

13/65

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR TIMBER SPRINGS**

This First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Timber Springs is made as of this 30th day of July, 2001 by Wilmor Development LLC, a Colorado limited liability company ("**Declarant**").

WHEREAS, Declarant is the owner of Lots 2 and 3, Timber Springs (the "**Lots**"), according to the certain Revised Land Survey Plat of Timber Springs recorded July 9, 2001 as Reception No. 761730 of Eagle County, Colorado records (the "**Map**"); and


WHEREAS, the Lots are subject to that certain Declaration of Covenants, Conditions, Restrictions and Easements for Timber Springs dated June 11, 2001, recorded June 20, 2001 as Reception No. 760130 of Eagle County, Colorado records (the "**Declaration**");

WHEREAS, the Map has been revised from the original Land Survey Plat, Timber Springs recorded June 11, 2001 as Reception No. 759274 of Eagle County, Colorado records, to modify the lot lines between the Lots and to conform with such amendment, in accordance with the provisions of Article 16.2 of the Declaration, Declarant desires to amend the Declaration to amend Exhibit A, Exhibits B-2 and B-3 and Exhibit C as they relate to the Lots as provided herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant hereby declares as follows:

1. Exhibit A and Exhibit C to the Declaration is hereby amended and replaced with Exhibit A and Exhibit C, respectively, attached hereto and made a part hereof.

2. Exhibits B-2 and B-3 to the Declaration entitled "Lot 2 Timber Springs," "Lot 2 Envelope Detail," "Lot 3 Timber Springs" and "Lot 3 Envelope Detail," are hereby amended and replaced in their entirety with the substitute drawings attached hereto as "Exhibit B Replacement Pages." No structures may be built or maintained in those areas of Lots 2 and 3 labeled on the

		763355
Sara J Fisher Eagle, CO		Page: 1 of 13
135	R 65.00	07/30/2001 04:18P
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attached Exhibits B-2 and B-3 as “No Build Area,” and construction within such areas shall be restricted to landscaping and “at grade” improvements (e.g., driveways, underground utilities, patios).

3. The “Map” as defined in Section 2.26 of the Declaration shall refer to the Revised Land Survey Plat, Timber Springs recorded July 9, 2001 as Reception No. 761730 of Eagle County, Colorado records and all references in the Declaration to the “Map shall be deemed to refer to such Amended Land Survey Plat.

4. Section 15.10 of the Declaration is hereby amended and restated in its entirety to read as follows:

Some or all of the Lots contain waters of the United States (including all wetlands) which may be regulated or protected or the use of which may be restricted or prohibited under local, state and/or federal laws, rules and regulations. The Owners from time to time of the Lots agree to abide by any permits, regulations, restrictions or prohibitions on the use and/or alterations of such portion of any of the Lots as may be classified or considered as waters of the United States (including all wetlands) which may be imposed from time to time under such local, state or federal laws, rules and regulations, including, without limitation, the terms of those certain permits for stream crossings by private driveways for Owners to access their Lots, United States Army Corps of Engineers Permit No. 200175187. The Declarant shall comply with the compensatory mitigation obligations identified in said permit (0.47 acres of mitigation within the Recreation Easement identified on the Map, which is within the Red Canyon drainage).

5. Except as set forth herein, the Declaration remains in full force and effect.

[SIGNATURE BLOCK ON SUCCEEDING PAGE]



IN WITNESS WHEREOF, Declarant has executed and made this Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Timber Springs as of the date first written above.

WILMOR DEVELOPMENT LLC, a Colorado limited liability company

By David A. Hill
David A. Hill, Manager

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

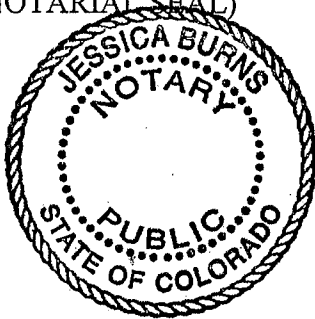
The foregoing instrument was acknowledged before me this 30 day of July, 2001 by David A. Hill, Manager of Wilmor Development LLC, a Colorado limited liability company, on behalf of the limited liability company.

Witness my hand and official seal.

My commission expires: 3/22/2003.

Jessie Burns
NOTARY PUBLIC

(NOTARIAL SEAL)




My Commission Expires 03/22/2003



EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Timber Springs, as shown on that certain Land Survey Plat, Timber Springs, Amended, recorded July 9, 2001, as Reception No. 761730 in the Office of the Clerk and Recorder of Eagle County, Colorado.

 763355
Page: 4 of 13
07/30/2001 04:18P
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EXHIBITS B-2 and B-3

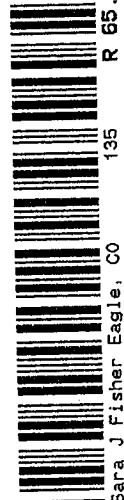
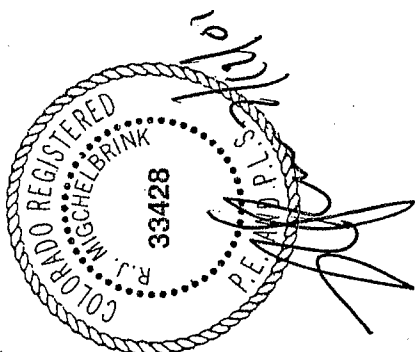
REPLACEMENT PAGES

763355
Page: 5 of 13
07/30/2001 04:18P
Sara J Fisher Eagle, CO 135 R 65.00 D 0.00

REVISED

LOT 2 TIMBER SPRINGS

LOCATED IN TRACT 64, SECTIONS 25 AND 36, TOWNSHIP 4 SOUTH, RANGE 83 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EAGLE, STATE OF COLORADO



