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SILVIA DAVIS PITKIN COUNTY CO

R 11.00

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FIRST SUPPLEMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR THE NORTH FORTY PLANNED COMMUNITY/LIMITED TO THE TOWNHOMES ON LOTS 1 - 12 INCLUSIVE (A COMMON INTEREST COMMUNITY)

This First Supplement to the Protective Covenants for the North Forty Planned Community (a Common Interest Community) ("First Supplement") is made by BIDGLE, LLC ("Declarant"), a Colorado limited liability company, and shall be effective upon recordation in the real property records of Pitkin County Colorado.

RECITALS

- A. Declarant is the Declarant in the Declaration of Protective Covenants for the North Forty Planned Community ("Declaration") recorded June 17, 1999 as Reception No. 432261 of the records of Pitkin County Colorado.
- B. Declarant has caused to be constructed twelve (12) Townhomes on Lots 1 - 12, Block 3 ("Lots 1 - 12") of the North Forty P.U.D. Subdivision ("Townhomes").
- C. The Townhomes each constitute separate structures with the exception that in some cases there is a common roof where the Townhomes are adjacent to each other and in some cases a common foundation at the place where the Townhomes are adjacent to each other.
- D. The Declarant wishes to make provision for the sharing of costs of necessary repairs and replacements to the common roof structure and common foundation structure at the place where two Townhomes are adjacent to each other by making each party equally responsible for the cost of any required repair and replacement.
- E. The Colorado Common Interest Ownership Act permits a Declarant to amend a Declaration to correct clerical, typographical, or technical errors pursuant to 38-33.3-205(4), Colorado Revised Statutes.
- F. The omission of the allocation and designation of rights, duties, and responsibilities in connection with the repair and/or replacement of roofs and foundations for adjacent units was unintentionally omitted in the Declaration and requests correction.

Now therefore, Declarant hereby supplements the Declaration by this First Supplement solely to the Townhomes located on Lots 1 - 12;

- 1. In the event of the necessity for the repair or replacement of roof structures and foundations where the same are adjacent on Lots 1 - 12, the cost of such repair and replacement shall be shared equally between the owners of the two (2) adjacent Townhomes.

Return to: John McBride
303E AABC
Aspen, CO 81611



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2. The determination of whether or not a repair or replacement shall be necessary for any roof or basement as between adjoining Townhomes shall, if the owners of said Townhomes shall be unable to agree, be determined by the Association; and the determination and the selection of the contractor to perform the work of repair or replacement shall be made by the Association and the cost thereof shall constitute a special assessment made by the Association as against the owners of the adjacent Townhomes.
3. Except as hereby supplemented, the Declarant hereby ratifies and confirms the Declaration.
4. BY WAY OF CAUTION AND NOTICE, ALL OWNERS, OCCUPANTS, INVITEES AND ENTRANTS TO LOT 1-12 ARE ADVISED THAT ICY WINTERTIME CONDITIONS MAY EXIST BECAUSE OF THE LACK OF DIRECT SUNLIGHT TO THE NORTH SIDE OF THE TOWNHOMES ON LOTS 1-12 RESPONSIBILITY FOR WHICH LIES SOLELY WITH OWNERS THEREOF AND EACH OWNER OF SAID LOTS 1-12 BY ACCEPTANCE OF A DEED THEREFOR DOES RELEASE AND INDEMNITY BIDGLE, LLC FROM ANY AND ALL LIABILITY FROM CLAIMS ARISING BECAUSE OF SUCH CONDITIONS

Dated February 24, 2003.

BIDGLE, LLC.

By

John P. McBride Manager

STATE OF COLORADO)
) 55
COUNTY OF PITKIN)

The forgoing instrument was acknowledge before me this ___ day of February, 2003 by John P. McBride as the Manager of Bidgle, LLC, a Colorado limited liability company.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires:

[SEAL]

Notary Public

