

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
THE HOAGLUND RANCH HISTORIC PLANNED UNIT DEVELOPMENT**

THIS FIRST AMENDMENT is made this 13<sup>th</sup> day of September, 2007, by HENRY E. BOOHER, JR. and CHERIE L. BOOHER (collectively the "Declarant").

WHEREAS, the Pitkin County Board of County Commissioners approved Phase 2 of the Hoaglund Ranch Historic Planned Unit Development on July 25, 2007, by the adoption of Resolution No. 066 - 2007; and

WHEREAS, as a condition of such approval, the Declarant is obligated to amend the Declaration of Covenants, Conditions and Restrictions for the Hoaglund Ranch Historic Planned Unit Development recorded in the real estate records of Pitkin County, Colorado on August 20, 2004 as Reception No. 501019.

NOW, THEREFORE, in consideration of the foregoing premises, the Declarant states as follows:

1. Phase 2 Subject to Declaration of Covenants, Conditions and Restrictions.  
The lots and units covered by the Phase 2 approvals as set forth in Board of County Commissioner Resolution No. 066 - 2007 and the Final Plat of Hoaglund Ranch Historic Planned Unit Development, Phase 2 recorded in the real estate records of Pitkin County, Colorado on August 16, 2007, as Reception No. 541065 are expressly made subject to all of the terms, conditions, restrictions, rights, privileges and obligations of the Declaration of Covenants, Conditions and Restrictions for the Hoaglund Ranch Historic Planned Unit Development.

2. Water Service. Section 5 of the Declaration of Covenants, Conditions and Restrictions for the Hoaglund Ranch Historic Planned Unit Development is amended by the addition of the following new subparagraph (e):

(e) Declarant has obtained permits for and has constructed two (2) new wells to serve Phase 2 of the Subdivision. The two (2) new wells were drilled pursuant to permits issued by the Office of the State Engineer, Division of Water Resources under Well Permit Nos. 64091-F and 64092-F. One of the wells (Permit No. 64091-F) is located within the water well easement depicted on the Phase 2 Final Plat on Lots 1 and 2 and shall be for the sole use of Lots 1 and 2. The second well is located in Open Space Parcel 2 as depicted on the Phase 2 Final Plat, shall be for the use of Lots 3, 4, 5, 7 and 11, and shall be operated and administered by the Hoaglund Ranch Affordable Housing Owners Association.

**RECEPTION#: 543574, 10/26/2007 at  
02:40:04 PM,  
1 OF 3, R \$16.00 Doc Code AMEND COV  
Janice K. Vos Caudill, Pitkin County, CO**

3. Open Space Parcel 1. In accordance with Resolution 066 - 2007, Open Space Parcel 1 shall be and hereby is subject to an easement for the location, construction, maintenance and repair of septic systems to serve Lots 3, 4, 5 and 11 for the installation, maintenance and repair of all necessary piping, utility lines and other facilities necessary for the construction of the septic systems in accordance with the Hoaglund Ranch Historic PUD Sewage Disposal Plan and Septic System Inspection and Maintenance Plan, including the septic system spacing and zones of influence map appended thereto as approved by the Pitkin County Environmental Health Department. Such easement shall include a right of ingress and egress across Open Space Parcel 1 from Eddie Lane for all purposes related to installation, construction, maintenance and repair or replacement of the septic systems and the related facilities.

4. Ratification/Affirmation. Except as expressly amended herein, the Declarant hereby ratifies and affirms all of the terms and conditions of the Declaration of Covenants, Conditions and Restrictions for the Hoaglund Ranch Historic Planned Unit Development.

IN WITNESS WHEREOF, the Declarant has executed this First Amendment to Declaration of Covenants, Conditions and Restrictions for the Hoaglund Ranch Historic Planned Unit Development on the day and year first above written.

Declarant:

County:

BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY, COLORADO

Henry E. Booher Jr.  
HENRY E. BOOHER, JR.  
by his attorney in fact Reid Mueller

By Michael M. Eustace  
Chairman  
SW

Cherie L. Booher  
CHERIE L. BOOHER  
by her attorney in fact Reid Mueller

Approved as to form:

[Signature]  
John M. Ely, Pitkin County Attorney

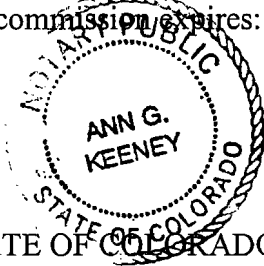
Attest:

[Signature]

STATE OF COLORADO )  
 ) ss.  
COUNTY OF PITKIN )

The foregoing First Amendment to Declaration of Covenants, Conditions and Restrictions for the Hoaglund Ranch Historic Planned Unit Development was acknowledged and signed before me this 13<sup>th</sup> day of September, 2007, by HENRY E. BOOHER, JR., by his attorney-in-fact Richard Y. Neiley, Jr.  
WITNESS my hand and official seal.

My commission expires: 5/14/2008



Ann G. Keeney  
Notary Public

STATE OF COLORADO )  
 ) ss.  
COUNTY OF PITKIN )

The foregoing First Amendment to Declaration of Covenants, Conditions and Restrictions for the Hoaglund Ranch Historic Planned Unit Development was acknowledged and signed before me this 13<sup>th</sup> day of September, 2007, by CHERIE L. BOOHER., by her attorney-in-fact Richard Y. Neiley, Jr.  
WITNESS my hand and official seal.

My commission expires: 5/14/2008



Ann G. Keeney  
Notary Public