763355
Page: 6 of 13
07/30/2001 04:18P

SEE SHEET 2 OF 2
FOR ENVELOPE DETAIL

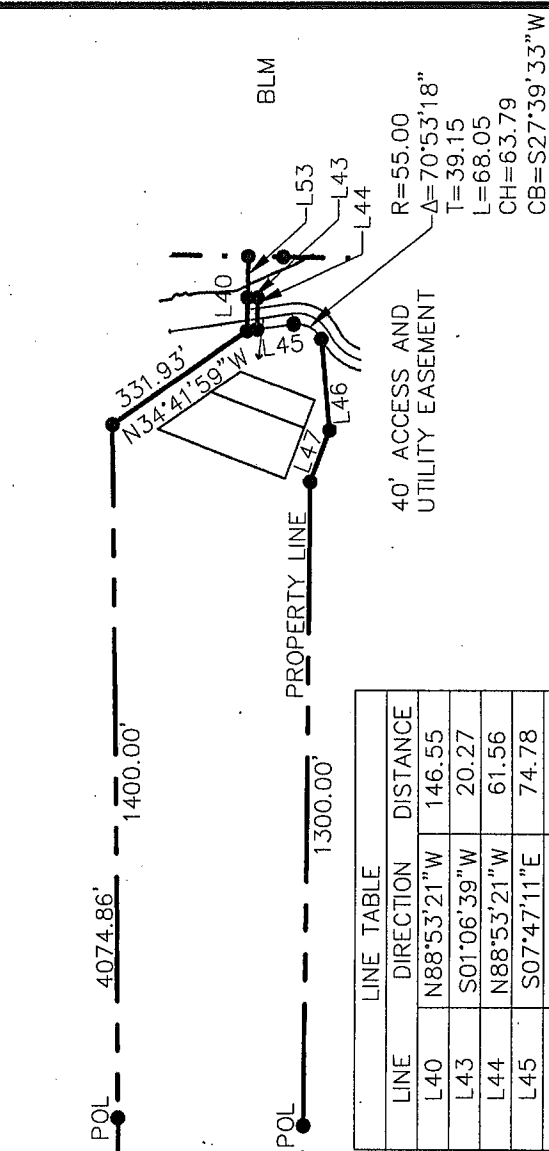
LEGEND

- ◊ REBAR WITH COLORADO DEPARTMENT OF HIGHWAYS CAP
- SET BY BENCHMARK ENGINEERING W/ 33428 CAP
- EASEMENTS
- PROPERTY LINE
- - - BUILDING ENVELOPE BOUNDARY
- - - TRACT LINE

ELECTRIC LINE EASEMENT TO HOLY CROSS ELECTRIC, RIGHT-OF-WAY NO. 2836, BOOK 28, RECORDED AT STATE LANDBOARD

ROAD RIGHT-OF-WAY TO EAGLE COUNTY BOOK 409, PAGE 853

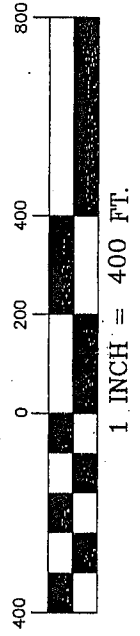
LOT 1
1,528,580 sq. ft.
35.091 acres



LINE	DIRECTION	DISTANCE
L40	N88°53'21"W	146.55
L43	S01°06'39"W	20.27
L44	N88°53'21"W	61.56
L45	S07°47'11"E	74.78
L46	S84°50'14"W	183.73
L47	N69°07'29"W	110.93
L53	N88°53'21"W	81.81

LOT 3
ELECTRIC LINE EASEMENT TO COLORADO-UTE ELECTRIC, RIGHT-OF-WAY BOOK 200, PAGE 107

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based on any defect in this survey be commenced more than ten years from the date of certification shown hereon.



ADDRESS: 700 TIMBER SPRINGS DRIVE

DRAWN BY: JRM
JOB#: 01-011
DATE: MAY 2001

EXHIBIT B-2
TIMBER SPRINGS
COUNTY OF EAGLE
STATE OF COLORADO

BENCHMARK ENGINEERING SERVICES
PO BOX 4619
422 MCINTIRE STREET #4
EAGLE, COLORADO 81631
970-328-2111 FAX 970-328-2113



SHEET 1 OF 2

763355

Page: 7 of 13
07/30/2001 04:18P



REVISED

LOT 2 ENVELOPE DETAIL

ADDRESS: 700 TIMBER SPRINGS DRIVE

LOT 1

LOT 2
BUILDING ENVELOPE
36,804 SQ. FT.

N20°52'31"E

276.60

131.17

202.45'

S20°52'31"W

161.43

NO BUILD AREA

72.55'

S34°41'59"E

203.72

N05°35'18"E
91.92

APPROXIMATE
WETLAND
BOUNDARY

RECOMMENDED
DRIVEWAY
CENTERLINE

40' ACCESS AND
UTILITY EASEMENT

LEGEND	
	EASEMENTS
	STREAM CENTERLINE
	PROPERTY LINE
	PROPERTY BOUNDARY
	BUILDING ENVELOPE BOUNDARY
	RECOMMENDED DRIVEWAY CENTERLINE
	APPROXIMATE WETLANDS BOUNDARY
	APPROXIMATE WETLAND FILL

COLORED REGISTERED
P.L. MCGUIRE/BRINK
33428

LOT 3

SHEET 2 OF 2

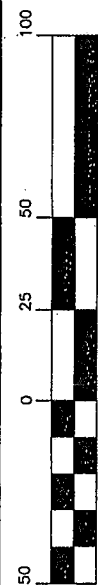


BENCHMARK ENGINEERING SERVICES

PO BOX 4619
422 MCINTIRE STREET #4
EAGLE, COLORADO 81651
970-328-2111 FAX 970-328-2113

EXHIBIT B-2
TIMBER SPRINGS
COUNTY OF EAGLE
STATE OF COLORADO

DRAWN BY:	JRM
JOB#:	01-011
DATE:	MAY 2001



REVISED

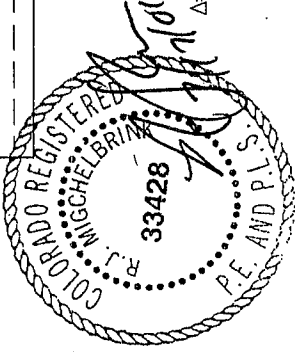
LOT 3 TIMBER SPRINGS

LOCATED IN TRACT 64, SECTIONS 25 AND 36, TOWNSHIP 4 SOUTH, RANGE 83 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EAGLE, STATE OF COLORADO



