

AFTER RECORDING RETURN TO:
University Park HOA
6015 Lehman Drive, Suite 205
Colorado Springs, CO 80918

219102026 8/28/2019 12:46 PM
PGS 3 \$23.00 DF \$0.00
Electronically Recorded Official Records El Paso County CO
Chuck Broerman, Clerk and Recorder
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**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF
UNIVERSITY PARK HOMEOWNER'S ASSOCIATION**

THIS AMENDMENT is made this 26 day of August, 2019.

RECITALS

A. Pulpit Rock Investments, LLC, a Colorado limited liability company and the original Declarant, created University Park Homeowner's Association ("Community") by recording a Declaration of Covenants, Conditions, Restrictions and Easements of University Park, in the real property records of the County of El Paso, State of Colorado, at Reception No. 098005438, on January 15, 1998 (the "Declaration").

B. The Declaration provides for and allows for this Amendment to the Declaration (the "Amendment") in Article 14, Section 14.3, which provides as follows:

Except as otherwise provided in this Declaration ... any provision, covenant, condition, restriction or equitable servitude contained in this Declaration may be amended or repealed at any time and from time to time upon approval of the amendment or repeal by Members with at least sixty-seven percent of the voting power of the Association.

C. All Owners are aware of the provisions of the Declaration allowing for amendment, by virtue of the record notice of the Declaration, by acts and disclosures, newsletters or notices of the Association and by other means.

D. This Amendment has been prepared and determined by the Association and by the Owners that have approved this Amendment to be reasonable and not burdensome.

E. The purpose of this Amendment is to allow for annexation of additional property into the Community, to reinstate limited declarant rights, and to prohibit accessory dwelling units and subdivision of Lots in the Community.

F. Lot 108, University Bluffs Filing No. 4, El Paso County, Colorado (the "Property") is owned by UP18.

G. UP18 and University Park Homeowner's Association (the "Association") desire to reinstate Special Declarant Rights to allow UP18 to annex the Property into the Community.

H. After annexation, all owners shall be members of the Association and shall be bound by the Declaration and all other governing documents of the Association.

I. The undersigned, being the President and Secretary of the Association, hereby certify that 67% of the Owners have consented and agreed to this Amendment. Alternatively, the Association has obtained approval for this proposed Amendment pursuant to the terms and conditions of the Colorado Common Interest Ownership Act.

NOW THEREFORE,

I. **Amendments.** The Declaration is hereby amended as follows:

(a) **Reinstatement and Amendment.** The following specific Special Declarant Rights are hereby reinstated and hereby amended only to the extent as expressly stated below. The Special Declarant Rights stated below shall continue and remain in full force and effect until the earlier of the first to occur: (1) for a period of three (3) years after the recording of this Amendment; or (2) the conveyance by UP18, or its successor and assigns, of the Property to Owners and/or the Association.

Section 8.3 **Special Declarant's Rights.** For the period stated herein, UP 18, or its successor and assigns, shall have the following Special Declarant Rights:

- (a) the ability to annex into the Community any or all portions of Lot 108, University Bluffs Filing No. 4, El Paso County, Colorado ("Property") through the recording of supplemental declarations;
- (b) the ability to convey to the Association tracts of land to be owned by the Association as Common Elements;
- (c) UP18, or its successor and assigns, will retain sole and exclusive architectural control regarding all initial construction and initial landscaping within the Property. Such control over initial construction and landscaping will continue until all Lots have been constructed and landscaped within the Property.

(b) **Amendment.** Exhibit B to the Declaration is hereby amended and the following property is included as annexable expansion property: Lot 108, University Bluffs Filing No. 4, El Paso County, Colorado.

(c) **Addition.** The following Article 4, Section 4.14 is hereby added to the Declaration:

Section 4.14 **Accessory Dwelling Units.** No construction, installation, or existence of any accessory dwelling Unit or secondary living structure on any Lot shall be permitted. Accessory Dwelling Units are secondary living areas on a residential lot or within the main home. ADUs are often referred to as ancillary apartments, mother-in-law suites or cottages, granny flats, or guesthouses. These residential units are smaller than the main home and include a sleeping area, sanitary facilities, and gas/electrical facilities for cooking. Auxiliary dwelling units can come in a few forms, such as above a detached garage, a separate structure in the backyard, attached to the main home or a converted basement or attic.

(d) Addition. The following Article 4, Section 4.15 is hereby added to the Declaration:

Section 4.15 Subdivision of Lots. There shall be no further subdivision of any Lot.

II. No Other Amendments. Except as amended by the terms of this Amendment and previous amendments, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned.

UNIVERSITY PARK HOMEOWNER'S ASSOCIATION, a Colorado nonprofit corporation.

By: Judith Walton
President

By: Juan Singson
Secretary

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing was acknowledged before me this 26 day of August, 2019, by JUDITH WALTON, President of University Park Homeowner's Association, a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: 12/12/2022

AUDRA FITZPATRICK
Notary Public
State of Colorado
Notary ID # 20084050118
My Commission Expires 12-12-2022

Audra Fitzpatrick
Notary Public