

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

This Second Amendment to Amended and Restated Declaration for the Boundary Townhomes ("Second 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 ("Original Declaration"), as amended by the Amended and Restated Declaration for the Boundary, recorded on July 13, 2001 at reception No. 584311("Amended Declaration") and the First Amendment to Amended and Restated Declaration for the Boundary, recorded on September 26, 2001 at reception No. 589040.

B. Pursuant to Section 1.1, of the Amended Declaration, "Declarant is the owner of all of the real property lying within The Boundary at River Valley Ranch, Town of Carbondale, Garfield County, Colorado, according to the First Amended Plat thereof recorded July 13, 2001 at Reception No. 584310 in the Office of the Clerk and Recorder of Garfield County Colorado. Said real property, together with all improvements now or hereafter situated thereon, are hereinafter collectively referred to as the 'Real Estate'. Declarant intends to develop the Real Estate as a planned community, including a condominium component, under the name and style of 'The Boundary' pursuant to the provisions of the Colorado Common Interest Ownership Act, Section 38-33.3-101, et. seq. of the Colorado Revised Statutes, as it may be amended from time to time (the 'Act'). The planned community hereby created is hereinafter referred to as the 'Boundary Community'. The Boundary Community shall contain a maximum of thirty-three (33) Lots (including Townhome Lots) and Condominium Units."

C. To facilitate development of the Boundary Community and pursuant to Section 4.7 of the Amended Declaration, Declarant reserved the right to "subdivide or condominiumize any Declarant-owned Lot located within the Boundary Community to create Townhome Lots and Common Areas or Condominium Units and Common Elements, subject to the maximum number of Lots and Condominium Units set forth in the Recitals to this Declaration, and to record a Reallocation Amendment in connection therewith. Upon the subdivision or condominiumization of any Lot into Townhome Lots and Common Areas or Condominium Units and Common Elements, the Allocated Interests of all Owners shall be reallocated by Reallocation Amendment in accordance with the definition of Allocated Interests contained in this Declaration."

D. Over the course of developing the Boundary Community, Declarant subdivided or condominiumized Lots into various Townhome Lots and Condominium Units.

E. Reallocation Amendments were recorded on July 13, 2001 at reception no. 584314, on July 26, 2001 at reception no. 585109, on November 9, 2001 at reception no. 591698, on February 18, 2014 at reception no. 846359, on March 2, 2015 at reception No. 859891, and on November 30, 2021 at reception no. 967259 (collectively, “Reallocation Amendments”).

F. The Association has some concern that the 2014, 2015 and 2021 may be deficient and desires to correct those deficiencies through this Second Amendment.

G. Development within the Boundary Community has been completed on all Lots and resubdivision plats have been recorded for all Lots, resulting in the maximum thirty-three (33) Townhome Lots and Condominium Units.

H. Pursuant to the terms of the Amended Declaration and through this Second Amendment, the Owners and the Association desire to properly and equitably allocate the Allocated Interests of the Association, including the Common Expenses Liability and the votes in the Association allocated to each Townhome Lot and Condominium Unit.

I. Pursuant to Section 13.3 of the Amended Declaration and C.R.S. § 38-33.3-217(4), an amendment that changes the Allocated Interests of a Townhome Lot or Condominium Unit 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 Amended Declaration allowing for amendment, by virtue of the record notice of the Amended Declaration, by acts and disclosures, newsletters or notices of the Association and by other means.

K. The amendments within this Second Amendment have been prepared and determined by the Association and the Owners that have approved this Second 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(4), at least 67% of the Owners have approved this Second Amendment.

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

1. Section 2.1 of the Amended Declaration shall be amended in its entirety to read as follows:

2.1 Allocated Interests. “Allocated Interests” means the Common Expenses liability and the votes in the Association allocated to each Townhome Lot and Condominium Unit, which interests are allocated as follows:

(a) The Common Expenses liability for each Townhome Lot and Condominium Unit is a percentage calculated by dividing the gross livable area square feet of said Townhome Lot or Condominium Unit into the total gross livable area square feet of all the Townhome Lots and Condominium Units in the Boundary Community, rounded to the nearest hundredth.

(b) One (1) vote in the Association is allocated to each Townhome Lot and Condominium Unit.

(c) Only to the extent required by applicable law, interest in the Common Elements shall be allocated on the same percentage basis described in Section 2.1(a).

