

**THIRD AMENDMENT
TO THE
RESTATED AND AMENDED
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
THE RIDGE P.U.D.**

THIS THIRD AMENDMENT TO THE RESTATED AND AMENDED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE RIDGE P.U.D. ("this Third Amendment") is made and entered into this 25th day of September, 1998.

WITNESSETH:

WHEREAS, the Restated and Amended Declaration of Covenants, Conditions, and Restrictions for The Ridge P.U.D. was recorded March 21, 1978, at Reception No. 240405 of the Larimer County, Colorado, records ("the Declaration").

WHEREAS, the First Amendment to the Declaration was recorded November 18, 1982, at Book 2194, Page 742, of the Larimer County, Colorado, records.

WHEREAS, the Second Amendment to the Declaration was recorded October 4, 1995, at Reception No. 95062337 of the Larimer County, Colorado, records.

WHEREAS, the undersigned, being the owners of two-thirds of the Lots within The Ridge P.U.D., as defined in the Declaration, desire to amend and modify said Declaration as more fully provided herein.

NOW, THEREFORE, the undersigned hereby publish and declare that the terms, covenants, conditions, easements, restrictions, reservations, limitations, uses, locations, and obligations of the Declaration are hereby amended and modified as follows:

1. Article VIII, Section 3, is hereby amended by adding thereto the following:

(1) No retail, wholesale, manufacturing, or repair business or other commercial activity shall be permitted on any Lot or within any residential dwelling, garage, out-building, or other structure constructed on a Lot in compliance with the Declaration (hereinafter referred to collectively as "Improvements"), except home occupations as permitted by the applicable zoning resolutions of the City of Fort Collins, subject to any and all rules, regulations, restrictions, and limitations of any governmental authority having jurisdiction over the Property and further subject to the following restrictions and limitations, which shall be in addition to any applicable rules, regulations, restrictions, limitations,

✓ David M. Wallace
4624 Regency Dr.
Fort Collins 80526

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and ordinances of the City of Fort Collins or any other governmental agency or authority having jurisdiction over the Property:

- (1) Merchandise or other materials acquired, stored, sold, distributed, or otherwise used in connection with such home occupation may not be delivered to or taken from the Lot by commercial vehicle more often than once each calendar month.
- (2) The home occupation shall be conducted entirely within the Improvements.
- (3) The home occupation shall be carried on only by the inhabitants of the Improvements. No person, whether characterized as an employee, subcontractor, volunteer, co-worker, consultant, or otherwise, may participate in any way in the home occupation on the Lot or within the Improvements unless such person is an inhabitant of the Improvements.
- (4) The home occupation shall be clearly incidental and secondary to the use of the Improvements for residential purposes and shall not change the character thereof.
- (5) The total area used in connection with the conduct of the home occupation shall not exceed fifteen percent (15%) of the total floor area of all Improvements on the Lot. Any unfinished area, such as an unfinished garage, unfinished basement, or unfinished storage area shall be included in determining the total floor area of the Improvements.
- (6) There shall be no exterior advertising of the home occupation. No signs or advertising devices of any nature shall be erected or maintained on the Lot or within or upon the Improvements if such sign or advertising device is visible from the street or any other Lot or Common Area.
- (7) There shall be no exterior storage on the Lot of materials or equipment used in connection with the home occupation.

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- (8) There shall be no personal visits to the Lot by customers, clients, patrons, or other business invitees in connection with the home occupation.
 - (9) There shall be no noise, vibration, smoke, dust, odor, heat, glare, or other evidence of the home occupation noticeable from outside the Improvements.

A home occupation shall be permitted only after the Owner of the Lot upon which such home occupation is to be conducted has obtained approval from the Board of Directors of the Association. The Board of Directors may, in its sole discretion, grant a variance from one or more of the foregoing restrictions in connection with a particular home occupation, provided that the Board of Directors shall first determine that granting such variance will not unreasonably interfere with the use and enjoyment of any other Lot or Common Area and provided further that the Owner requesting the variance agree to such reasonable rules, regulations, and conditions as may be imposed by the Board of Directors of the Association. The granting of a variance from any of the foregoing restrictions for any one Lot shall not be construed as a waiver of such restriction with respect to any other Lot.

