

748

SECOND
SUPPLEMENTAL CONDOMINIUM DECLARATION
OF
THE HUNTLEY CREEK CONDOMINIUMS
(THIRD PHASE)

THIS SECOND SUPPLEMENTAL CONDOMINIUM DECLARATION OF THE HUNTLEY CREEK CONDOMINIUMS, is made on the date hereinafter set forth by HUNTLEY CREEK LLC, a Colorado Limited Liability Company (the "Declarant").

WITNESSETH:

WHEREAS, the Declarant has recorded with the Clerk and Recorder of Weld County, Colorado, THE CONDOMINIUM DECLARATION OF THE HUNTLEY CREEK CONDOMINIUMS, in Book 1557 as Reception No. 2502180 (the "Declaration"), and has recorded with the said Clerk and Recorder THE CONDOMINIUM MAP OF HUNTLEY CREEK CONDOMINIUMS, in Book 1557 as Reception No. 2502183, submitting certain land described therein together with all improvements, appurtenances and facilities thereon to condominium ownership ("The Condominium Community"); and

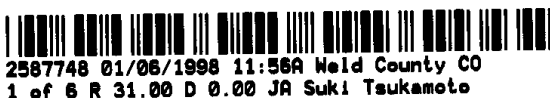
WHEREAS, the Declarant reserved the right in ARTICLE TWELVE of the Declaration to annex certain additional property without the consent of the Owners, Members of the Association or First Mortgagees, and upon such annexation such real property shall be subject to all the terms and conditions of the said Declaration. Such annexation shall be accomplished by the filing for record by the Declarant in the Weld County Clerk and Recorder's Office, Colorado, a Supplemental Declaration and Supplemental Map; and

WHEREAS, the Declarant has further improved the real property described on Exhibit A, attached hereto and by this reference incorporated herein (the "Property"), and desires to subject and place upon this Property the covenants, conditions, restrictions and other charges as set forth in the Declaration.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

Declarant hereby submits the Property to condominium ownership under the Colorado Common Interest Ownership Act, C.R.S. §§ 38-33.3-101, et seq., as amended, and hereby imposes upon all of the Property the covenants, conditions, restrictions and other provisions set forth in the Declaration, as supplemented.

The Declarant hereby declares that the Property shall hereinafter be held, sold, conveyed, encumbered, leased, rented, occupied and improved, subject to the following paragraphs:



1. The formulas which are used to determined an Owner's Percentage Ownership Interest in the Common Elements, Common Expense Assessment Liability and the Votes in the Association are set forth in Paragraph 1.3 of the Declaration and is as set forth on Exhibit P attached hereto.

2. The definitions used in the Declaration shall be expanded automatically to encompass and refer to The Condominium Community as expanded. All conveyances of Condominium Units shall be effective to transfer rights in The Condominium Community as expanded by use of the form of description set forth in Paragraph 2.5 of the Declaration.

3. The recordations in the records of said Weld County of the Second Supplemental Declaration and the Second Supplemental Map incident to the expansion operate automatically to grant, transfer and convey to the Owners of Condominium Units who existed before this expansion an undivided percentage interest as set forth on Exhibit B attached hereto in the Common Elements as they exist after such expansion.

Such recordations also operate automatically to grant, transfer and convey to any Mortgagee (as defined in the Declaration) of Condominium Units which existed before this expansion an undivided percentage interest as set forth on Exhibit B attached hereto in the Common Elements as they exist after such expansion.

4. The new Condominium Units are subject to all of the terms and conditions of the Declaration as supplemented and such Condominium Units are subject to the condominium regime with all the incidents pertaining thereto as specified therein and herein upon placing the Second Supplemental Map and the Second Supplemental Declaration of public record in the real estate records of Weld County, Colorado.

5. The Owners of each Condominium Unit now or hereafter included in The Condominium Community shall have a perpetual easement and right-of-way for access to and from such Condominium Unit over, upon and across the Common Elements to and from the public streets within and adjacent to The Condominium Community.