7633355
Page: 8 of 13
07/30/2001 04:18R
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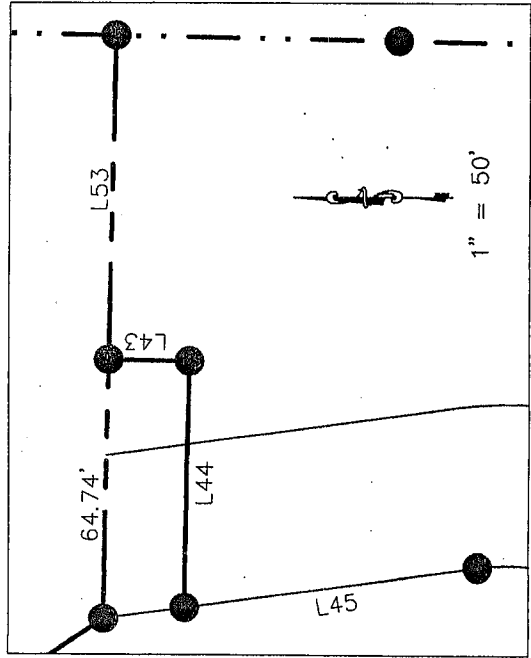
ELECTRIC LINE EASEMENT TO
COLORADO-UTE ELECTRIC,
RIGHT-OF-WAY BOOK 200,
PAGE 107



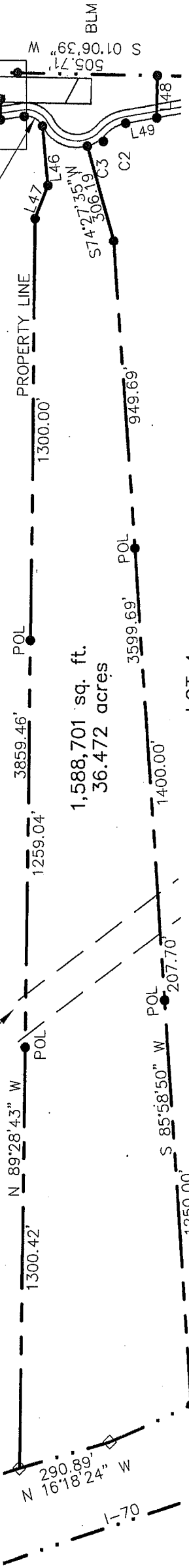
R=55.00
Δ=70°53'18"
T=39.15
L=68.05
CH=63.79
CB=S27°39'33"W

LEGEND

- ◇ REBAR WITH COLORADO DEPARTMENT OF HIGHWAYS' CAP
- SET BY BENCHMARK ENGINEERING W/ 33428 CAP EASEMENTS
- PROPERTY LINE
- - - PROPERTY BOUNDARY
- - - BUILDING ENVELOPE BOUNDARY
- - - TRACT LINE



DETAIL "A"



LOT 2

LOT 4

LINE	DIRECTION	DISTANCE
L43	S01°06'39"W	20.27
L44	N88°53'21"W	61.56
L45	S07°47'11"E	74.78
L46	S84°50'14"W	183.73
L47	N69°07'29"W	110.93
L48	N88°53'21"W	127.98
L49	N09°43'17"W	98.53
L53	N88°53'21"W	81.81

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
C1	55.00	70°53'18"	68.05	39.15	63.79	S27°39'33"W
C2	105.00	38°49'37"	71.15	37.00	69.80	N29°08'05"W
C3	120.00	33°00'29"	69.13	35.55	68.18	N32°02'40"W

CURVE TABLE

R=4433.70
Δ=3°35'48"
T=139.21
L=278.33
CH=278.28
CB=N24°53'03"W

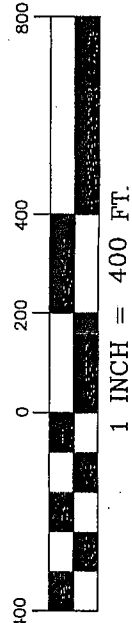
NOTICE:
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40' ACCESS AND UTILITY EASEMENT

SEE SHEET 2 OF 2 FOR ENVELOPE DETAIL

SEE DETAIL "A"