2. Article VIII, Section 12, is hereby amended by adding thereto the following:

In any judicial proceeding to enforce these covenants, the court shall award to the party that substantially prevails in such litigation all of the prevailing party's costs and reasonable attorney's fees. In the event the Association substantially prevails in any litigation and is awarded damages, costs, and attorney's fees, the Association may assess such amount as a special assessment against the Owner violating or attempting to violate these covenants, which special assessment shall represent a lien against the Owner's Lot as provided in Article VI hereinabove.

3. Except as expressly amended or modified herein, all of the terms, covenants, conditions, easements, restrictions, reservations, liens, uses, locations, charges, and obligations of the Declaration, as amended by the First Amendment, Second Amendment, and this Third Amendment, shall remain the same, shall be deemed to run with the land, and shall be a burden and benefit to any person acquiring or owning an interest in any Lot within The Ridge P.U.D., their grantees, heirs, personal representatives, successors, and assigns.

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4. This Amendment may be executed in any number of counterpart copies, and the signature page from each copy may be attached to the original Amendment to be recorded in the office of the Clerk and Recorder of Larimer County, Colorado.

IN WITNESS WHEREOF, the Owners have executed counterpart copies to this Third Amendment as of the day and year written above each party's signature.

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STATE OF COLORADO)
COUNTY OF LARIMER) ss.

The foregoing instrument was acknowledged before me this
25th day of Sept, 1998, by the following:

<u>Carl Wilmsen (52)</u>	<u>Sandra Noefs (55)</u>
<u>Ann Wilmsen (52)</u>	<u>Robert Neal (39)</u>
<u>Chris Rithner (53)</u>	<u>Tanine Neal (39)</u>
<u>Mary Ann May (53)</u>	<u>Robert Grandin (54)</u>
<u>Steve Dornseif (48)</u>	<u>Linda Tortner (54)</u>
<u>Steve Karen Dornseif (48)</u>	<u>Bert Pedri (56)</u>
<u>Robert Parry (41)</u>	<u>Marilyn Pedri (56)</u>
<u>Amy Parry (41)</u>	<u>Susan Browning (25)</u>
<u>Michael Hatten (55)</u>	<u>Robert Browning (25)</u>

Witness my hand and official seal My Commission Expires
08/31/2002

My commission expires:

David M. Wallace
Notary Public



6
STATE OF COLORADO)
COUNTY OF LARIMER) ss.

The foregoing instrument was acknowledged before me this 25th day of Sept, 1998, by the following:

<u>Donovan Carpenter</u> (51)	<u>Richard Swearingen</u> (46)
<u>Joan Carpenter</u> (51)	<u>Bette Swearingen</u> (46)
<u>Eugene Humphries</u> (43)	<u>Marty Bachmann</u> (40)
<u>Paul Benigni</u> (47)	<u>Kurt Bachmann</u> (40)
<u>Susan Hampries</u> (43)	<u>George Morgan</u> (36)
<u>Tommy Ann Benigni</u> (47)	<u>Willy Morgan</u> (36)
<u>Loring Knutson</u> (49)	<u>David Genet</u> (42)
<u>Nancy Knutson</u> (49)	<u>Theodore Tsai</u> (37)
<u>Shirley Norman</u> (50)	<u>Sherry Tsai</u> (37)

Witness my hand and official seal.

My commission expires:

My Commission Expires
08/31/2002

David A. Waller
Notary Public



STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

25th The foregoing instrument was acknowledged before me this
day of Sept, 1998, by the following:

Chris Pague (9)
Katie Pague (9)
Deborah Genet (42)
Richard Lea (26)
Nancy Lea (26)
Richard Musante (12)
Lisa Musante (12)
Karen Getzy (10)
David Getzy (10)

Dale Breidenbach (22)
Kathy Breidenbach (22)
Dieter Deytre (16)
Adelheid Deytre (16)
Robert Kulovany (18)
Kathy Dohrt (18)
Jerry Cash (38)
Melissa Cash (38)
Anthony Marzullo (24)

Witness my hand and official seal.

