

WHEN RECORDED RETURN TO: **MICROFILM 11**
399529

RECORDED April 13 1976 BY 12115 OPERATOR P
RECEPTION NO. 399529 AVIS HARRIS, RECORDER

CONTINENTAL SERVICE CORPORATION
P.O. Box 500
Phoenix, Arizona
Dan Robledo
Trust 95964

SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS

THIS DECLARATION constitutes the second Amendment of the original Declaration recorded April 10, 1973, in the Recorder's Office of La Plata County, Colorado, as Reception No. 376407; as first amended in its entirety and recorded May 23, 1975 in the Recorder's Office of La Plata County, as Reception No. 391630. This Second Amendment to Declaration of Restrictions (hereinafter called, SECOND AMENDMENT) supersedes said first Amended Declaration only to the extent of the text of the amendments hereby promulgated. This SECOND AMENDMENT is made this 16th day of March, 1976 by SOUTHWEST PROPERTIES, INC., an Arizona corporation, (hereinafter called DECLARANT), as present owner of the entire Second Beneficial interest in CONTINENTAL SERVICE CORPORATION, an Arizona corporation, (formerly TRANS-AMERICA TITLE COMPANY), Trust No. 95964, being properly authorized so to act by the terms of said Trust, and CONTINENTAL SERVICE CORPORATION, as Trustee thereunder, (hereinafter called TRUSTEE), solely as bare legal title holder and not personally, and acting at the proper direction of DECLARANT. This SECOND AMENDMENT is executed by DECLARANT to run with the real property herein described for the purposes as hereinafter set forth.

WHEREAS, the DECLARANT is the owner of the Second Beneficial interest of the real property described in that certain FOREST LAKES/DURANGO FOUR subdivision, County of La Plata, State of Colorado, recorded March 12, 1973 in Reception No. 375904, records of La Plata County, State of Colorado;

WHEREAS, the DECLARANT intends to sell, dispose of, or convey from time-to-time all or a portion of the lots in said FOREST LAKES/DURANGO FOUR, and has subjected the same to certain protective reservations, covenants, conditions, restrictions (hereinafter referred to as "Conditions"), between it and the acquirers and/or users of the lots in said FOREST LAKES/DURANGO FOUR;

WHEREAS, paragraph 1 entitled "Duration" of Section VIII, entitled "General Provisions" contained in said first Amended Declaration reads, in part, as follows (p. 26):

"Notwithstanding anything to the contrary herein stated, and until 75 per cent of the said lots have been sold (and conveyed), Southwest Properties, Inc., an Arizona corporation, its successors and assigns, may cause the within restrictions and covenants or any part thereof to be altered, deleted or otherwise set aside by an appropriate document duly executed by Southwest Properties, Inc."; and,

WHEREAS, the DECLARANT herein desires to exercise its authority provided for in said paragraph 1, Section VIII of said first Amended Declaration for the purpose of amending the said first Amended Declaration as hereinafter set forth;

WHEREAS, less than SEVENTY-FIVE per cent (75%) of the lots contained in FOREST LAKES/DURANGO FOUR have been sold and conveyed; and,

WHEREAS, the last paragraph contained on page 2 of said first Amended Declaration presently reads as follows:

"THAT Lots 34 through 81, inclusive, and Lots 323 through 404, inclusive, shall be designated as multi-family and shall be improved, used and occupied in accordance with the provisions set forth under the Conditions set forth under the multi-family Land Use Regulations of the Declaration of Restrictions."

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the DECLARANT hereby certifies and declares that said last paragraph on page 2 of said first Amended Declaration, which is quoted immediately above, be amended, and the same hereby is amended, to read as follows:

"THAT Lots 34 through 81, inclusive, and Lots 323 through 404, inclusive, shall be designated as single-family residential and shall be improved, used and occupied in accordance with the provisions set forth under the Conditions set forth under the single-family Land Use Regulations of the Declaration of Restrictions."

IN WITNESS WHEREOF, SOUTHWEST PROPERTIES, INC., an Arizona Corporation, has caused its corporate name and seal to be hereunto affixed by its officer hereunto duly authorized this 12th day of March, 1976.

SOUTHWEST PROPERTIES, INC., an Arizona Corporation, as Second Beneficiary under Trust No. 95964, duly authorized

By: Daryle A. Wolfswinkel
Daryle A. Wolfswinkel
Vice President

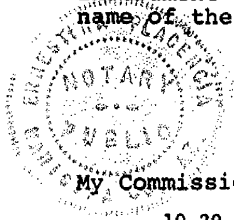
RATIFIED AND APPROVED:

CONTINENTAL SERVICE CORPORATION,
as Trustee, solely as bare legal title holder, and not personally.

By: [Signature]
Trust Officer

STATE OF ARIZONA)
) ss.
County of Maricopa)

Before me this 16th, day of March, 1976, personally appeared DAN ROBLEDO, who acknowledged himself to be a Trust Officer of the CONTINENTAL SERVICE CORPORATION and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation as Trustee, by himself as such officer.



Ernestina Placencia
Notary Public

STATE OF ARIZONA)
) ss.
County of Maricopa)

Before me this *12th* day of *March*, 1976, personally appeared *Doyle A. Wolfenbarger* who acknowledged himself to be Vice President of Southwest Properties, Inc., an Arizona corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation as Vice President, by himself as such officer.

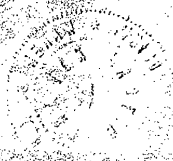


Karen B. Klotz

Notary Public

My Commission Expires:
My Commission Expires Dec. 1, 1977

399529



STATE OF COLORADO)
LA PLATA COUNTY) SS Filing No. _____

I hereby certify that this instrument was
filed for record at 12:15 O'clock P M.

April 13 19 76 and duly recorded
on Microfilm No. 399529 Fee \$ 6.00

Logan Harris Recorder
By Donald Mealy Deputy

6.00