

**THIRD AMENDMENT  
TO AMENDED AND RESTATED DECLARATION  
FOR THE BOUNDARY**

This Third Amendment to Amended and Restated Declaration for the Boundary Townhomes (“Third Amendment”) shall be effective upon recording.

**RECITALS**

A. On May 13, 1999, the Declaration for the Boundary Townhomes was recorded at reception No. 545483, in the Office of the Clerk and Recorder for Garfield County, State of Colorado, as amended by the Amended and Restated Declaration for the Boundary, recorded on July 13, 2001, at reception No. 584311, the First Amendment to Amended and Restated Declaration for the Boundary, recorded on September 26, 2001 at reception No. 589040, and The Second Amendment to Amended and Restated Declaration for the Boundary, recorded on April 1, 2022, at reception No. 972961 (collectively, the “Declaration”).

B. Pursuant to Section 3.9, of the Declaration, “**Residential Use; Parking.** Each Townhome and Condominium Unit shall be improved, occupied, and used only for single-family residential purposes. No business, professional or other non-residential or commercial use shall be made of any Townhome or Condominium Unit, or conducted in any Townhome or Condominium Unit, excepting in-home businesses or occupations which do not involve employees other than Owners, the solicitation or invitation of the general public, or the servicing of customers, and which activities are conducted entirely within the Townhome or Condominium Unit and do not cause any additional traffic or parking within the Boundary Community or otherwise create a nuisance for neighboring Townhomes or Condominium Units or the Boundary Community. In two-bedroom Townhomes or Condominium Units with one-car garages, the garages must in fact be used for the parking of a motor vehicle, and only the leftover space (if any) may be used for storage.”

F. The Boundary Association (“Association”) has some concerns that Section 3.9 may be deficient and desires to correct those deficiencies through this Third Amendment.

G. Pursuant to Section 13.3 of the Declaration and C.R.S. § 38-33.3-217, an amendment to the Declaration requires the vote or agreement of Owners holding at least 67% of the votes in the Association.

J. All Owners are aware of the provisions of the Declaration allowing for amendment, by virtue of the record notice of the Declaration, by acts and disclosures, newsletters or notices of the Association, and by other means.

K. The amendments within this Third Amendment have been prepared and determined by the Association and the Owners that have approved this Third Amendment to be reasonable and not burdensome.

L. Pursuant to Section 13.3 of the Amended Declaration and C.R.S. § 38-33.3-217, at least 67% of the Owners have approved this Third Amendment.

NOW, THEREFORE, the Amended Declaration is replaced and amended as follows:

Section 3.9 of the Amended Declaration shall be amended in its entirety to read as follows:

3.9 **Residential Use; Parking.** Each Townhome and Condominium Unit shall be improved, occupied, and used only for single-family residential purposes. No business, professional or other non-residential or commercial use shall be made of any Townhome or Condominium Unit, or conducted in any Townhome or Condominium Unit, excepting in-home businesses or occupations which do not involve employees other than Owners, the solicitation or invitation of the general public, or the servicing of customers, and which activities are conducted entirely within the Townhome or Condominium Unit and do not cause any additional traffic or parking within the Boundary Community or otherwise create a nuisance for neighboring Townhomes or Condominium Units or the Boundary Community. The Board of Directors may adopt, amend, repeal, and enforce such Rules and Regulations as the Board of Directors may consider necessary, desirable, or appropriate from time to time with respect to parking within the Boundary Community, including, without limitation, parking motor vehicles, bicycles, or similar devices within the Common Areas, the garages of a Townhome or Unit, and in the driveways of a Townhome or Unit.

IN WITNESS WHEREOF, the undersigned, being the president and the Secretary of The Boundary Association, hereby certify that pursuant to Section 13.3 of the Declaration and the Colorado Common Interest Ownership Act, C.R.S. §38-33.3-217, at least 67% of the Owners have approved this Declaration.

THE BOUNDARY ASSOCIATION

By: \_\_\_\_\_  
Carl Hostetter, President

By: \_\_\_\_\_  
Nancy Dever, Secretary

STATE OF COLORADO )

)SS.

COUNTY OF GARFIELD )

The foregoing Second Amendment to Amended and Restated Declaration for the Boundary Townhomes was acknowledged before me this \_\_\_ day of \_\_\_\_\_ 2023, by Carl Hostetter, President of The Boundary Association, a non-profit homeowners association.

Witness my hand and official seal.

My commission expires:

Notary Public

STATE OF COLORADO )

)SS.

COUNTY OF GARFIELD )

The foregoing Second Amendment to Amended and Restated Declaration for the Boundary Townhomes was acknowledged before me this \_\_\_ day of \_\_\_\_\_ 2023, by \_\_\_\_\_, Secretary of The Boundary Association, a non-profit homeowners association.

Witness my hand and official seal.

My commission expires:

Notary Public