My commission expires: 08/31/2002

David M. Waller
Notary Public



STATE OF COLORADO)
COUNTY OF LARIMER) ss.

The foregoing instrument was acknowledged before me this
25th day of Sept, 1998, by the following:

Kathleen Marzullo (24)

Timothy McCarthy (13)

Vicki McCarthy (13)

Richard Patrick (28)

Irene Patrick (28)

Joan S. Meyers (29)

J.D. Hopper (27)

Lynda Hopper (27)

Robert E. Chalstrom (15)

Linda Schaefer (30)

Stephen R. Schaefer (30)

Katie Pague (9)

Jonathan Hodges (11)

Kathleen Hodges (11)

Marjorie Bjorlo (20)

Robert Lamb (23)

Laura Lamb (23)

Witness my hand and official seal,
My commission expires
08/31/2002

David M. Wallace
Notary Public



9
STATE OF COLORADO)
COUNTY OF LARIMER) ss.

The foregoing instrument was acknowledged before me this
25th day of Sept, 1998, by the following:

Stanley Gunstream (31)

Susan Gunstream (31)

Frank A. Oldham (21)

Renee M. Oldham (21)

Witness my hand and official seal.

My commission expires: 08/31/2002

David M. Waller
Notary Public



STATE OF COLORADO)
COUNTY OF LARIMER) ss.

The foregoing instrument was acknowledged before me this 25 day of September, 1998, by the following:

Helen Berneking (66)
Clifford O. Collins (1)
Della M Collins (1)
Maria Myashatyn (62)
Michael Myashatyn (62)
Lynette Kaiser (57)
Gary F. Kaiser (57)
Adele C. Howard (34)
Stephen E. Howard (34)

Pamala Bailey (65)
Randy Bailey (65)
Kenneth Lamport (4)
Ledike Lamport (4)
MAMA J Tonkin (32)
Jeffrey L. Tonkin (32)
Richard Holstad (59)
Peter Meier (61)

Witness my hand and official seal.

My commission expires:

My Commission Expires

08/19/2002

Bert Pedri
Notary Public



11
STATE OF COLORADO)
COUNTY OF LARIMER) ss.

The foregoing instrument was acknowledged before me this
25 day of September, 1998, by the following:

Karen M Wallace (44)
David M. Wallace (44)
Suzanne Wibby (58)
Alan Meyer (61)
Theresa Vandendriesche (60)
Donald A Vandendriesche (60)
Douglas R. Bank (33)
Kathleen Bank (33)
Steven Kitchell (63)

Kathy Kitchell (63)
David L. Aschermann (2)
Judy Aschermann (2)

Witness my hand and official seal.

My commission expires: _____

My Commission Expires
08/19/2002

Bert Pedri
Notary Public



SIGNATURE PAGE

ATTACHED TO AND MADE A PART OF THAT CERTAIN THIRD AMENDMENT TO THE RESTATED AND AMENDED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE RIDGE P.U.D.

THE UNDERSIGNED have executed this signature page as a part of that certain Third Amendment to the Restated and Amended Declaration of Covenants, Conditions, and Restrictions for The Ridge P.U.D. and agree that this signature page may be attached to the original Third Amendment.