ADDRESS: 600 TIMBER SPRINGS DRIVE



1 INCH = 400 FT.

DRAWN BY: JRM
JOB#: 01-011
DATE: MAY 2001

EXHIBIT B-3
TIMBER SPRINGS
COUNTY OF EAGLE
STATE OF COLORADO

BENCHMARK ENGINEERING SERVICES

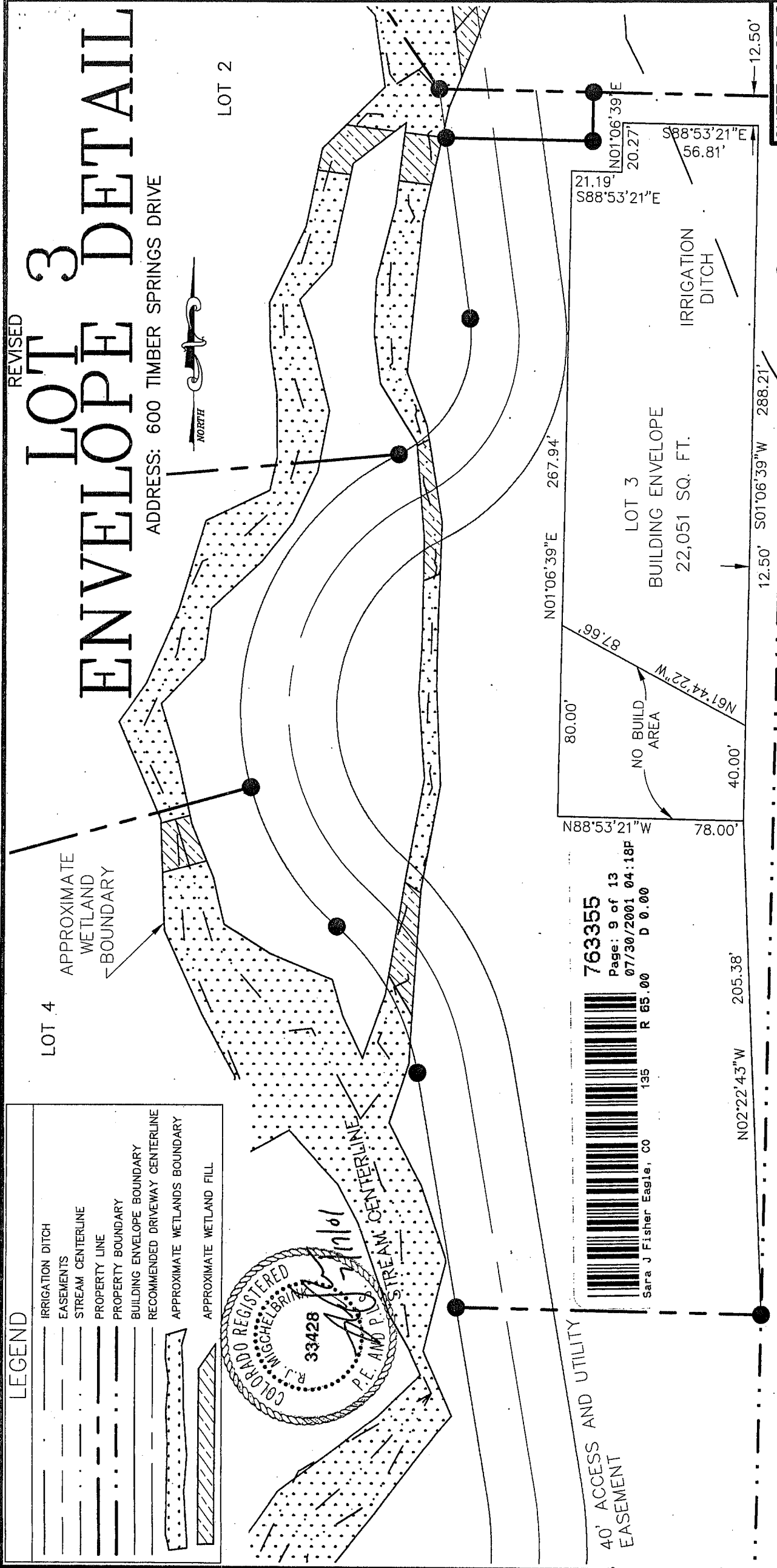
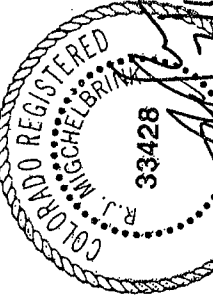
PO BOX 4619
422 MCINTIRE STREET #4
EAGLE, COLORADO 81631
970-328-2111 FAX 970-328-2113



SHEET 1 OF 2

LEGEND

- IRRIGATION DITCH
- EASEMENTS
- STREAM CENTERLINE
- PROPERTY LINE
- PROPERTY BOUNDARY
- BUILDING ENVELOPE BOUNDARY
- RECOMMENDED DRIVEWAY CENTERLINE
- APPROXIMATE WETLANDS BOUNDARY
- APPROXIMATE WETLAND FILL



REVISD
LOT 3
ENVELOPE 3 DETAIL
 ADDRESS: 600 TIMBER SPRINGS DRIVE

LOT 2

LOT 4

APPROXIMATE WETLAND BOUNDARY



763355
 Page: 9 of 13
 07/30/2001 04:18P
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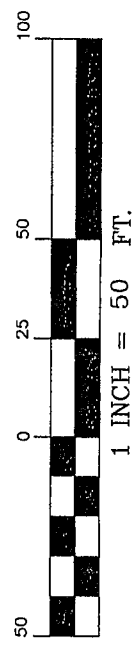


40' ACCESS AND UTILITY EASEMENT

LOT 3
 BUILDING ENVELOPE
 22,051 SQ. FT.

