

**AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS
OF
EAGLE RIDGE RANCH**

THIS AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS OF EAGLE RIDGE RANCH is executed this 19th day of January, 2000 by the Eagle Ridge Ranch Homeowner's Association (the "Association"), a Colorado non-profit corporation as follows:

1. FACTS AND PURPOSES.

1.1 The Declaration of Protective Covenants of Eagle Ridge Ranch (the "Declaration") was recorded March 16, 1994 in Book 742 at page 243 of the real property records of Gunnison County, Colorado.

1.2 The Declaration encumbers certain real property in Gunnison County, Colorado, more particularly described therein.

1.3 Joseph Grant Youmans, et al ("the Youmans"), claim by adverse possession approximately 37.22 acres located in the E1/2 NW1/4 and approximately 40.45 acres located in the E1/2 E1/2 SE1/4, both in Section 31, Township 51 North, Range 1 West of the N.M.P.M. (collectively, the "Disputed Lands") to which the Association holds record title. The Dispute Lands are more specifically described in Exhibit A to this Amendment.

1.4 In full settlement of the dispute over title to the Disputed Lands, Eagle Ridge and Youmans entered into an agreement whereby Eagle Ridge agreed to convey the Disputed Lands to Youmans, and in return Youmans agreed to convey to Eagle Ridge approximately 83 acres of land lying north of the southern boundary of the Forest Development Road No. 727 in the SW1/4 SW1/4 of Section 18 and the W1/2 W1/2 of Section 19, both in Township 51 North, Range 1 West of the N.M.P.M. (the "Cunningham Gulch Tract"). The Cunningham Gulch Tract is more particularly described on Exhibit B.

1.5 Subsequent to such agreement, and pursuant to Section 13.2 of the Declaration and C.R.S. §38-33.1-312, the members of the Association agreed, approved, and ratified the agreement between the Association and Youmans. Attached as Exhibit C are signed copies the member's agreement, approval and ratification.

1.6 Accordingly, the Association amends the Declaration as follows.

2. **EXCLUSION OF DISPUTED LANDS.** The Disputed Lands, more particularly described in Exhibit A, are hereby excluded from the Common Area of the Association, as that term is defined in the Declarations. Upon the closing of the agreement with Youmans, the Association shall convey the Disputed Lands to the Youmans free and clear of any terms or restrictions by the Declaration.

3. **INCLUSION OF CUNNINGHAM GULCH TRACT.** The Cunningham Gulch Tract, more particularly described in Exhibit B, is hereby included within the definition of Common Area as set forth in Declaration, and shall be subject to all terms and restrictions of the Declaration.

4. **FULL FORCE AND EFFECT.** Except only as above amended, the Declaration of Protective Covenants of Eagle Ridge Ranch remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Declaration of Protective Covenants of Eagle Ridge Ranch the effective date first above written.

EAGLE RIDGE RANCH HOMEOWNER'S ASSOCIATION, a Colorado non-profit corporation

By: Charles Terrence Dolan
Charles Terrence Dolan, President

STATE OF Oklahoma)
)ss.
County of Tulsa)

The foregoing was acknowledged before me this 19~~th~~ day of January, 2000, by Charles Terrence Dolan as President of Eagle Ridge Ranch Homeowner's Association, a Colorado non-profit corporation.

Witness my hand and official seal.
My commission expires: 7-23-03

[Signature]
Notary Public

