

**FIRST AMENDMENT
TO
AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, AND RESTRICTIONS FOR
BELLE TERRE SUBDIVISION**

This First Amendment to the Amended and Restated Declaration of Protective Covenants, Conditions, and Restrictions for Belle Terre Subdivision (this "Amendment") is made effective as of the date of its recording in the real property records of Eagle County, Colorado.

WITNESSETH:

WHEREAS, Declarant has heretofore caused to be recorded an Amended and Restated Declaration of Protective Covenants, Conditions, and Restrictions for Belle Terre Subdivision on January 4, 2018, at Reception No. 201800141, Eagle County Clerk and Recorder (hereinafter referred to as the "Declaration"). Any capitalized term used herein without separate definition shall have the meaning ascribed to such term in the Declaration;

WHEREAS, pursuant to Section 19.3 of the current Declaration dated January 4, 2018, the Declaration may be amended by written consent of Owners to which at least 67% of the votes in the Association are allocated;

WHEREAS, as evidenced by the attached certification of the Secretary of the Association, the terms of this Amendment were unanimously approved by all Owners; and

WHEREAS, the Owners desire to amend the Declaration as provided below and hereby do so.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Section 1.3 of the current Declaration dated January 4, 2018 is hereby deleted in its entirety and, in lieu thereof, a new Section 1.3 is hereby inserted, reading as follows:

"Section 1.3 Development and Use. The Community shall consist of a maximum of three (3) Units by Amended Subdivision Plat of Belle Terre recorded on 1/8/2019, ~~2018~~ at Reception No. 2019 00089, Eagle County Clerk and Recorder, with delineation of Lot 1W, Lot 1E and Lot 2."

2. Section 2.1.9 of the current Declaration dated January 4, 2018 is hereby deleted in its entirety and, in lieu thereof, a new Section 2.1.9 is hereby inserted, reading as follows:

"Section 2.1.9 "Common Area" means to the extent of the Association's interest in such real property or improvements, any real property or improvements for the common use and enjoyment of all the Owners on a non-exclusive basis (i) that are owned by the Association, including estates in fee and terms of years, of (ii) that are owned by a person or entity other than the Association, but in which the Association has rights of use or possession pursuant to a lease, license, easement, or other agreement, in each case together with any improvements located thereon. The Common Area includes, without limitation, the private access road serving the units, utility and related improvements serving the Community, and any areas depicted as Common Area on the Plat or Supplemental Maps."

3. 3.3 of the current Declaration dated January 4, 2018 is hereby deleted in its entirety and, in lieu thereof, a new Section 3.3 is hereby inserted, reading as follows:

“Section 3.3 Number of Units. The number of Units shall be three (3).”

4. Section 4.1 of the current Declaration dated January 4, 2018 is hereby deleted in its entirety and, in lieu thereof, a new Section 4.1 is hereby inserted, reading as follows:

“Section 4.1 The Association. Every Owner of a Unit shall be a Member of the Association. No Owner, whether one or more persons, shall have more than one membership per Unit owned, but all of the persons owning a Unit shall be entitled to rights of membership and of use and enjoyment appurtenant to ownership of a Unit. Membership shall be appurtenant to and may not be separated from ownership of any Unit. For purposes of this Declaration, Lot 1E and Lot 1W and Lot 2 shall each have one (1) vote for a total of three (3) votes and a maximum of three (3) total votes in the Association.”

5. Section 11.1 of the current Declaration dated January 4, 2018 is hereby deleted in its entirety and, in lieu thereof, a new Section 11.1 is hereby inserted, reading as follows:

“Section 11.1 Design Review Board and Guidelines. There is hereby established a Design Review Board (the "Design Review Board"), which will be responsible for the establishment and administration of Design Guidelines to facilitate the purpose and intent of this Declaration. Sections 11.4.1 and 11.7 of the Declaration refer to fees that shall not be collected by the Design Review Board for the initial construction of the Lot 2 residence.”

6. Section 11.5 of the current Declaration dated January 4, 2018 is hereby deleted in its entirety and, in lieu thereof, a new Section 11.5 is hereby inserted, reading as follows:

“Section 11.5 Design Review Board Membership. The Design Review Board will be composed of three (3) persons which shall include the Members of the Association.”

