RECEPTION#: 897770,Date: 6/11/2018 11:53 AM,
Pages: 1 of 23 , DECCOV RECORDING $123.00
Montrose County, CO. Tressa Guynes, Clerk and Recorder

FIRST AMENDMENT OF THE SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ENGLISH GARDENS NUMBER 4

THIS AMENDMENT is made effective the 7th day of June, 2018, by the owners of no less than sixty-seven percent (67%) of the Lots within English Gardens 4 Subdivision, according to the official plats thereof recorded at the reception numbers 727534, 731168, 741815, and 763300.

The undersigned amend Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for English Gardens Number 4, recorded at reception number 759596 as follows.

1. Article I (Definitions), Section 10, is amended to read as follows:

   Section 10. "Developer" shall mean the person or entity owning the raw land with the purpose and intent of developing into parcels for sale to others.

2. Article IV (Architectural Control and Building Construction), is amended, in its entirety to read as follows:

ARTICLE IV
ARCHITECTURAL CONTROL AND BUILDING CONSTRUCTION

The construction of any building shall be in accordance with the Montrose County, Colorado building code then in effect.
The following exterior architectural standards shall apply within the Subdivision:

Section 1 Architectural Control Committee

The Architectural Control Committee shall then consist of three persons appointed by the Board of Directors of the Association. Except during the period of Declarant Control, all Committee members must be Owners within the Association and their individual length of term of service shall be set at time of appointment by the Board of Directors of the Association. A majority of the Committee may from time to time appoint a representative to act for it. In the case of new construction on an unimproved Lot the Developer or his designee shall have sole responsibility for review and approval or disapproval of proposed construction.

Section 2 Review by Committee

No structure or any attachment to any existing structure, building, fence, walls, canopies, awnings, roofs, antennas, exterior lighting facilities, athletic facility, or

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other similar improvements or attachments shall be constructed, erected, placed, or installed upon any Lot, and no alteration of the appearance (except for color) of the exterior of a residence shall be made unless copies of plans and specifications are first submitted for to the Committee for review and approval. Said plans and specifications shall show exterior design, height, materials, location of the structure or addition to the structure, as well as any other materials and information as required by the Committee. Such construction, attachment, improvement or alterations shall conform in all respects to these Declarations and all design guidelines and rules and regulation of the Association. In addition, the Committee shall exercise reasonable judgment to the end that all construction, attachments, improvements and alterations to residences, other structures and property shall conform to and harmonize with the existing surroundings, residences and structures. In review of plans, specifications, materials, etc., the committee may require payment of fees incurred by the Committee for actual expenses incurred during the review process. Such amount, if any, may be levied against the common expense assessment against the Lot for which the request was made and as such shall be subject to the Association's lien for assessments and subject to all other rights of the Association for the collection thereof. The foregoing prohibitions shall not prevent the repair and maintenance of any structure, property, or Lot so long as the repair or maintenance restores such items to their original condition.

Section 3 Procedures

As dictated by the type of construction requested, either the Developer or the Committee shall approve or disapprove all requests for architectural control approval within sixty (60) days following receipt of copies of all plans, specifications, and other materials required by the Committee therewith. Complete submission shall be deemed to have occurred upon Committee's receipt of the above named items by certified mail or by hand delivery to be acknowledged by the signature of the appropriate party. In the event the Developer or the Committee fails to approve or disapprove any request within sixty (60) days of complete submission of said request or if the Committee has ceased to exist approval shall not be required and this Article shall have been deemed to have been fully complied with.

Section 4 Liability

The Committee and any members or representatives thereof shall not be liable to any Person submitting request for approval or to any owner by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove in regard to any matter within its jurisdiction hereunder.

Section 5 Variance

As dictated by the type of construction requested the Developer or the Committee may grant reasonable variances or adjustments from any conditions or restrictions imposed by this article in order to overcome practical difficulties and prevent unnecessary hardship arising by reason of the application of this article. Such variances or adjustments shall be granted only when the granting thereof shall not be materially injurious or detrimental to other property or improvements in the subdivision and shall not mitigate against the general purpose and intent of this article.

Section 6 Waiver

The approval or consent of the Committee to any application shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent by the Committee as to any application or any other matters subsequently or additionally submitted for approval or consent hereunder.

Section 7 Construction

On any Lot, all new construction shall be completed within a period of one (1) year from date of sale of that Lot.

All buildings shall be stick built on the Lot to specifications and design similar to those in the immediate area. Roofing material shall be architectural shingles. Metal roofs shall not be permitted, including those on deck or patio covers.

All buildings shall have a minimum heated living square footage of 1500 square feet and at minimum a 2-car attached garage. Roof pitch shall be at minimum 6/12. Exteriors finishes shall contain brick, stone, or stucco either singly or in combination. Siding material shall consist of either hardboard, wood, or concrete. No vinyl or plastic siding shall be allowed on new construction.