<u>Name</u>	<u>Address</u>	<u>Lot No.</u>
TIMOTHY P. McBRATHY	1403 Hepplewhite Ct. Ft. Collins, Co.	13
Ludwiga M. McBrathy	1433 Hepplewhite Ct. Ft. Collins CO	13
✓ Jane J. J. J.	1416 Hepplewhite Ct. Ft. Collins	28
✓ R. J. J.	1416 Hepplewhite Ct. Ft. Collins	28
* Jean S. Meyers	1500 Hepplewhite Ct. Ft. Collins	29
x	1500 Hepplewhite Ct.	29
x L. D. Hogan	1408 Hepplewhite Ct.	27
x L. D. Hogan	1408 Hepplewhite	27
x Robert Christen	1417 HEPPLEWHITE CT.	15
x Stephen R. Schaefer	1508 Hepplewhite Ct.	30
L. D. Schaefer	1508 Hepplewhite Ct.	30
McBague	1525 Hepplewhite Ct.	9
x Jonathan A. Hodges	1509 Hepplewhite Ct.	11
x Kathleen A. Hodges	1509 Hepplewhite Ct.	11
Marjorie J. Brails	1209 Hepplewhite Ct.	20
* Robert J. Faust	1208 Hepplewhite Ct.	23
x Laura J. Faust	1208 Hepplewhite Ct.	23

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Name	Address	Lot No.
x Christopher A. Pagnier	1525 Hepplewhite Ct.	9
x Deborah A. Pagnier	4716 Regency	42
x Nancy K. Lea	1400 Hepplewhite	26
x Richard R. Lea	1400 Hepplewhite Ct.	26
Richard L. Musante	1501 Hepplewhite Ct.	12
Lisa A. Musante	1501 Hepplewhite Ct.	12
Karen M. Kutz	1517 Hepplewhite Ct.	10
David M. Kutz	1517 Hepplewhite Ct.	10
Debra Breidenbach	1108 Hepplewhite Ct.	22
Kathy Breidenbach	1108 Hepplewhite Ct.	22
Dietrich Dreyke	1409 Hepplewhite Ct.	16
Adelheid Dreyke	1409 Hepplewhite Ct.	16
Robert Kulowany	1317 Hepplewhite Ct.	18
Katharine E. Schaf	1317 Hepplewhite Ct.	18
Wally M.	4808 Regency Dr.	38
William Cash	4808 Regency Dr.	38
x Cathy J. Manella	1308 Hepplewhite Ct.	24
x Richard M. Margulis	1308 Hepplewhite Ct.	24

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SIGNATURE PAGE

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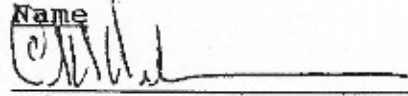
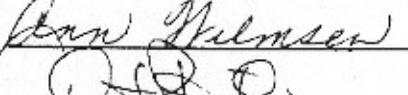
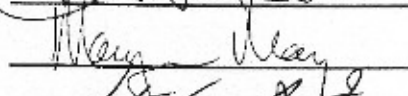
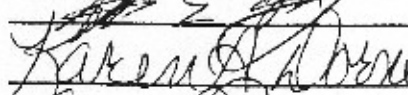
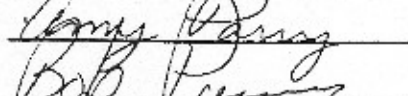
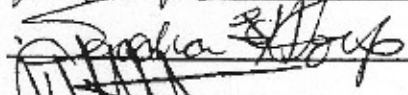
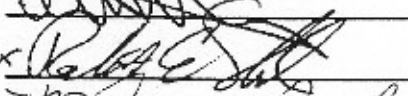
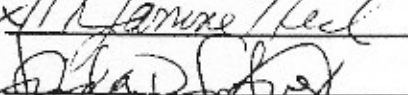