7. Section 11.6.4 of the current Declaration dated January 4, 2018 is hereby deleted in its entirety and, in lieu thereof, a new Section 11.6.4 is hereby inserted, reading as follows:

“Section 11.6.4 The affirmative unanimous vote of the members of the Design Review Board will govern its actions and be the act of the Design Review Board.”

8. Section 11.11 of the current Declaration dated January 4, 2018 is hereby deleted in its entirety and, in lieu thereof, a new Section 11.11 is hereby inserted, reading as follows:

“Section 11.11 Construction Restriction. All improvements including buildings, landscaping, artwork and other structures and equipment constructed in Belle Terre, including those to be constructed on Lot 2 shall, upon completion of initial construction, be of comparable size and quality to the duplex units on Lot 1E and Lot 1W, (0008 Rue Riviere and 0010 Rue Riviere, respectively). No construction shall be allowed without the approval as required by this Section. The approval of constructions plans and specifications shall be made by the Executive Board of Belle Terre within thirty (30) days after the following: (1) receipt of complete documents and (2) clarification of all questions presented by the Executive Board of Belle Terre. In the event that the Executive Board of Belle Terre is unable to reach a decision which either approves or denies the construction plans, a special meeting of the Association, as provided for in the Bylaws, shall be called. During such special meeting, the constructions plans and specifications shall be presented to the Owners. The Owners shall then vote to approve or reject the proposed construction plans and specifications. If one hundred (100) percent of the Owners vote in favor of the approval, then the proposed construction plans and specifications shall be deemed approved.”

9. Section 19.3 of the current Declaration dated January 4, 2018 is hereby deleted in its entirety and, in lieu thereof, a new Section 19.3 is hereby inserted, reading as follows:

“Section 19.3 Amendment. The provisions of this Declaration may be amended or terminated, in whole or in part, from time to time, upon approval of Owners representing one hundred percent (100%) of the total voting interest in the Association at a meeting of the Owners called for that purpose or by written consent. In addition, a majority of the voting Directors of the Executive Board may make, without the approval of the Owners, changes to any Association Documents to the extent necessary to correct a factual error.”

10. Governing Law. This Amendment will be governed by and interpreted in accordance with the laws of the State of Colorado.

11. Counterparts. This Amendment may be executed in counterpart copies which, when taken together, will evidence the entire agreement of the parties.

12. Conflicts Between Documents. This Amendment hereby supersedes and controls over any contrary provision contained in the Declaration, Bylaws or Articles.

13. Effect. Except as specifically set forth in this Amendment, all the terms and provisions of the Declaration remain unchanged and in full force and effect. This Amendment shall hereafter be interpreted for all purposes as part of the Declaration.

IN WITNESS WHEREOF, the undersigned, President of the Association, has executed this Amendment as of the date and year first above written.

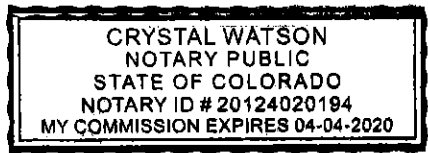
BELLE TERRE PROPERTY OWNERS ASSOCIATION, INC.
a Colorado nonprofit corporation

By: *M. Benigno Phillips*
Name: M. BENIGNO PHILLIPS
Title: President

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 29th day of AUGUST, 2018, by M. BENIGNO PHILLIPS as President of Belle Terre Property Owners Association, Inc. a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: 04-04-2020



Crystal Watson
Notary Public

CERTIFICATION BY ASSOCIATION

I, GARY WASSERMAN, as Secretary of Belle Terre Property Owners Association, a Colorado nonprofit corporation, do hereby certify that (a) I am the duly elected and acting Secretary of the Association, and (b) the above First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Belle Terre Subdivision has been duly approved by at least 67% of all Owners by separate written consent.

Gary Wasserman
Gary Wasserman, Secretary

Florida
STATE OF ~~COLORADO~~)
)ss.
COUNTY OF ~~ESQUE~~ Wade)

The foregoing instrument was acknowledged before me this 4th day of September, 2018, by GARY WASSERMAN as Secretary of Belle Terre Property Owners Association, Inc. a Colorado nonprofit corporation.

Witness my hand and official seal,
My commission expires: 4/26/2019

[Signature]
Notary Public

