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Oliphant, LLC

**AMENDMENT TO  
FIRST AMENDED COVENANTS, CONDITIONS AND  
RESTRICTIONS  
FOR  
SAGEWOOD SUBDIVISION, FILING NO. 1  
TOWN OF HAYDEN, COLORADO  
(Addition of Sagewood Filing No. 2)**

**KNOW ALL MEN BY THESE PRESENTS:**

**WHEREAS**, Sagewood Development, Ltd., a Colorado Limited Partnership, ("Declarant") being the owner of Sagewood subdivision, Filing No. 1 ("Subdivision"), located in the town of Hayden, Routt County, State of Colorado;

**WHEREAS**, that on Friday, May 14, 2004, the first annual meeting for the Sagewood Property Owners Association, Inn., was called by the Board of Directors at 6:30 p.m.. in the Board Room at the First National Bank of the Rockies, 252 West Jefferson, Hayden, Colorado;

**WHEREAS**, the Association members were noticed of such meeting and provided an agenda for the annual meeting pursuant to C.R.S. §38-33.3-308;

**WHEREAS**, the notice and agenda included a proposed amendment of the Covenants to allow fence heights to be raised above the existing sixty (60) inch restriction;

**WHEREAS**, the Association discussed and elected to amend the covenants at its first annual meeting to allow an increase in the fence height restriction,

**WHEREAS**, the Board of Directors for the Association has adopted a resolution recommending the amendment to the First Amended Covenants, Conditions and Restrictions, which was authorized by a vote by at least two-thirds (2/3) owners,  
**TO WIT:**

According to the Recorded Plat, the Subdivision does hereby establish this Amendment to the First Amended Covenants, Conditions and Restrictions ("Declaration") recorded in the office of Routt County Clerk and Recorder under Reception Number 573032, dated November 18, 2002, and shall amend and replace the applicable provisions of the Declaration for the purpose of creating and keeping the Subdivision attractive and aesthetically pleasing, all for the mutual benefit and protection of all property owners in the Subdivision.

Declarant has caused to be incorporated the Sagewood Property Owners Association, Inc. ("Association"), a Colorado nonprofit corporation, for the purposes described in its Articles of Incorporation and the Declaration. Further, the Declarant does hereby declare that the following amendment to the Declaration shall hereafter apply to the

above described Subdivision as a restrictive and protective covenant running with the land and shall hereafter be binding upon the Declarant and all future owners of any part of said Subdivision.

Declarant hereby amends Article IV. Residential Use Covenants, Section 4.04 to read as follows:

**4.04 Fences.** Any fence, wall or similar type barrier to be constructed, erected or maintained on a Lot shall not exceed seventy-two inches (72") in height and shall not interfere with or encroach upon any trail easements or rights of way.

FURTHER Declarant sayeth not.

Executed this 19<sup>th</sup> day of July, 2004.

By: SAGEWOOD DEVELOPMENT, Ltd.  
a Colorado Limited Partnership

By Solleron Resources, Inc., A  
Colorado Corporation, General Partner

*Thomas M. Hallin*  
Thomas M. Hallin, Declarant

STATE OF COLORADO - )  
  )ss.  
COUNTY OF ARAPAHOE )

Subscribed, sworn to and acknowledged before me this 19<sup>th</sup> day of July, 2004 by Thomas M. Hallin, as President of Solleron Resources, Inc., the General Partner of Sagewood Development, Ltd., a Colorado limited partnership.

WITNESS my hand and official seal.

My Commission expires: 10-13-04

*Michael J. Koschik*  
MICHAEL J. KOSCHIK  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 10/13/2004