

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

*This document is a digital conversion of the recorded Declaration and may contain minor formatting or transcription errors; the recorded version remains the official governing document.*

THIS FIRST AMENDMENT is made and entered into this 29th day of August, 2001, by **THE EP BOUNDARY LLC**, a Colorado limited liability company, and by **THE BOUNDARY ASSOCIATION**, a Colorado non-profit corporation.

**WITNESSETH:**

**WHEREAS**, the Amended and Restated Declaration for The Boundary was recorded July 13, 2001 at Reception No. 584311 in the Office of the Clerk and Recorder of Garfield County, Colorado (the "Declaration"); and

**WHEREAS**, Section 13.3 of the Declaration provides that the Declaration may be amended by the vote or agreement of Lot and Condominium Unit Owners holding more than 50 percent of the votes in the Association; and

**WHEREAS**, The EP Boundary LLC is the owner of more than 50 percent of the Lots and Condominium Units presently in The Boundary Common Interest Community, and agrees that the Declaration shall be amended as hereinafter set forth; and

**WHEREAS**, The Boundary Association is the Association for The Boundary Common Interest Community, and is prepared to execute and record this First Amendment for purposes of certifying that The EP Boundary LLC currently own Lots and Condominium Units holding more than 50 percent of the votes in the Association, and to satisfy the requirements of Section 38-33.3-217 of the Colorado Common Interest Ownership Act.

**NOW, THEREFORE**, for and in consideration of the premises and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Declaration is hereby forever amended in the following respect:

1. Section 8.1(a) of the Declaration shall be amended in its entirety to read as follows:

"(a) **Casualty Insurance**. Property insurance on all Buildings, all fixtures that are part of such Buildings, all Common Areas, and improvements thereon (excepting any such improvements installed by Lot or Condominium Unit Owners), and all Common Elements within the Boundary Community. Such insurance shall provide 'single entity' coverage, and shall be for broad form covered causes of loss, including casualty, fire, and extended coverage insurance including, if available at reasonable cost, coverage for vandalism and malicious mischief and, if available and if deemed appropriate, coverage for flood, earthquake, and war risk. Such insurance shall, to the extent reasonably obtainable, be for the full insurable replacement cost of the insured property, less applicable deductibles at the time the insurance is purchased and at each renewal date, exclusive of land, excavation, foundations and other items normally excluded from property policies, and shall include such endorsements as the Board of Directors considers appropriate from time to time."

2. In all other respects, said Declaration shall remain unmodified hereby and in full force and effect.

**IN WITNESS WHEREOF**, The EP Boundary LLC and The Boundary Association have executed this First Amendment as of the day and year and first above written.

THE EP BOUNDARY LLC, a Colorado,  
limited liability company

By: \_\_\_\_\_

Daniel L. Fitchett, Jr., Manager

THE BOUNDARY ASSOCIATION

By: \_\_\_\_\_

President

STATE OF COLORADO    )

) ss.

COUNTY OF Eagle        )

The foregoing First Amendment was acknowledged before me this 29th day of August, 2001, by Daniel L. Fitchett, Jr. as Manager of The EP Boundary LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires:

May 28, 2003

\_\_\_\_\_

Notary Public

STATE OF COLORADO    )

) ss.

COUNTY OF Eagle        )

The foregoing First Amendment was acknowledged before me this 29th day of August, 2001, by Daniel L. Fitchett Jr. as President of The Boundary Association, a Colorado non-profit corporation.

Witness my hand and official seal.

My commission expires:

May 28, 2003

\_\_\_\_\_

Notary Public