NO BUILD AREA

IRRIGATION DITCH



SHEET 2 OF 2



EXHIBIT B-3
 TIMBER SPRINGS
 COUNTY OF EAGLE
 STATE OF COLORADO

DRAWN BY: JRM
 JOB#: 01-011
 DATE: MAY 2001

BENCHMARK ENGINEERING SERVICES
 PO BOX 4619
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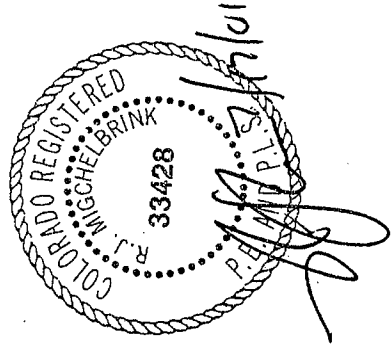
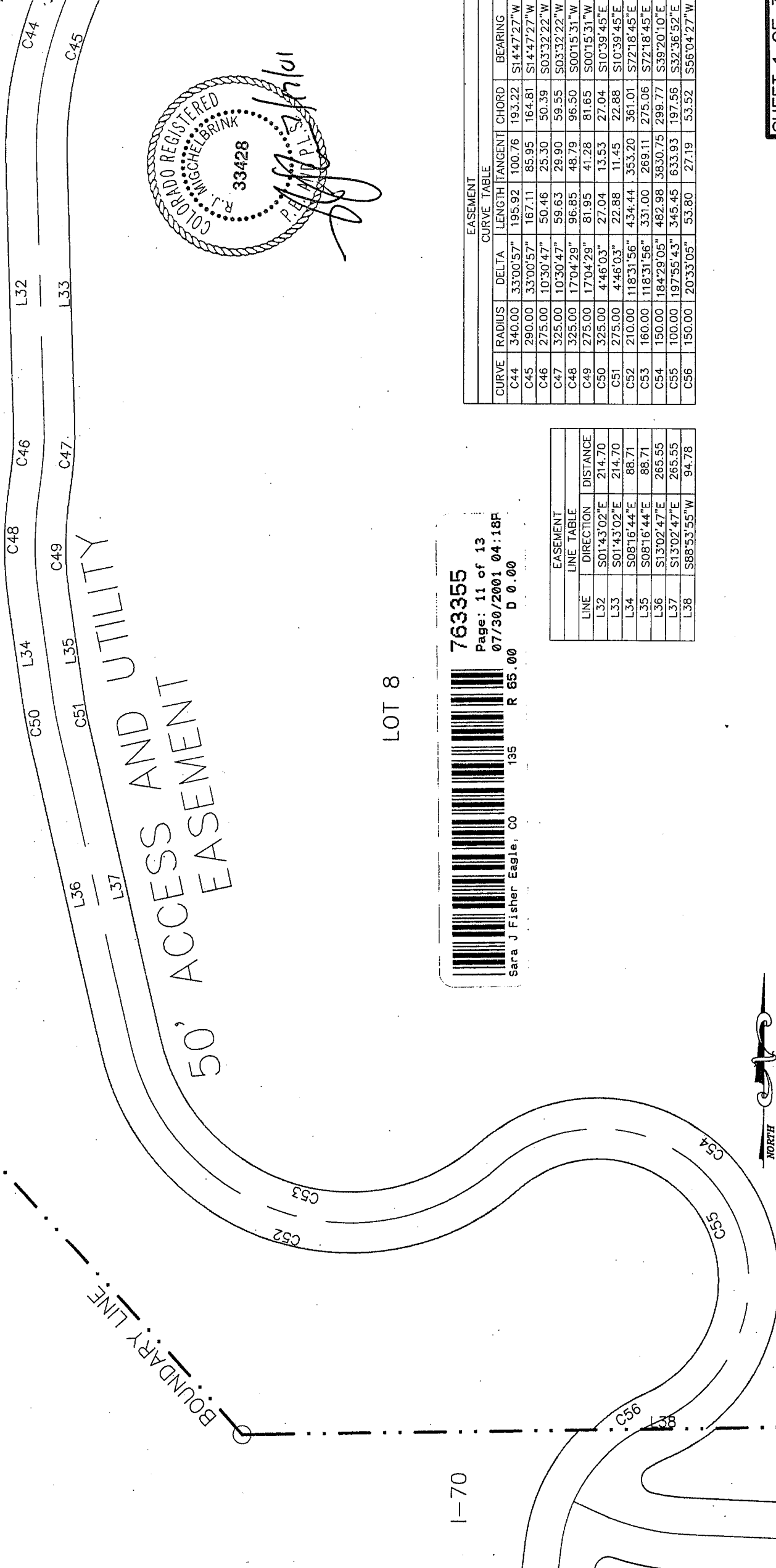


EXHIBIT C

REPLACEMENT PAGES

763355
Page: 10 of 13
07/30/2001 04:18P
Sara J Fisher Eagle, CO 135 R 65.00 D 0.00

50' ACCESS AND UTILITY EASEMENT



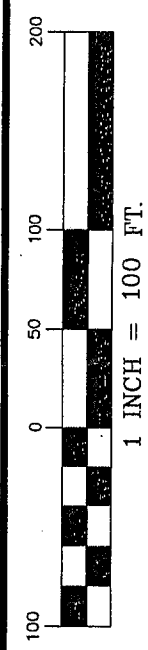
LOT 8

I-70


763355
 Page: 11 of 13
 07/30/2001 04:18P
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EASEMENT		
LINE	DIRECTION	DISTANCE
L32	S01°43'02"E	214.70
L33	S01°43'02"E	214.70
L34	S08°16'44"E	88.71
L35	S08°16'44"E	88.71
L36	S13°02'47"E	265.55
L37	S13°02'47"E	265.55
L38	S88°53'55"W	94.78

EASEMENT						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
C44	340.00	33°00'57"	195.92	100.76	193.22	S14°47'27"W
C45	290.00	33°00'57"	167.11	85.95	164.81	S14°47'27"W
C46	275.00	10°30'47"	50.46	25.30	50.39	S03°32'22"W
C47	325.00	10°30'47"	59.63	29.90	59.55	S03°32'22"W
C48	325.00	17°04'29"	96.85	48.79	96.50	S00°15'31"W
C49	275.00	17°04'29"	81.95	41.28	81.65	S00°15'31"W
C50	325.00	4°46'03"	27.04	13.53	27.04	S10°39'45"E
C51	275.00	4°46'03"	22.88	11.45	22.88	S10°39'45"E
C52	210.00	118°31'56"	434.44	353.20	361.01	S72°18'45"E
C53	160.00	118°31'56"	331.00	269.11	275.06	S72°18'45"E
C54	150.00	184°29'05"	482.98	383.075	299.77	S39°20'10"E
C55	100.00	197°55'43"	345.45	633.93	197.56	S32°36'52"E
C56	150.00	20°33'05"	53.80	27.19	53.52	S56°04'27"W



