

## SIXTH AMENDMENT TO DECLARATION OF LAWSON HILL

**THIS SIXTH AMENDMENT TO DECLARATION OF LAWSON HILL** (“**Amendment**”), made effective as of March 14, 2006 (“**Effective Date**”), is made by The Lawson Hill Propertyowners’ Company, a Colorado nonprofit corporation (“**Association**”).

### RECITALS

A. Lawson Hill (“**Community**”) was created with the recordation in the official records of the office of the Clerk and Recorder of the County of San Miguel, State of Colorado (“**Official Records**”) of that certain Declaration for Lawson Hill, recorded April 16, 1992 in Book 490 at page 925 (“**Original Declaration**”) and that certain Plat for Lawson Hill, described as Lawson Hill, Phase 1, recorded on April 16, 1992 in Plat Book 1 at page 1272 (“**Original Plat**”).

B. As of the Effective Date, it is believed that the Original Declaration has been modified and supplemented from time to time by the following instruments: (1) Declaration of Covenants, Conditions and Restrictions recorded September 11, 1992 in Book 497 at Page 901; (2) First Amendment to Declaration for Lawson Hill recorded August 21, 1992 in Book 496 at page 918; (3) Second Amendment to Declaration for Lawson Hill recorded November 8, 1993 in Book 520 at page 86; (4) Third Amendment to Declaration for Lawson Hill recorded July 3, 1997 in Book 583 at page 601; (5) Fourth Amendment to Declaration for Lawson Hill recorded February 19, 2002, at No. 347160; (6) Fifth Amendment to Declaration for Lawson Hill recorded March 28, 2002 at No. 348021; (7) First Supplement to Declaration for Lawson Hill recorded May 18, 1992, in Book 492 at page 341; (8) Second Supplement to Declaration for Lawson Hill recorded June 16, 1993, at No. 285307, in Book 512 at page 551; (9) Third Supplement to Declaration for Lawson Hill recorded August 14, 1996, at No. 306867, in Book 566 at page 34; (10) Fourth Supplement to Declaration for Lawson Hill recorded October 18, 1994, in Book 536 at page 655; (11) Fifth Supplement to Declaration for Lawson Hill recorded August 6, 1997, in Book 585 at page 72; and (12) any and all such other, if any, duly executed amendments or supplements to the Declaration (collectively and together with the Original Declaration, the “**Declarations**”).

C. As of the Effective Date, it is believed that the Original Plat has been modified and supplemented from time to time by the following instruments: (1) First Supplement to Declaration for Lawson Hill recorded May 18, 1992, in Book 492 at page 341; (2) Second Supplement to Declaration for Lawson Hill recorded June 16, 1993, at No. 285307, in Book 512 at page 551; (3) Third Supplement to Declaration for Lawson Hill recorded August 14, 1996, at No. 306867, in Book 566 at page 34; (4) Fourth Supplement to Declaration for Lawson Hill recorded October 18, 1994, in Book 536 at page 655; (5) Fifth Supplement to Declaration for Lawson Hill recorded August 6, 1997, in Book 585 at page 72; and (6) Insubstantial Amendment to Plat recorded September 11, 1992, in Plat Book 1 at page 1353; (7) Replat of lot J in Lots J1 and J2 recorded November 6, 1992, in Plat Book 1 at page 1373; (8) Replat of Lot 211 into Lots 211A and 211B recorded October 7, 1992, in Plat Book 1 at page 1564; (9) any and all such other, if any, duly executed amendments or supplements to the Plat (collectively and together with the Original Plat, the “**Plat**”).

D. Pursuant to the Original Declaration and the Original Plat, Lawson Hill Propertyowners’ Company, a Colorado nonprofit corporation (“**Association**”) was formed for the purposes stated in the Declaration, Plat and Bylaws for the Association.

E. The Association seeks to amend the Declaration in the manner stated in this Amendment.

NOW THEREFORE, the Association does hereby publish, declare and amend the Declaration as follows:

**ARTICLE I  
AMENDMENTS TO DECLARATION**

1.1. **Emergency Vehicle Parking.** No provisions of the Declaration shall be applied and enforced in a manner that would prevent a firefighter and/or another emergency service person who resides in Lawson Hill from parking their emergency vehicle in a designated parking space assigned to that persons Unit, provided that the vehicle is able to fit in the designated parking space.

