbondale, Colorado 81623
- Lot 17, 0302 Linden Circle, Carbondale, Colorado 81623
- Lot 18, 0139 Ash Lane, Carbondale, Colorado 81623
- Lot 19, 0131 Ash Lane, Carbondale, Colorado 81623
- Lot 20, 0125 Ash Lane, Carbondale, Colorado 81623
- Lot 21, 0117 Ash Lane, Carbondale, Colorado 81623
- Lot 22, 0111 Ash Lane, Carbondale, Colorado 81623
- Lot 23, 0105 Ash Lane, Carbondale, Colorado 81623
- Lot 24, 0101 Ash Lane, Carbondale, Colorado 81623