DRAWN BY: JRM
 JOB#: 01-011
 DATE: MAY 2001

EXHIBIT C-1
 TIMBER SPRINGS
 COUNTY OF EAGLE
 STATE OF COLORADO

BENCHMARK ENGINEERING SERVICES
 PO BOX 4619
 422 MCINTIRE STREET #4
 EAGLE, COLORADO 81631
 970-328-2111 FAX 970-328-2113



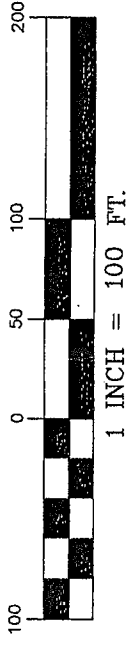
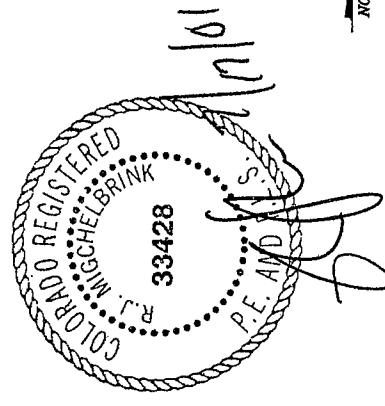
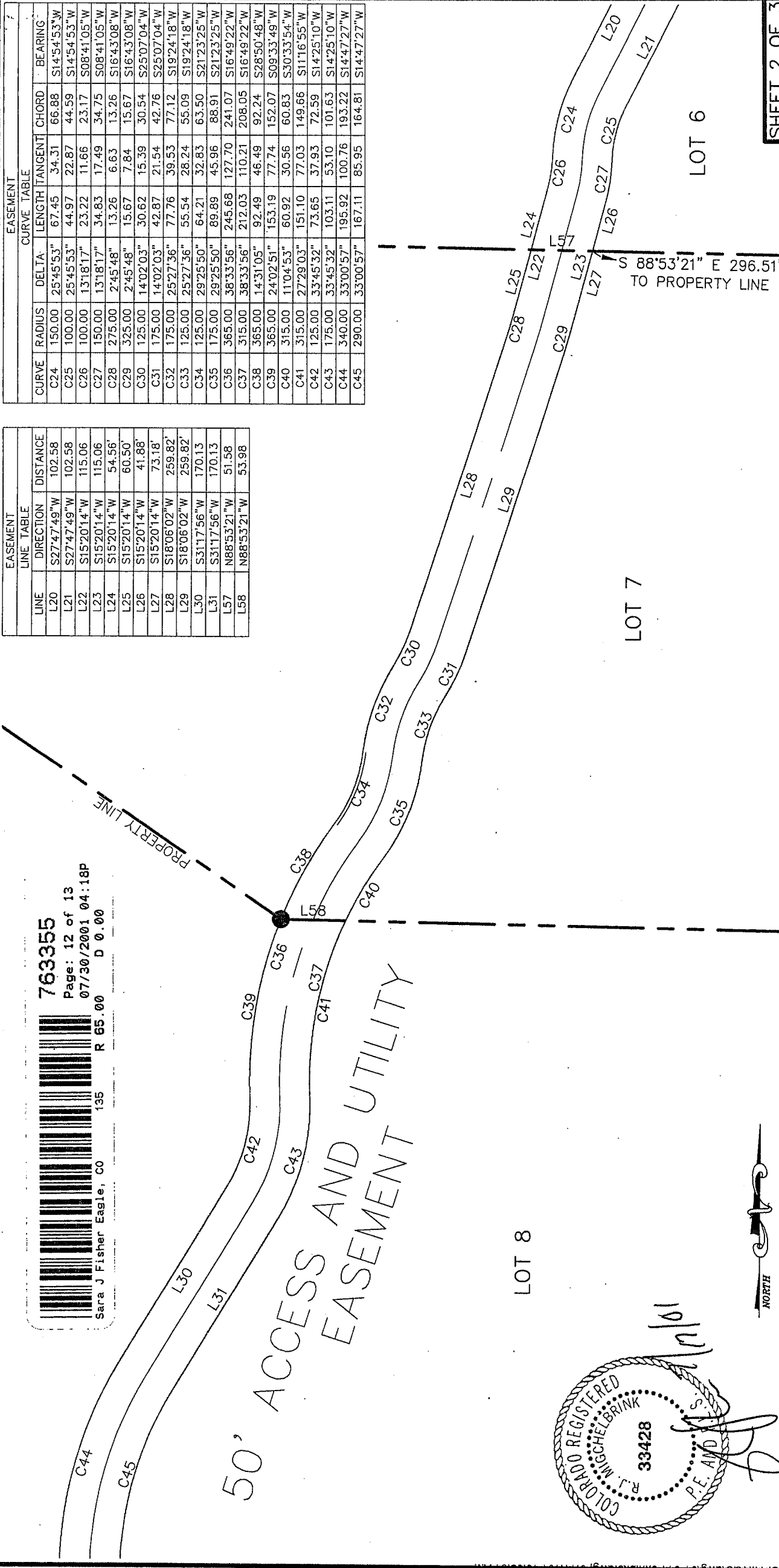


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Page: 12 of 13
07/30/2001 04:18P
Sara J Fisher Eagle, CO 135 R 65.00 D 0.00

EASEMENT LINE TABLE		
LINE	DIRECTION	DISTANCE
L20	S27°47'49"W	102.58
L21	S27°47'49"W	102.58
L22	S15°20'14"W	115.06
L23	S15°20'14"W	115.06
L24	S15°20'14"W	54.56'
L25	S15°20'14"W	60.50'
L26	S15°20'14"W	41.88'
L27	S15°20'14"W	73.18'
L28	S18°06'02"W	259.82'
L29	S18°06'02"W	259.82'
L30	S31°17'56"W	170.13
L31	S31°17'56"W	170.13
L57	N88°53'21"W	51.58
L58	N88°53'21"W	53.98

