

FIRST AMENDMENT TO DECLARATION
OF COVENANTS
EBY CREEK MESA

Jul 30 4 44 PM '85

135 (16)
538

REFERENCE the declaration of covenants of Eby Creek Mesa executed on October 28, 1981 by Hunter Antonides and Loren Chambers, and filed in the office of the Clerk and Recorder of Eagle County, Colorado on November 4, 1981 in book 321 at page 641 (reception number 227999).

WITNESSETH:

WHEREAS, the declarant, Hunter Antonides and Loren Chambers, did execute and file said declaration of covenants for the purpose of impressing certain restrictions and covenants upon real property owned at the time by them;

WHEREAS, Loren Chambers thereafter succeeded to all of the right, title, and interest that Hunter Antonides had in said real property;

WHEREAS, Eby Creek Mesa, Inc., a Colorado corporation, has succeeded to all the right, title, and interest that Loren Chambers and Hunter Antonides have had in said real property;

WHEREAS, Eby Creek Mesa, Inc., hereinafter referred to as "declarant" is on the date of execution of this indenture the owner of 75% of all parcels or tracts as shown on the plat of Eby Creek Mesa heretofore filed of record in the office of the Clerk and Recorder of Eagle County, Colorado, in book 331 at page 642 on November 4, 1981; and as such owner, constitutes 75% of parcel owners of said subdivision; declarant therefore has the full right and authority to modify and amend the referenced declaration of covenants pursuant to paragraph 11.6 thereof;

WHEREAS, declarant is desirous of modifying and amending said declaration of covenants for the benefit of all owners of parcels located and situate in the Eby Creek Mesa Subdivision, Eagle County, Colorado.

NOW, THEREFORE, the declarant modifies and amends the referenced declaration of covenants of Eby Creek Mesa as follows:

1. The last sentence of paragraph 5.7 of the declaration of covenants is changed and hereby modified to read as follows: "No subsequent meeting shall be held more than fourteen (14) days following the preceeding meeting."
2. The second to the last sentence of the first paragraph under paragraph 6.2 of the declaration of covenants is hereby changed and modified to read as follows: "In the event the Architectural Committee fails to take any action within fourteen (14) days after complete architectural plans for such work have been submitted to it, then all of such submitted architectural plans shall be deemed to be approved."

3. Paragraph 7.7 of the declaration of covenants is hereby changed and modified to read as follows: "No tract described on the recorded plats of the subdivision except lot 220 and the "school district parcel", shall ever be resubdivided into smaller tracts nor conveyed or encumbered in any less than the full original dimensions as shown on said recorded plats: provided that conveyance or dedications of easements for utilities or private roads may be made for less than all of one tract;" it being the intendment of this provision that the owner or owners of lot 220 or the school district parcel shall have the right to subdivide such parcels, subject to approval being granted by the appropriate governmental agencies."
4. Paragraph 8.4 (1. Roofs) (a) of the declaration of covenants is changed and hereby modified as follows: "The following roofing materials shall not be used: any shiny materials, or, asbestos, and tar and gravel, except that tar and gravel may be permitted if the rock used is specifically approved by the committee and the roof has adequate pitch."
5. Paragraph 8.4 (2. Walls) (b) of the declaration of covenants is changed and hereby modified to read as follows: "The following are non-acceptable materials" plywood as the finish exterior surface, reflective glazing (mirror coated), exposed concrete block or concrete (with the exception of a maximum of 10" where foundation wall meets finished grade), asbestos, composite materials, paper or tar paper, and any material with bright colors.:
6. Paragraph 8.10 of the declaration of covenants is changed and hereby modified to read as follows: "Towers and Antennae. No towers or radio or television antennae shall be erected on any residential tract except with express written consent."

All other provision, covenants and restrictions set forth in the referenced declaration of covenants not otherwise modified or amended by these presents, are hereby ratified and reaffirmed.

IN WITNESS WHEREOF, the declarant sets it's hand and seal this
30 day of July, 1985.

EBY CREEK MESA, INC.

BY:

Loren Chambers
Loren Chambers, President

STATE OF COLORADO)
COUNTY OF EAGLE) SS

Subscribed and sworn to before me this 20th day of July, 1985 by Loren
Chambers, President of Eby Creek Mesa, Inc.

Witness my hand and official seal.
My commission expires: 7/9/87.


NOTARY PUBLIC