



**SEVENTH AMENDMENT**  
**TO**  
**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS**  
**AND EASEMENTS FOR**  
**NORTHGATE RESIDENTIAL PROPERTIES**

THIS SEVENTH AMENDMENT is made this 17<sup>th</sup> day of October, 2000 by PICOLAN, INC., a Colorado corporation ("Declarant"), and amends that certain Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties (the "Declaration"), dated July 8, 1997 and recorded July 10, 1997 under Reception No. 097079216 of the records of El Paso County, Colorado. The Declaration was previously amended by a First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated May 15, 1998 and recorded May 19, 1998 under Reception No. 098066621, by a Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated October 8, 1999 and recorded October 15, 1999 under Reception No. 099160922, by a Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated November 22, 1999 and recorded November 29, 1999 under Reception No. 099180174, by a Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated January 18, 2000 and recorded January 31, 2000 under Reception No. 200010109, by a Fifth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated April 25, 2000 and recorded April 27, 2000 under Reception No. 200046047 and by a Sixth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated October 3, 2000 and recorded October 6, 2000 under Reception No. 200121698, records of El Paso County, Colorado. The

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Declaration and the Amendments are collectively referred to herein as the "Declaration."

Declarant is the owner of the real property in the City of Colorado Springs, County of El Paso and State of Colorado, as more particularly described on Exhibit A attached hereto (the "Seventh Additional Property"), which is part of the Expansion Property defined in the Declaration.

The purpose of this Seventh Amendment is to extend the Declaration to the Seventh Additional Property. Declarant has the right, power and authority to amend the Declaration as provided herein. Accordingly, pursuant to Section 7.2 and Section 10.3 of the Declaration, the Declaration is hereby amended to add the Seventh Additional Property to the area made subject to the Declaration. All of the terms, conditions and provisions of the Declaration shall apply to and be binding upon the Seventh Additional Property, and the Seventh Additional Property shall be subject to all of the terms, conditions and provisions of the Declaration.

Any capitalized phrase, term or word used in this Seventh Amendment that is not otherwise expressly defined in this Seventh Amendment shall have the meaning set forth in Article 1 of the Declaration, unless the context requires otherwise.

IN WITNESS WHEREOF, the undersigned has signed this Seventh Amendment this 17th day of October, 2000.

**DECLARANT:**

PICOLAN, INC., a Colorado  
corporation

By

  
Stephen L. Sharkey, Vice President



Exhibit A

J. Patrick Kelly El Paso Cty, CO 200127007  
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A TRACT OF LAND BEING A PORTION OF THE EAST HALF OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

THE EAST LINE OF LOT 1, COMPASSION INTERNATIONAL'S NORTHGATE CAMPUS FILING NO. 1, RECORDED UNDER RECEPTION NO. 99142814, RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE NORTHEASTERLY CORNER BY A NO. 5 REBAR AND 1-1/2" ALUMINUM SURVEYOR'S CAP STAMPED "JR ENG LTD RLS 32820" AND AT THE SOUTHEASTERLY CORNER BY A NO. 5 REBAR AND 1-1/2" ALUMINUM SURVEYOR'S CAP STAMPED "JR ENG LTD RLS 32820", BEING ASSUMED TO BEAR N00°24'47"W, A DISTANCE OF 103.02 FEET.

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 1, COMPASSION INTERNATIONAL'S NORTHGATE CAMPUS FILING NO. 1, RECORDED UNDER RECEPTION NUMBER 99142814, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VOYAGER PARKWAY, AS PLATTED IN NORTHGATE FILING NO. 5, RECORDED IN PLAT BOOK E-4 AT PAGE 92, SAID POINT BEING THE POINT OF BEGINNING;  
THENCE ON SAID RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES:

1. S78°58'19"E, A DISTANCE OF 101.02 FEET;
2. S77°03'43"E, A DISTANCE OF 713.30 FEET TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 32°14'02", A RADIUS OF 1181.61 FEET, A DISTANCE OF 664.76 FEET TO A POINT ON CURVE;

THENCE S45°10'19"W, A DISTANCE OF 45.00 FEET;  
THENCE S88°18'28"W, A DISTANCE OF 34.62 FEET;  
THENCE S43°18'28"W, A DISTANCE OF 115.00 FEET;  
THENCE S43°54'52"W, A DISTANCE OF 50.00 FEET;  
THENCE S43°42'58"W, A DISTANCE OF 125.00 FEET;  
THENCE N46°47'29"W, A DISTANCE OF 25.00 FEET;  
THENCE N50°34'49"W, A DISTANCE OF 73.45 FEET;  
THENCE N55°10'18"W, A DISTANCE OF 70.54 FEET;  
THENCE N59°54'16"W, A DISTANCE OF 70.55 FEET;  
THENCE N65°24'39"W, A DISTANCE OF 70.55 FEET;  
THENCE N69°19'25"W, A DISTANCE OF 65.37 FEET;  
THENCE N70°57'51"W, A DISTANCE OF 62.02 FEET;  
THENCE S20°30'03"W, A DISTANCE OF 172.72 FEET;  
THENCE N69°29'57"W, A DISTANCE OF 139.76 FEET TO A POINT OF CURVE;  
THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 07°33'46", A RADIUS OF 475.00 FEET, A DISTANCE OF 62.70 TO A POINT OF TANGENT;  
THENCE N77°03'43"W, A DISTANCE OF 27.22 FEET;  
THENCE S12°56'17"W, A DISTANCE OF 120.00 FEET;  
THENCE S89°20'15"W, A DISTANCE OF 127.58 FEET;  
THENCE N77°03'43"W, A DISTANCE OF 294.73 FEET;  
THENCE N00°19'12"W, A DISTANCE OF 566.50 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 1;  
THENCE N00°24'47"W, ON THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 103.02 FEET TO THE POINT OF BEGINNING;