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<u>Name</u>	<u>Address</u>	<u>Lot No.</u>
<u>DD Lenz</u>	<u>4709 Regency Dr</u>	<u>51</u>
<u>Jean & Carmen Lee</u>	<u>4709 Regency Dr</u>	<u>51</u>
<u>Eugene A. Lohr</u>	<u>4700 REGENCY DR</u>	<u>43</u>
<u>Susan Humphreys</u>	<u>4700 Regency Dr</u>	<u>43</u>
<u>Karl H. Bueger</u>	<u>4609 Regency Dr.</u>	<u>47</u>
<u>James Dale J. J. J.</u>	<u>4609 Regency Dr.</u>	<u>47</u>
<u>James A. J. J.</u>	<u>4625 REGENCY DR.</u>	<u>49</u>
<u>Wendy M. J. J.</u>	<u>4625 Regency Dr.</u>	<u>49</u>
<u>Shirley Norman</u>	<u>4701 Regency Dr.</u>	<u>50</u>
<u>Bette F. Swearingen</u>	<u>4608 Regency Dr</u>	<u>46</u>
<u>Richard Swearingen</u>	<u>4608 Regency Dr.</u>	<u>46</u>
<u>Kent Beckman</u>	<u>4732 REGENCY DR.</u>	<u>40</u>
<u>Marty Beckman</u>	<u>4732 Regency Dr.</u>	<u>40</u>
<u>Bob Morgan</u>	<u>4824 Regency Dr</u>	<u>36</u>
<u>Hildegard E. Morgan</u>	<u>4824 Regency Dr.</u>	<u>36</u>
<u>D. R. Dot</u>	<u>4716 S. Regency</u>	<u>42</u>
<u>Theodore Tom</u>	<u>4816 Regency Dr.</u>	<u>37</u>
<u>Sherry Tom</u>	<u>4816 Regency Dr.</u>	<u>37</u>

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Name	Address	Lot No.
	4717 REGENCY	52
John M. Hansen	4717 Regency Dr.	52
	4725 Regency Dr.	53
John M. Hansen	4725 Regency Dr.	53
	4617 Regency Dr.	48
John M. Hansen	4617 Regency Dr.	48
	4724 Regency Dr.	41
John M. Hansen	4724 Regency Dr.	41
	4801 REGENCY DR	55
John M. Hansen	4801 Regency Dr.	55
	4800 Regency Dr.	39
John M. Hansen	4800 Regency Dr.	39
	4733 REGENCY DR	54
John M. Hansen	4733 Regency Drive	54
	4916 Chippendale Dr.	56
John M. Hansen	4916 Chippendale	56
	1316 Haplowhite Ct	25
John M. Hansen	1316 Haplowhite Ct	25

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original Third Amendment.

<u>Name</u>	<u>Address</u>	<u>Lot No.</u>
✓ <u>Allen K. Berucking</u>	<u>4608 Chippendale Dr</u>	<u>66</u>
✓ <u>Clayton C. Bell</u>	<u>4609 Chippendale Dr</u>	<u>1</u>
✓ <u>John M. Bell</u>	<u>4609 Chippendale Dr</u>	<u>1</u>
✓ <u>Maria Myshatyn</u>	<u>4708 Chippendale Drive</u>	<u>62</u>
✓ <u>Michael Myshatyn</u>	<u>4708 Chippendale Drive</u>	<u>62</u>
<u>Walter K. Kase</u>	<u>4908 Chippendale Dr.</u>	<u>57</u>
<u>Gary J. Kase</u>	<u>4908 Chippendale Dr.</u>	<u>57</u>
<u>Robert C. Howard</u>	<u>4917 Chippendale Dr.</u>	<u>34</u>
<u>Robert E. Howard</u>	<u>4917 Chippendale Dr.</u>	<u>34</u>
<u>Pamela A. Bailey</u>	<u>4616 Chippendale Dr</u>	<u>65</u>
<u>Randy Bailey</u>	<u>4616 CHIPPENDALE DR</u>	<u>65</u>
<u>Kenneth J. Lampert</u>	<u>4701 Chippendale Dr.</u>	<u>4</u>
x <u>Frederick J. Lampert</u>	<u>4701 Chippendale Dr.</u>	<u>4</u>
<u>James J. Lampert</u>	<u>4901 Chippendale Dr</u>	<u>32</u>
<u>Jeffrey L. Lampert</u>	<u>4901 Chippendale Dr</u>	<u>32</u>
<u>Robert W. White</u>	<u>4808 Chippendale Dr</u>	<u>59</u>
<u>Robert</u>	<u>4624 CHIPPENDALE DR</u>	<u>64</u>