EASEMENT CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
C24	150.00	25°45'53"	67.45	34.31	66.88	S14°54'53"W
C25	100.00	25°45'53"	44.97	22.87	44.59	S14°54'53"W
C26	100.00	13°18'17"	23.22	11.66	23.17	S08°41'05"W
C27	150.00	13°18'17"	34.83	17.49	34.75	S08°41'05"W
C28	275.00	2°45'48"	13.26	6.63	13.26	S16°43'08"W
C29	325.00	2°45'48"	15.67	7.84	15.67	S16°43'08"W
C30	125.00	14°02'03"	30.62	15.39	30.54	S25°07'04"W
C31	175.00	14°02'03"	42.87	21.54	42.76	S25°07'04"W
C32	175.00	25°27'36"	77.76	39.53	77.12	S19°24'18"W
C33	125.00	25°27'36"	55.54	28.24	55.09	S19°24'18"W
C34	125.00	29°25'50"	64.21	32.83	63.50	S21°23'25"W
C35	175.00	29°25'50"	89.89	45.96	88.91	S21°23'25"W
C36	365.00	38°33'56"	245.68	127.70	241.07	S16°49'22"W
C37	315.00	38°33'56"	212.03	110.21	208.05	S16°49'22"W
C38	365.00	14°31'05"	92.49	46.49	92.24	S28°50'48"W
C39	365.00	24°02'51"	153.19	77.74	152.07	S09°33'49"W
C40	315.00	11°04'53"	60.92	30.56	60.83	S30°33'54"W
C41	315.00	27°29'03"	151.10	77.03	149.66	S11°16'55"W
C42	125.00	33°45'32"	73.65	37.93	72.59	S14°25'10"W
C43	175.00	33°45'32"	103.11	53.10	101.63	S14°25'10"W
C44	340.00	33°00'57"	195.92	100.76	193.22	S14°47'27"W
C45	290.00	33°00'57"	167.11	85.95	164.81	S14°47'27"W



DRAWN BY: JRM
JOB#: 01-011
DATE: MAY 2001

EXHIBIT C-1
TIMBER SPRINGS
COUNTY OF EAGLE
STATE OF COLORADO

BENCHMARK ENGINEERING SERVICES
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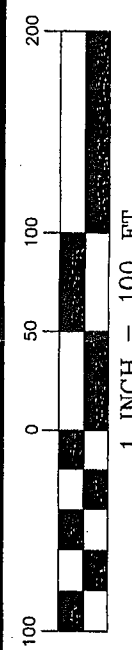
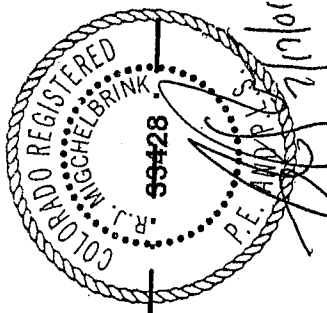
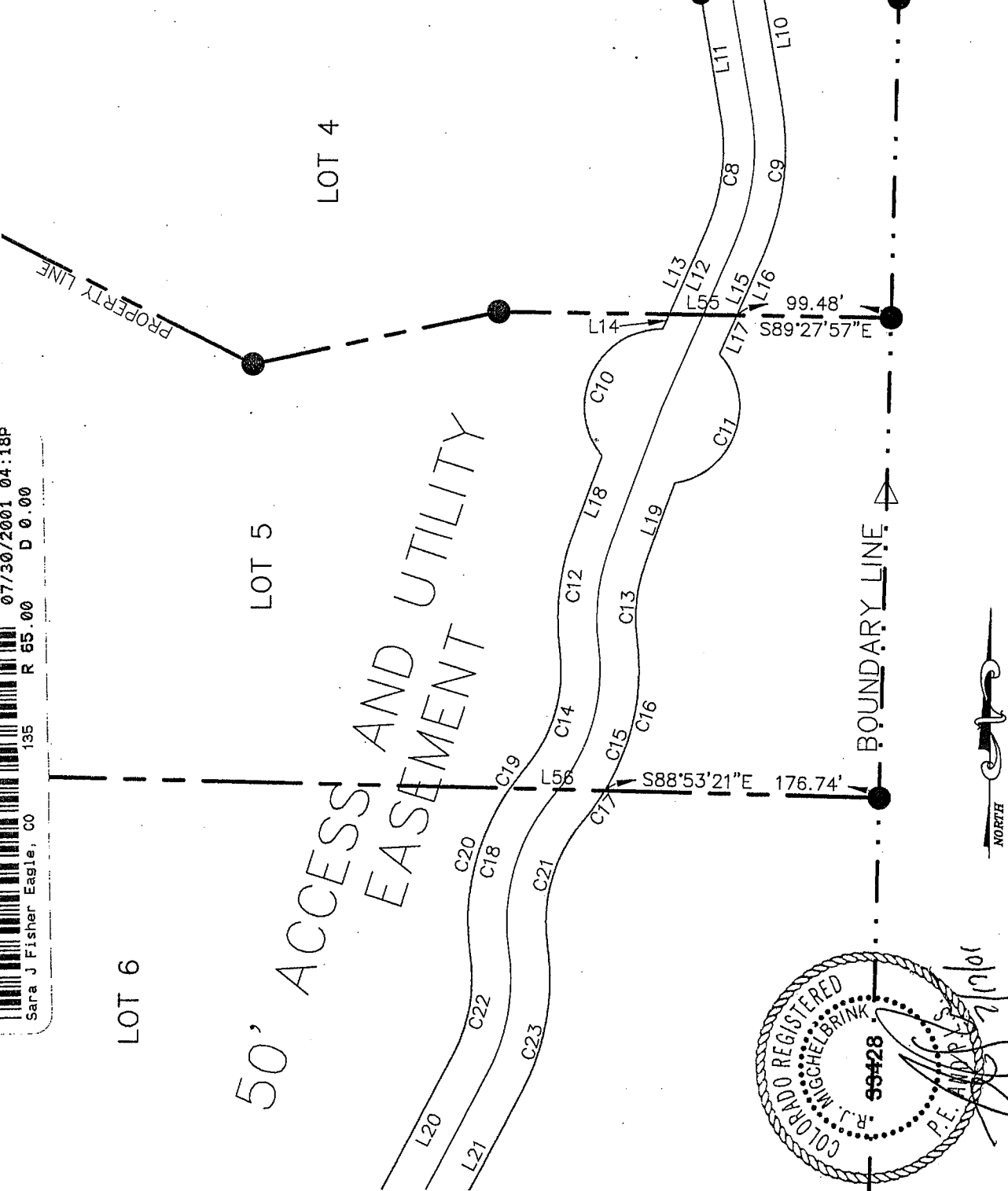
Page: 13 of 13
07/30/2001 04:18P



