AFTER RECORDING RETURN TO:
Altitude Community Law P.C.
555 Zang St., Suite 100
Lakewood, CO 80228 x?x

LIMITED AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VILLAS AT NORTHGATE

THIS AMENDMENT is made this 2ND day of November, 2023.

RECITALS

A. Villas at Northgate, LLC, a Colorado limited liability company, created the Villas at Northgate community ("Community") by recording a Declaration of Covenants, Conditions and Restrictions for Villas at Northgate in the real property records of El Paso County, Colorado, at Reception No. 218146305 on December 21, 2018 (the "Declaration").

B. The Declaration provides for and allows for this Limited Amendment to the Declaration of Covenants, Conditions and Restrictions for Villas at Northgate (the "Amendment") in Article 12, Section 12.03 of the Declaration, which provides, in pertinent part, as follows:

> Except as otherwise provided in this Declaration, any provision, covenant, condition, restriction or equitable servitude contained in this Declaration may be amended or repealed upon approval by Owners with at least sixty-seven percent (67%) of the voting power of the Association...

C. The Declaration further provides in Article 12, Section 12.04 in pertinent part, the following:

> Any First Mortgagee shall be given notice of any proposed action...if the Association has been provided with a written request for notice, stating both the First Mortgagee's name and address and the Lot number or address of the Lot on which it has the First Mortgage.

D. As of the current date, no First Mortgagees have provided a written request for notice pursuant to Section 12.04, and as such, no notice to First Mortgagees is required for this Amendment.

E. All Owners are aware of the provisions of the Declaration allowing for amendment, by virtue of the record notice of the Declaration.

F. This Amendment has been prepared and determined by the Association and by the Owners that have approved it to be reasonable and not burdensome.

G. The purpose of this Amendment is to establish pet restrictions, require approval for assessment increases, and require approval for reserve fund expenditures.

H. The undersigned, being the President and Secretary of the Association, hereby certify that the Association has obtained approval from Owners holding at least 67% of the voting power in the Association.

NOW THEREFORE,

I. Amendments. The Declaration is hereby amended as follows:

(a) Repeal and Restatement. Article 4, Section 4.10 of the Declaration is hereby deleted in its entirety and replaced with the following:

Animals. No animals, except for domesticated cats, birds, fish and other small domestic animals, permanently confined indoors and those permitted pursuant to this Section, shall be kept within any Lot. **No dogs**, livestock or poultry of any description shall be kept on a Lot. Domesticated animals may be kept or maintained in or on a Lot in a reasonable number as determined by the Board. Any restriction on the maximum number of animals that may be kept or maintained on a Lot, and/or restrictions based on an animal's weight or size, shall be set forth in the Rules. Every Owner shall maintain strict control over his or her animal(s) and shall ensure the animal(s) does not create a nuisance or present a physical threat to residents, guests, or other animals. Animals/pets may further be regulated in the Association's rules.

(b) Repeal and Restatement. Article 9, Section 9.07 of the Declaration is hereby deleted in its entirety and replaced with the following:

Rate of Assessments. Assessments shall be set to meet the expected needs of the Association. The rate for General Assessments and Special Assessments shall generally be determined by dividing the total General Assessments or Special Assessment, as applicable, payable for any Assessment period as determined by the budget, by the number of Lots then subject to this Declaration. The resulting quotient shall be the amount of the General Assessments or Special Assessments, as applicable, payable with respect to each Lot.

9.07(a) Any increase in General Assessments shall require the approval of 67% of all votes in the Association.

9.07(b) If, however, in the sole opinion and discretion of the Board, certain Lots impose greater costs on the Association than do other Lots, or

receive greater benefit from Association activities, Lots may be placed into different classes and Assessments, both General and Special, in different amounts may be established for each such class, with the intent that each class will pay its reasonable and fair share of the Association's overall expenses. In particular, those Lots in which the Building contains four Residences will pay a proportionately higher rate of Assessments than those Lots in which the Building contains three Residences. Any surplus funds of the Association remaining after payment of the expenses and for the reserves of the Association may be retained by the Association and not returned to the Owners or credited to payment of future Assessments.

(c) **Addition. Article 9, Section 9.18 of the Declaration is hereby added as follows:**

Reserve Funds. Any expenditure(s) of the Association's currently available Reserve Funds in excess of 10% shall require the approval of 67% of all votes in the Association.

II. No Other Amendments. Except as amended by the terms of this Amendment and previous amendments, the Declaration shall remain in full force and effect.

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IN WITNESS WHEREOF, this Amendment is executed by the undersigned.

Villas at Northgate Owners Association, a Colorado nonprofit corporation

By: Erik M Tjelmeland
President

By: Erik M. Tjelmeland
Secretary

STATE OF COLORADO)
) ss.
COUNTY OF El Paso)

The foregoing was acknowledged before me this 2nd day of November, 2023, by Erik M. Tjelmeland, as President of Villas at Northgate Owners Association, a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: 9/22/27.

MARTHA ELLEN GREELEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20234036216
MY COMMISSION EXPIRES SEPTEMBER 22, 2027

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this 2nd day of November, 2023, by Erik M. Tjelmeland, as Secretary of Villas at Northgate Owners Association, a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: 9/22/27

MARTHA ELLEN GREELEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20234036216
MY COMMISSION EXPIRES SEPTEMBER 22, 2027

Notary Public