6. The Certificate of Completion required by C.R.S. § 38-33.3-201(2) is attached herein as Exhibit C.

IN WITNESS WHEREOF, the Declarant has executed this SECOND SUPPLEMENTAL DECLARATION OF THE HUNTLEY CREEK CONDOMINIUMS, this 18th day of December, 1997.

HUNTLEY CREEK, L.L.C.
a Colorado Limited Liability Company

By:


Sue H. Juntunen, Manager

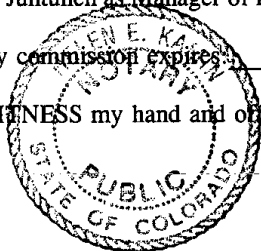


STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 18th day of December, 1997 by Sue H. Juntunen as Manager of Huntley Creek LLC, a Colorado Limited Liability Company.

My commission expires 10/25/2000.

WITNESS my hand and official seal.



Helen E. Kauri
Notary Public



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EXHIBIT A

**TO THE SECOND SUPPLEMENTAL CONDOMINIUM DECLARATION
FOR THE HUNTLEY CREEK CONDOMINIUMS
(THIRD PHASE)**

**LEGAL DESCRIPTION OF THE REAL PROPERTY
SUBMITTED TO THE HUNTLEY CREEK CONDOMINIUMS
REGIME**

A PORTION OF LOT 17, BLOCK 37 OF THE EAST ADDITION TO THE TOWN OF ERIE SUBDIVISION AMENDMENT, AS RECORDED AT RECEPTION NO. 2456549, BOOK 1512, PAGE 300 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF ERIE, WELD COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 17, THENCE S89°53'27"E, A DISTANCE OF 39.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE N0°29'47"W, A DISTANCE OF 67.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 38°01'22", A RADIUS OF 20.50 FEET, AND WHOSE CHORD BEARS N18°30'54"E A DISTANCE OF 13.36 FEET; THENCE ALONG SAID CURVE TO THE RIGHT A DISTANCE OF 13.60 FEET; THENCE N37°31'35"E A DISTANCE OF 84.09 FEET; THENCE S54°16'40"E, A DISTANCE OF 71.38 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID LOT 17, SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 5°08'19", A RADIUS OF 1513.52 FEET, AND WHOSE CHORD BEARS S39°20'32"W A DISTANCE OF 135.69 FEET; THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LOT 17 AND ALONG SAID CURVE TO THE RIGHT, A DISTANCE OF 135.74 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE N89°53'27"W, A DISTANCE OF 26.81 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.207 ACRES, OR 9017 SQUARE FEET MORE OR LESS.

WELD COUNTY, STATE OF COLORADO.



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EXHIBIT B

**TO THE SECOND SUPPLEMENTAL CONDOMINIUM DECLARATION
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TABLE OF INTERESTS

Each Unit in the Condominium Community shall have one vote and, subject to the provisions of ARTICLE TWELVE of the Declaration, each Unit is hereby vested with a Percentage Ownership Interest in the Common Elements and is subject to a Common Expense Assessment Liability as set forth below.

UNIT NO.	PERCENTAGE INTEREST OF COMMON ELEMENT OWNERSHIP/COMMON EXPENSE ASSESSMENT LIABILITY
101	6.66
103	6.66
105	6.66
107	6.66
109	6.66
111	6.66
112	6.66
113	6.66
114	6.66
115	6.66
117	6.66
119	6.66
121	6.66
123	6.66
125	<u>6.66</u>
	100%



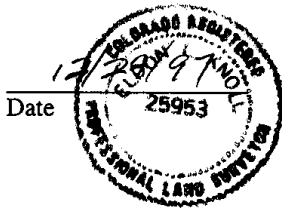
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EXHIBIT C

TO THE SECOND SUPPLEMENTAL CONDOMINIUM DECLARATION
FOR THE HUNTLEY CREEK CONDOMINIUMS
(THIRD PHASE)

CERTIFICATE OF COMPLETION

I hereby certify that as of this date all structural components of all Buildings within the Third Phase of the Huntley Creek Condominiums, containing or comprising any Units therein created are substantially completed.



Eldon L. Knoll

Registered Land Surveyor



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