Sara J Fisher Eagle, CO 135 R 65.00 D 0.00

EASEMENT		CURVE TABLE							
LINE	DIRECTION	DISTANCE	CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
L1	N88°53'21"W	40.49'	C1	55.00	70°53'29"	68.05	39.15	63.79	S27°39'33"W
L2	S07°47'11"E	20.52'	C2	95.00	70°53'29"	117.54	67.63	110.19	S27°39'33"W
L3	S07°47'11"E	89.04'	C3	120.00	78°38'43"	164.71	98.30	152.08	S23°46'57"W
L4	S07°47'11"E	20.52'	C4	80.00	111°39'12"	155.90	117.83	132.37	S07°16'42"W
L6	S07°47'11"E	74.78'	C5	120.00	33°00'29"	69.13	35.55	88.18	S32°02'40"E
L7	S09°43'17"E	98.53'	C6	105.00	38°49'37"	71.15	37.00	69.80	S29°08'05"E
L8	S09°43'17"E	178.35'	C7	145.00	38°49'37"	98.26	51.10	96.39	S29°08'05"E
L9	S09°43'17"E	106.19'	C8	130.00	33°25'50"	75.85	39.04	74.78	S06°59'39"W
L10	S09°43'17"E	72.16'	C9	170.00	33°25'50"	99.19	51.05	97.79	S06°59'39"W
L11	S09°43'17"E	79.82'	C10	50.00	129°52'34"	113.34	106.92	90.59	S25°11'35"W
L12	S23°42'34"W	68.51'	C11	50.00	122°58'03"	107.31	92.03	87.87	S18°46'17"W
L13	S23°42'34"W	58.13'	C12	150.00	28°02'53"	73.43	37.47	72.70	S06°13'52"W
L14	S23°42'34"W	10.38'	C13	100.00	28°02'53"	48.95	24.98	48.47	S06°13'52"W
L15	S23°42'34"W	68.51'	C14	100.00	47°51'32"	83.53	44.38	81.12	S16°08'11"W
L16	S23°42'34"W	41.00'	C15	150.00	47°51'32"	125.29	66.56	121.68	S16°08'11"W
L17	S23°42'34"W	27.50'	C16	150.00	38°44'12"	101.41	52.73	99.49	S11°34'31"W
L18	S20°15'19"W	53.80'	C17	150.00	9°07'20"	23.88	11.97	23.86	S35°30'17"W
L19	S20°15'19"W	53.80'	C18	150.00	48°33'24"	127.12	67.66	123.35	S15°47'15"W
L20	S27°47'49"W	102.58'	C19	150.00	5°33'45"	14.56	7.29	14.56	S37°17'06"W
L21	S27°47'49"W	102.58'	C20	150.00	42°59'41"	112.56	59.08	109.94	S13°00'24"W
L54	N88°53'21"W	40.73'	C21	100.00	48°33'24"	84.75	45.11	82.23	S15°47'15"W
L55	N89°27'57"W	43.51'	C22	100.00	36°17'16"	63.33	32.77	62.28	S09°39'11"W
L56	N88°53'21"W	60.95'	C23	150.00	36°17'16"	95.00	49.15	93.42	S09°39'11"W

EASEMENT		CURVE TABLE	
LINE	DIRECTION	DISTANCE	BEARING
L1	N88°53'21"W	40.49'	S27°39'33"W
L2	S07°47'11"E	20.52'	S27°39'33"W
L3	S07°47'11"E	89.04'	S23°46'57"W
L4	S07°47'11"E	20.52'	S07°16'42"W
L6	S07°47'11"E	74.78'	S32°02'40"E
L7	S09°43'17"E	98.53'	S29°08'05"E
L8	S09°43'17"E	178.35'	S29°08'05"E
L9	S09°43'17"E	106.19'	S06°59'39"W
L10	S09°43'17"E	72.16'	S06°59'39"W
L11	S09°43'17"E	79.82'	S25°11'35"W
L12	S23°42'34"W	68.51'	S18°46'17"W
L13	S23°42'34"W	58.13'	S06°13'52"W
L14	S23°42'34"W	10.38'	S06°13'52"W
L15	S23°42'34"W	68.51'	S16°08'11"W
L16	S23°42'34"W	41.00'	S16°08'11"W
L17	S23°42'34"W	27.50'	S11°34'31"W
L18	S20°15'19"W	53.80'	S35°30'17"W
L19	S20°15'19"W	53.80'	S15°47'15"W
L20	S27°47'49"W	102.58'	S37°17'06"W
L21	S27°47'49"W	102.58'	S13°00'24"W
L54	N88°53'21"W	40.73'	S15°47'15"W
L55	N89°27'57"W	43.51'	S09°39'11"W
L56	N88°53'21"W	60.95'	S09°39'11"W



DRAWN BY: JRM
JOB#: 01-011
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EXHIBIT C-1
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