

FIRST AMENDMENT  
TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS OF THE THE SEASONS AT TIARA RADO  
FILING NO. 2

WHEREAS, THE SEASONS at Tiara Rado Associates, a Colorado general partnership (the "Declarant"), established the Declaration of Covenants, Conditions and Restrictions of the The Seasons at Tiara Rado Filing No. 2, dated February 29, 1992 and recorded March 5, 1992, in Book 14 at Page 40 in the public records of the Clerk and Recorder, Mesa County, Colorado. Unless otherwise defined herein, all capitalized terms used in this Amendment shall have the meanings given such terms in the Declaration.

WHEREAS, the Declaration subjects the Property to certain covenants, conditions and restrictions.

WHEREAS, Section 14.4 of the Declaration provides that Declarant, acting alone, may amend the Declaration on or before December 31, 1999, by executing and recording an instrument setting forth the amendment.

WHEREAS, Declarant desires to amend the Declaration to add a requirement that all pitched roofs in Filing No. 2 must be of approved slate or tile material. This requirement does not preclude the use of flat style roofs behind parapet walls.

NOW THEREFORE, in consideration of the recitals and premises contained herein, the Declaration is hereby specifically amended as follows:

1. Section 17.16 is added to Article XVII and shall read as follows: Roof design and Materials. Both pitched roofs and flat styled roof behind parapet walls shall be permitted. Pitched style roofs shall be of slate or tile material and such material shall be approved by the Design Review Committee.

2. To the extent that any provision set forth in this Amendment conflicts with any provision of the Declaration, the provisions of this Amendment shall control. Except as provided in this Amendment, all provisions of the Declaration

shall be unmodified and remain in full force and effect.

IN WITNESS WHEREOF, the undersigned had duly executed this Amendment to Declaration on this 17 day of April, 1992.

DECLARANT:

THE SEASONS at Tiara Rado Associates, a Colorado general partnership.

By: Transmontane Development Corporation, a Colorado corporation,

By: [Signature]  
Jack Acuff, President

State of Colorado }  
County of MESA } ss.  
~~Espe~~ }

The foregoing instrument was acknowledged before me this 17th day of April, 1992 by: Jack Acuff as President of Transmontane Development Corporation, a Colorado corporation.

Witness my hand and official seal.

My commission Expires: May 22, 1993

[Signature]  
Notary Public

