

ATTESTATION OF VOTE ON CHANGES TO COVENANTS

On May 21, 2000, I, Howard Buchalter,
the Secretary of the Cherry Creek Vista South Homeowners Association, reviewed the returned
Ballots to Change Protective Covenants, Cherry Creek Vista Filing No. 11, and having reviewed the
returned ballots from lot owners located within Cherry Creek Vista Filing No. 11, County of
Arapahoe, State of Colorado, find as follows:

64 ballots were returned with completed and correct information as to property
ownership and signatures by owner(s) of the said property.

64 properly completed and returned ballots were for approval of the changes to the
protective covenants.

0 properly completed and returned ballots were for disapproval of the changes to
the protective covenants.

There being 102 lots located within Cherry Creek Vista Filing No. 11, County of Arapahoe,
State of Colorado, the approving property owners of, constituting a majority of lots therein, have
hereby approved the said amendments to the Protective Covenants, Cherry Creek Vista Filing No.
11, effective May 21, 2000 for properties located within Cherry Creek Vista Filing No.
11, County of Arapahoe, State of Colorado.

Howard Buchalter 5/21/2000

Secretary to the Cherry Creek Vista South Homeowners
Association (Date)

STATE OF COLORADO)
) ss.
COUNTY OF)

SUBSCRIBED AND SWORN to before me the undersigned authority by Howard Buchalter
on this 21st day of May, 2000.

WITNESS my hand and official seal.

[SEAL]

My Commission Expires:



Michelle Olson
Notary Public

My Commission Expires 04/07/2002

AMENDMENT TO THE PROTECTIVE COVENANTS OF CHERRY CREEK VISTA, FILING 11

Articles 15 and 16 of the existing protective covenants for Cherry Creek Vista Filing 11, Recorded at Book 3024, Pages 120 through 123, on July __, 1979, Clerk and Recorder, Arapahoe County, State of Colorado, is hereby amended to read as follows:

“15. ARCHITECTURAL CONTROL COMMITTEE AND MEMBERSHIP.

The Architectural Control Committee (‘ACC’) shall consist of two or more members of the Board of Directors of the Cherry Creek Vista South Homeowners Association (‘CCVSHOA’) along with one or more homeowner(s) of Cherry Creek Vista Filing 11, who shall be selected by the CCVSHOA. In the event of resignation of said Filing 11 homeowner(s), the CCVSHOA shall have the power to appoint a replacement ACC member with another homeowner living within Filing 11. In the event of resignation by the member(s) of the CCVSHOA from the ACC for Filing 11, the CCVSHOA shall have the power to appoint a replacement ACC member from the Board of Directors. In the event the CCVSHOA fails to appoint a replacement member(s), then the Filing 11 resident member shall have the power to appoint two replacement individuals, who are Filing 11 homeowners, to serve as ACC Board members. Neither the members of the ACC nor its designated representatives shall be entitled to any compensation for services performed pursuant to this covenant. At any time the record owners of a majority of the lots within the subject subdivision shall have the power through a duly written instrument to change the membership of the ACC for Filing 11 or to withdraw from the ACC or to restore it to any of its powers or duties.”

“16. ARCHITRECTORAL CONTROL COMMITTEE PROCEDURE.

The ACC’s approval or disapproval as required by these protective covenants shall be in writing. In the event the ACC or its designated representative(s) fails to approve or disapprove within sixty (60) days after written plans and specifications have been submitted to it, then approval will not be required and the covenants shall be deemed to have been fully complied therewith. Plans are considered submitted upon receipt by CCVSHOA at the following address: CCVSHOA, P.O. Box 9125, Englewood, Colorado 80111. In the event of a violation of ACC requirements, if the ACC prevails on such action, it shall be entitled to reasonable attorneys fees and costs incurred, regardless if suit has actually been filed or not.”