1.2. **Association Records and Minutes of the Board of Directors.** The provisions of the Declaration concerning Association Records and Minutes of Board of Directors are hereby amended and modified to provide in all instances that the Board of Directors shall permit any Unit Owner, when a good-faith request has been made, to inspect the records of the Association and the minutes of the Board of Directors and committee meetings during normal business hours, at a cost not to exceed the actual costs incurred to make such records available. Information which is privileged or otherwise protected need not be made available.

1.3. **Regulation of Signs.** The Board of Directors may promulgate rules and regulations that govern the posting and placement of signs and flags in Lawson Hill, provided that no such rules and regulations may prohibit the reasonable displays of the American flag, military service flags or political signs.

1.4 The Declaration is hereby amended to include new Section 9.33.

9.33. **Additional Use Restrictions.** Notwithstanding any provision in the Declaration or Plat to the contrary, commencing as of the Effective Date, no Owner shall place an enforceable covenant, deed restriction or other similar device on their Unit which is intended to control the price for which the Unit can be sold, resold or rented to any person or entity, including any governmental entity. Any such covenant or deed restriction that is recorded and is in effect as of the date that this Amendment is recorded shall continue in full force and effect and shall be unaffected by this Amendment. Any non-complying covenant or deed restriction that does not comply with this Section shall be deemed unenforceable and ineffective. The Association may pursue remedies to invalidate and enjoin the offending document.

1.5. **Real Estate Transfer Assessment.** Section 5.9.1 is hereby modified, amended and restated to read as follows:

5.9.1. **Imposition of Assessment.** There is hereby imposed an assessment (“**Real Estate Transfer Assessment**”) to be paid to the Association on all Transfers whether by deeds, instruments, writings, leases, or any other documents or otherwise by which any lands, tenements, or other interests in a Unit located in Lawson Hill are sold, granted, let, assigned, transferred, exchanged or otherwise conveyed to or vested in a Purchaser, or Purchasers thereof, or any other person or Persons, except as may be specifically exempted by this Declaration. The Real Estate Transfer Assessment shall also apply in instances where a person transfers, sells, assigns or otherwise conveys for consideration more than 50% of the ownership interests in a partnership, corporation, limited liability company or other similar entity that owns a Unit in Lawson Hill. Said Assessment shall be due and payable at the time of

any such Transfer and contemporaneously therewith as herein after specified.

**ARTICLE II  
MISCELLANEOUS**

2.1. The Board of Directors hereby certifies that the requisite percentage of the voting power by the Owners required to amend the Declaration have consented to and approved the within Amendment and have authorized and empowered the Board of Directors of the Association to execute and record this Amendment. The Board of Directors hereby authorizes the President of the Association to execute and record the within Amendment.

2.2. Except as amended by the terms of this Amendment, all other terms, conditions and provisions of the Declaration and the Plat, not specifically modified by this Amendment, shall remain in full force and effect without further amendment.

**IN WITNESS WHEREOF**, the Association has approved and consented to and does hereby duly adopt, execute and deliverer this Declaration Amendment, intending it to become effective as of the Effective Date.

**The Lawson Hill Propertyowners' Company,  
a Colorado nonprofit corporation**

By: Bill de Alva  
Bill de Alva, President  
Lawson Hill Propertyownere' Company  
Board of Directors

Date: March 14, 2006

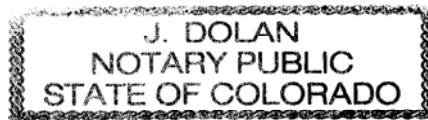
State of Colorado  
County of San Miguel

Subscribed to and acknowledged before me this 14<sup>th</sup> day of March, 2006, by Bill de Alva as the President of The Lawson Hill Propertyowners' Company, a Colorado nonprofit corporation.

Witness my hand and official seal.

J. Dolan  
Notary Public

My commission expires: 4/5/08



MY COMMISSION EXPIRES 4/5/2008