The Allocated Interests for the Boundary Community are specifically set forth on Exhibit A attached hereto and made a part hereof by this reference, as said Exhibit A may be amended from time to time.

2. Exhibit A to the Amended Declaration, as lawfully amended by any subsequent amendment or Reallocation Amendment, is hereby amended, replaced, and superseded in its entirety as follows:

EXHIBIT A
Allocated Interests

The Common Expenses liability and votes in the Association allocated to each Townhome Lot and Condominium Unit shall be as follows:

Exhibit A

Townhome Lot/Condominium Unit	Lot No.	Unit No.	Gross Livable Area SF	% Share of Common Expenses Liability	Votes
Condominium Unit	1	381	1740	2.031%	1
Condominium Unit	1	383	1740	2.031%	1
Condominium Unit	1	385	2456	2.866%	1
Condominium Unit	1	387	2456	2.866%	1
Condominium Unit	2	391	1740	2.031%	1
Condominium Unit	2	393	1740	2.031%	1
Condominium Unit	2	395	2456	2.866%	1
Condominium Unit	2	397	2456	2.866%	1
Condominium Unit	3	401	2783	3.248%	1
Condominium Unit	3	403	1684	1.965%	1
Condominium Unit	3	405	2783	3.248%	1
Condominium Unit	3	407	1684	1.965%	1

Townhome Lot	4A	409	2920	3.408%	1
Townhome Lot	4B	411	3580	4.178%	1
Townhome Lot	5A	421	2920	3.408%	1
Townhome Lot	5B	423	3580	4.178%	1
Townhome Lot	6A	431	3481	4.062%	1
Townhome Lot	6B	433	2132	2.488%	1
Townhome Lot	6C	435	3608	4.210%	1
Townhome Lot	7A	441	3274	3.821%	1
Townhome Lot	7B	443	2132	2.488%	1
Townhome Lot	7C	445	3407	3.976%	1
Townhome Lot	8A	451	3481	4.062%	1
Townhome Lot	8B	453	2132	2.488%	1
Townhome Lot	8C	455	3608	4.210%	1
Townhome Lot	9A	461	2382	2.780%	1
Townhome Lot	9B	463	2484	2.899%	1
Townhome Lot	9C	465	2387	2.786%	1
Townhome Lot	10A	471	2382	2.780%	1
Townhome Lot	10B	473	2484	2.899%	1
Townhome Lot	10C	475	2387	2.786%	1
Townhome Lot	11A	481	2559	2.986%	1
Townhome Lot	11B	483	2654	3.097%	1
	<u>Totals</u>		<u>85692</u>	<u>100%</u>	<u>33</u>

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 Amended Declaration and the Colorado Common Interest Ownership Act, C.R.S. §38-33.3-217(4), at least 67% of the Owners have approved this Declaration.

THE BOUNDARY ASSOCIATION

By: Tom J. Cooney
Tom J. Cooney, President

By: Carl Hostetter
Carl Hostetter, Secretary/Treasurer

STATE OF COLORADO)

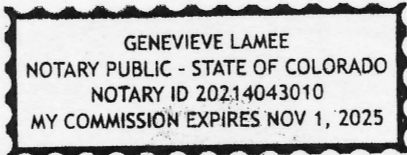
)SS.

COUNTY OF GARFIELD)

The foregoing Second Amendment to Amended and Restated Declaration for the Boundary Townhomes was acknowledged before me this 31st day of March 2022, by Tom J. Cooney, President of The Boundary Association, a non-profit homeowners association.

Witness my hand and official seal.

My commission expires: Nov. 1 2025



Notary Public

A handwritten signature in cursive script, appearing to read "Genevieve Lamee".

STATE OF COLORADO)

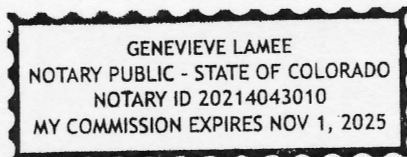
)SS.

COUNTY OF GARFIELD)

The foregoing Second Amendment to Amended and Restated Declaration for the Boundary Townhomes was acknowledged before me this 31st day of March 2022, by Carl Hostetter, Secretary of The Boundary Association, a non-profit homeowners association.

Witness my hand and official seal.

My commission expires: Nov. 1 2025



Notary Public

A handwritten signature in cursive script, appearing to read "Genevieve Lamee".