

Second Amendment to  
Architectural Guidelines for Edgemont Highlands

**THIS SECOND AMENDMENT TO ARCHITECTURAL GUIDELINES FOR EDGEMONT HIGHLANDS** (the "Second Amendment") is made and entered into this 3rd day of September, 2010, by **HIGHLANDS DEVELOPMENT II, LLC**, a Colorado Limited Liability Company and **HIGHLANDS DEVELOPMENT IV, LLC**, a Colorado Limited Liability Company, of La Plata County, Colorado (hereinafter referred to as the "Co-Declarants").

**RECITALS**

A. **Edgemont Highlands Governing Documents.** Co-Declarants are the successor declarants to Highlands Development I, LLC and Highlands Development II under the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded on the 11th day of May, 2004 as Reception No. 884350 (the "Amended and Restated Declaration"), First Supplement to the Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded November 3, 2004 as Reception No. 896541 (the "First Supplement"), Second Supplement to the Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded April 11, 2005 as Reception No. 906547 (the "Second Supplement"), First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Edgemont Highlands recorded January 10, 2006 as Reception No. 925868 (the "First Amendment"), the Third Supplement to the Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded January 10, 2006 as Reception No. 925870 (the "Third Supplement") and the Forth Supplement to the Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded January 26, 2007 as Reception No. 950576 (the "Forth Supplement") and the Governing Documents of Edgemont Highlands.

B. **Plats of Edgemont Highlands - Phases 1, 2A, 2B, 2C and 4.** EDGEMONT HIGHLANDS, PHASE 1, Project No. 2003-290, was platted according to the plat thereof filed January 20, 2004 as Reception No. 877022, La Plata County, Colorado ("Phase 1"); EDGEMONT HIGHLANDS, PHASE 2A, Project No. 2004-221, was platted according to the plat thereof filed November 3, 2004 as Reception No. 896542, La Plata County, Colorado ("Phase 2A"); EDGEMONT HIGHLANDS, PHASE 2B, Project No. 2004-222, was platted according to the plat thereof filed April 11, 2005 as Reception No. 906548, La Plata County, Colorado ("Phase 2B"); EDGEMONT HIGHLANDS, PHASE 2C, Project No. 2004-261, was platted according to the plat thereof filed January 10, 2006 as Reception No. 925871, La Plata County, Colorado ("Phase 2C"); EDGEMONT HIGHLANDS, PHASE 4, Project No. 2006-340, was platted according to the plat thereof filed January 26, 2007 as Reception No. 950578, La Plata County, Colorado ("Phase 4"); collectively know as the "Plats of Edgemont Highlands".

C. **Declaration Definitions.** Except to the extent expressly defined otherwise herein, the terms used in this Amendment shall have the same meaning as set forth in the Amended and Restated Declaration. Specifically, the Amended and Restated Declaration provides the following pertinent rights in Article IV thereof:

HIGHLANDS DEVELOPMENT  
1201 MAIN AVE #202  
DURANGO, CO 81301

Linda Daley  
Laplata County Clerk

9/22/2010 1:11 PM  
AMD R\$21.00 D\$0.00

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Edgemont Highlands Community Association, Inc.

“Declarant shall have sole and full authority to amend the Architectural Guidelines as long as it owns any portion of or has a right to expand Edgemont Highland pursuant to Section 9.1,....”

D. **Prior Amendment.** The Co-Declarants previously amended the Architectural Guidelines with an Amendment to Architectural Guidelines for Edgemont Highlands as recorded March 27, 2009 under Reception No. 993084.

E. **Amendment.** As set forth in the Architectural Guidelines for Edgemont Highlands: “As the development of Edgemont Highlands evolves these guidelines will be amended to fit the evolution of the community.” While de-emphasizing the garage for each home remains a priority, the “front facade/garage width ratio” has proven to be an onerous design challenge for smaller homes. The Co-Declarants believe that the original intent of this requirement can still be met with this amendment. It is the desire and intent of the Co-Declarants to amend the Architectural Guidelines for Edgemont Highlands.

**NOW, THEREFORE,** Co- Declarants hereby amend the Architectural Guidelines for Edgemont Highlands as follows:

1. Garage and Garage Orientation

For those lots in Phases 1, 2A, 4 and the Snowslide Court/Ventana Pass Neighborhood of Phase 2B of Edgmeont Highlands, that portion of Paragraph 4f of the Architectural Guidelines which reads: “The front facade of the house should be at least *four* feet wider than the overall garage width.” is hereby amended to read as follows:

**The front facade of the house should be at least *two* feet wider than the overall garage width.**

2. General Provisions

If any of the provisions of this Second Amendment or any paragraph, sentence, clause, phrase or word, or the application therein in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of this Second Amendment, and the application of any such provisions, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby. Except to the extent expressly defined otherwise herein, the terms used in this instrument shall have the same meaning as set forth in Amended and Restated Declaration and/or Governing Documents of Edgemont Highlands. Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

**IN WITNESS WHEREOF,** the undersigned, being the Co-Declarants herein, have hereunto set its hand and seal on the dates set forth opposite its signature.

**HIGHLANDS DEVELOPMENT II, LLC,** a Colorado Limited Liability Company

By: **Tom D. Gorton, Inc.,** a Colorado corporation, Manager

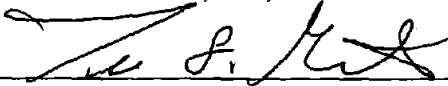
By \_\_\_\_\_  


Edgemont Highlands Community Association, Inc.

Tom D. Gorton, President

**HIGHLANDS DEVELOPMENT IV, LLC**, a Colorado Limited Liability Company

**By: Tom D. Gorton, Inc.**, a Colorado corporation, Manager


By   
Tom D. Gorton, President

STATE OF COLORADO                    )  
  ) ss.  
County of     La Plata                    )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of September, 2010, by Tom D. Gorton as President of Tom D. Gorton, Inc., a Colorado corporation, as Manager of HIGHLANDS DEVELOPMENT II, LLC, a Colorado Limited Liability Company and HIGHLANDS DEVELOPMENT IV, LLC, a Colorado Limited Liability Company.

My commission expires: 2-3-2013

Witness my hand and official seal.

  
Notary Public