Section 8 Buildings

There shall not be more than one outbuilding per Lot. No outbuilding, shall exceed 140 square feet, nor shall it have a peak roof height greater than ten (10) feet as measured from its base, nor shall it be placed farther than twenty (20) feet from the rear of the residence to the nearest portion of the outbuilding. No outbuilding shall be placed on any side of any Lot proximate to any street and if placed on the side of the Lot, shall be screened, fenced from street view, or painted to match the exterior of the residence. Any outbuilding situated on Lots 5 through 9, inclusive, shall be placed only on the side of the residence.

No building construction that alters the original footprint, foundation line, roof line or roof peak height of any building is permitted nor is the addition of deck and patio covers and the screening or glassing-in of allowed without the approval of the Architectural Control Committee.

Section 9 Final Grade

The final rough grade of each Lot is initially established at time of completion of construction by the developer. Each owner shall be responsible if during landscaping, subsequent construction or reconstruction the overall grade design is interrupted or changed, with said change resulting in poor drainage or damage to Owner's Lot or property or to any other neighboring Lot or property.

Section 10 Non-Conformity

Any building, outbuilding or other structure or improvement existing on the date of these Declarations that does not conform to the above may continue provided that event of repair or reconstruction due to fire, flood, or any other casualty, such building, outbuilding or other structure or improvement shall thereafter comply with these Declarations,

Section 11 Design Guidelines

With the exception of new construction on unimproved Lots, the Architectural Control Committee shall have the authority to adopt and enforce such Design Guidelines as it deems necessary to enforce and administer the provisions of these Declarations.

3. Except as amended herein, the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for English Gardens Number 4, recorded at reception number 759596, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have signed the foregoing Declaration the day and year first above written.

• *Signatures on following pages* •

Order: QuickView_Property Page 4 of 23 Requested By: theresahiggins, Printed: 10/9/2018 2:59 PM
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Larry A. Phillips, PRES
[Signature]

Phillips Construction Co., Inc.
[Print Name]

Lot: ___Outlot 'B'____ Filing: ___3___

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Phillips Construction Co, Inc

Witness my hand and official seal.

Lisa Mettscher
Notary Public

_____
[Signature]

Michael D Tobler and April L Tobler
[Print Name]

Lot: ___34____ Filing: ___2___

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this ___ day of _____, 2018, by _____.

Witness my hand and official seal.

_____
Notary Public

_____
[Signature]

Haney G Burtis and Kathrine R Burtis
[Print Name]

Lot: ____42___ Filing: ___2___

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this ___ day of _____, 2018, by _____.

Witness my hand and official seal.

_____
Notary Public

Earl L. Weiss
[Signature]

Earl L Weiss and Barbara A Weiss
[Print Name]

Lot: ____15____ Filing: __3____

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Earl L. Weiss.

Witness my hand and official seal.

Notary Public

[Signature]

Jeffrey C Jacobson and Elizabeth A Jacobson
[Print Name]

Lot: ___8____ Filing: ____3__

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Elizabeth A. Jacobson.

Witness my hand and official seal.

Notary Public

[Signature]

George O Snook Jr. and Cynthia L Snook
[Print Name]

Lot: _9_____ Filing: _3_____

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this ___ day of _____, 2018, by _____.

Witness my hand and official seal.

Notary Public

[Signature]

Elicio Lovato and Vivian Lovato
[Print Name]

Lot: ___10____ Filing: __3____

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Vivian Lovato.

Witness my hand and official seal.

Notary Public

[Signature]

David L Nyland and Susan J Nyland
[Print Name]

Lot: __88_____ Filing: ___3___

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this ___ day of _____, 2018, by _____.

Witness my hand and official seal.

Notary Public

_____
[Signature]

Steven J McLaughlin and Jean McLaughlin
[Print Name]

Lot: ___41____ Filing: ___2___

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this ___ day of _____, 2018, by _____.

Witness my hand and official seal.

_____
Notary Public

Bryan K. Goforth
[Signature]

Bryan K Goforth and Marianne V Goforth
[Print Name]

Lot: ____64____ Filing: __1____

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this 2nd day of June, 2018, by Bryan K Goforth.

Witness my hand and official seal.

Lisa Mettscher
Notary Public

Else S. Washburn
[Signature]

Michael Washburn and Else S Washburn Life Estate
[Print Name]

Lot: 16 Filing: 3

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Else S Washburn.

Witness my hand and official seal.

Lisa Mettscher
Notary Public

_____
[Signature]

_____
[Print Name]

Lot: _____ Filing: _____

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this ___ day of _____, 2018, by _____.

Witness my hand and official seal.

_____
Notary Public

[Signature]

Jason E Ronzio and Angela A Ronzio
[Print Name]

Lot: ____39___ Filing: __2____

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Jason E. Ronzio.

Witness my hand and official seal.

Notary Public

[Signature]

Norval E Rimel and Leona J Rimel
[Print Name]

Lot: __40_____ Filing: ___2___

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Leona J. Rimel.

Witness my hand and official seal.

Notary Public

[Signature]

Joe Mack Wilson and Linda Kate Wilson
[Print Name]

Lot: ___4_____ Filing: ___1___

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Joe Mack Wilson.

Witness my hand and official seal.

Notary Public

[Signature]

Donald Charles Bowen and Adrienne Mary Bowen
[Print Name]

Lot: ___Amended Lot 65__ Filing: ____1_

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Donald Charles Bowen.

Witness my hand and official seal.

Notary Public

[Signature]

Vernon W Bennigsdorf and Edith A Bennigsdorf
[Print Name]

Lot: ___12____ Filing: __3____

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Vernon W. Bennigsdorf.

Witness my hand and official seal.

Notary Public

Tenjing D. Sherpa.
[Signature]

Pemba Sherpa and Tenjing D Sherpa
[Print Name]

Lot: ____13____ Filing: _3_____

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Tenjing D. Sherpa.

Witness my hand and official seal.

Notary Public

[Signature]

Charles A Reed and Megan K Carney
[Print Name]

Lot: __14_____ Filing: __3____

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Charles A. Reed.

Witness my hand and official seal.

Notary Public

[Signature]

Stephen C Dutka and Connie C Dutka
[Print Name]

Lot: ____81____ Filing: ___3___

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Connie C. Dutka.

Witness my hand and official seal.

Notary Public

[Signature]

Gary L Bertorello and Sue E Bertorello
[Print Name]

Lot: 5 Filing: 1

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this 7th day of June, 2018, by Gary L. Bertorello.

Witness my hand and official seal.

Notary Public

[Signature]

Paula Joan Millsapps
[Print Name]

Lot: 1 Filing: 1

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this 7th day of June, 2018, by Paula Joan Millsapps.

Witness my hand and official seal.

Notary Public

[Signature] MGR.

ISNESS LTD
[Print Name]

Lot: ___6__ Filing: ____3_

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by John English - Manager

Witness my hand and official seal.

Notary Public

[Signature]

Richard D. Pollard and Martha G Pollard
[Print Name]

Lot: ___7____ Filing: __3____

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Richard D. Pollard.

Witness my hand and official seal.

Notary Public

[Signature]

Christopher Allen Buchanan and Lisa Anne Boffa
[Print Name]

Lot: ___89___ Filing: ___3___

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Christopher Allen Buchanan.

Witness my hand and official seal.

Notary Public

[Signature]

Wilfried Hoffmann and Jolyne Hoffmann
[Print Name]

Lot: ____90___ Filing: ___3___

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Jolyne Hoffmann.

Witness my hand and official seal.

Notary Public

[Signature]

Jennifer L Johnson
[Print Name]

Lot: ____35____ Filing: __2____

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Jennifer L. Johnson.

Witness my hand and official seal.

Notary Public

[Signature]

Stuart A Johnson and Tammy E Johnson
[Print Name]

Lot: __36_____ Filing: ___2___

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Tammy E. Johnson.

Witness my hand and official seal.

Notary Public

[Signature]

Kenneth M Shorter and Nancy A Shorter
[Print Name]

Lot: 37 Filing: 2

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Kenneth M. Shorter.

Witness my hand and official seal.

Notary Public

[Signature]

Andrea C Lawlar
[Print Name]

Lot: 38 Filing: 2

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June 2018, by Andrea C. Lawlar.

Witness my hand and official seal.

Notary Public

Cynthia K Buttermore
[Signature]

Alan L Buttermore & Cynthia K Buttermore
[Print Name]

Lot: 2 Filing: 1

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June 2018, by Cynthia K. Buttermore.

Witness my hand and official seal.

Lisa Mettscher
Notary Public

[Signature]

Mark Allen Bray and Shanda K Bray
[Print Name]

Lot: 3 Filing: 1

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June 2018, by Mark Allen Bray.

Witness my hand and official seal.

Lisa Mettscher
Notary Public

[Signature]

Mary E Collins and Lance P Collins
[Print Name]

Lot: 91 Filing: 3

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Mary E. Collins.

Witness my hand and official seal.

Notary Public

[Signature]

Robert M Balerio and Sandra G Balerio
[Print Name]

Lot: 92 Filing: 3

STATE OF COLORADO)
) ss.
County of Montrose)

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

The foregoing was acknowledged before me this 7th day of June, 2018, by Robert M. Balerio.

Witness my hand and official seal.

Notary Public

[Signature]

Jeffrey D Knight and Lois L Knight
[Print Name]

Lot: 82 Filing: 3

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this 7th day of June, 2018, by Lois L. Knight.

Witness my hand and official seal.

Notary Public

[Signature], PRES.

Phillips Construction Co., Inc
[Print Name]

Lot: 87 Filing: 3

LISA METTSCHER
NOTARY PUBLIC - STATE OF COLORADO
Notary Identification #19984001445
My Commission Expires 8/28/2019

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this 7th day of June, 2018, by Phillips Construction Co., Inc

Witness my hand and official seal.

Notary Public

_____
[Signature]

Donald R Harriman
[Print Name]

Lot: ____66____ Filing: ___1___

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this ___ day of _____, 2018, by _____.

Witness my hand and official seal.

_____
Notary Public

_____
[Signature]

Matthew Patrick Davis and Courtney Joy Davis
[Print Name]

Lot: __11_____ Filing: ___3___

STATE OF COLORADO)
) ss.
County of Montrose)

The foregoing was acknowledged before me this ___ day of _____, 2018, by _____.

Witness my hand and official seal.

_____
Notary Public