

26-

**FIRST SUPPLEMENT AND AMENDMENT 10
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
AND EASEMENTS OF FOREST PARK AT WILDERNEST**

This First Supplement and Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Forest Park at Wilderndest ("First Supplement and Amendment") is made as of December 10, 1998, by FOREST PARK AT WILDERNEST, INC., a Colorado corporation ("Declarant").

WITNESSETH:

WHEREAS, Declarant has heretofore caused to be recorded a Declaration of Covenants, Conditions, Restrictions and Easements of Forest Park at Wilderndest on March 27, 1998 at Reception No. 561860 in the Office of the Clerk and Recorder of Summit County, Colorado (as such Declaration has been amended or supplemented from time to time, the "Declaration"), and a Subdivision Exemption Plat for Forest Park at Wilderndest, Phase I, Wilderndest, Filing No. 2, recorded March 27, 1998, at Reception No. 561859, in the Office of the Clerk and Recorder of Summit County, Colorado (the "Phase I Plat");

WHEREAS, Declarant wishes to amend the Declaration in order to complete certain blanks designated for recording information of the Phase I Plat in several exhibits to the Declaration, such information having been inadvertently omitted in the Declaration at the time of recording and being currently corrected as a minor error in the Declaration;

WHEREAS, in Article XV of the Declaration, Declarant expressly reserved for itself the right to expand the Property (all capitalized terms used herein shall have the meanings as defined in the Declaration unless otherwise defined or modified herein) by annexing and submitting additional Residential Units and/or Common Area by one or more duly recorded Supplemental Declarations and Supplemental Plats;

WHEREAS, upon the recording of a Supplemental Plat referred to as the Subdivision Exemption Plat, Forest Park at Wilderndest, Phase II, Wilderndest, Filing No. 2 (the "Phase II Plat"), Declarant shall submit to the Property currently subjected to the Declaration the property described in Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as the "Supplemental Property") and which consists of sixteen (16) additional Residential Units and additional Common Area; and

WHEREAS, to the extent permitted by the Declaration and by law, Declarant wishes to reserve the right for itself to further expand the Property in the future to include additional Residential Units and to further expand the Common Area.

NOW, THEREFORE, Declarant hereby declares that as follows:

1. Amendment to Declaration. Exhibit B and No. 9 in Exhibit D of the Declaration are hereby amended to insert the recording information of the Phase I Plat as follows: Subdivision Exemption Plat for Forest Park at Wilderndest, Phase I, a Resubdivision of Lot 28,



Wildernest, Filing No. 2, recorded March 27, 1998 as Reception No. 561859 in the real property records of Summit County, Colorado.

2. Annexation of Supplemental Property. The Supplemental Property is hereby and, upon the recording of this First Supplement and Amendment, shall be annexed into the Property, and each Residential Unit in the Supplemental Property shall be subject to all of the covenants, conditions, restrictions and easements as contained in the Declaration. Both the Property, which shall include any property previously subjected to the terms of the Declaration, and the Supplemental Property shall be held, sold and conveyed subject to the covenants, conditions, restrictions and easements contained in this First Supplement and Amendment and the covenants, conditions, restrictions and easements contained in the Declaration, which are for the purpose of protecting the value and desirability of the Property and the Supplemental Property and which shall run with the land and be binding on all parties and heirs, successors and assigns of parties having any right, title, or interest in all or any part of the Property or the Supplemental Property.

3. Effect of First Supplement and Amendment. The terms and provisions contained in this First Supplement and Amendment shall be in addition and supplemental to the terms and provisions contained in the Declaration, as may have been amended or supplemented from time to time. All terms and provisions of the Declaration, including all definitions, except those terms and provisions specifically modified herein, shall be applicable to this First Supplement and Amendment and to the Supplemental Property. The definitions used in the Declaration are hereby expanded and shall hereafter and in the Declaration be deemed to encompass and refer to the Property as defined in the Declaration and the Supplemental Property as defined herein. For example, "Residential Unit" shall mean the Residential Units described in the Declaration plus the additional Residential Units described herein. Reference to the "Property" shall mean both the Property currently subjected to the Declaration and the Supplemental Property, and reference to the "Declaration" shall mean the Declaration as previously supplemented and as supplemented by this First Supplement and Amendment. All ownership and other rights, obligations and liabilities of Owners of original Residential Units are hereby modified as described herein.

4. Effect of Expansion. Assessments by the Association as provided in Article XI of the Declaration, upon the recording of this First Supplement and Amendment, shall be divided among the Residential Units according to the Sharing Ratios and formula set forth on Exhibit B attached hereto and incorporated herein by reference (whether such Residential Unit is part of the Supplemental Property or part of the original definition of the Property), and Exhibit C to the Declaration is hereby amended in its entirety to read as shown on Exhibit B hereto. Notwithstanding any inclusion of additional Residential Units under the Declaration, each Owner (regardless of whether such Owner is the owner of a Residential Unit which is part of the Supplemental Property or part of the original definition of the Property) shall remain fully liable with respect to his obligation for the payment of the Common Expenses of the Association, including the expenses for any new Common Area, costs and fees, if any. The recording of this First Supplement and Amendment shall not alter the amount of the Common Expenses assessed to a Residential Unit prior to such recording.

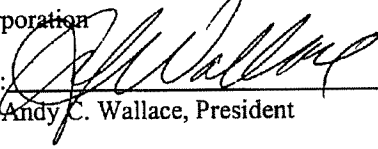
5. Description of Lots. After this First Supplement and Amendment has been filed for record in the Office of the Clerk and Recorder of Summit County, Colorado, any contract of sale, deed, lease, Mortgage, will or other instrument affecting a Residential Unit shall describe it by its Residential Unit number, Forest Park at Wilderdest, according to the plat thereof, Phase II, Wilderdest, Filing No. 2, recorded Dec 8, 1998, as Reception No. 583214, in the Office of the Clerk and Recorder of Summit County, Colorado, and any recorded amendment and supplement thereto.

6. Reservation. To the extent permitted by the Declaration and by law, Declarant hereby reserves the right for itself to further expand the Property in the future to include additional Residential Units and to expand the Common Area.

7. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

8. Conflicts Between Documents. In case of conflict between the Declaration, as supplemented hereby, and the Articles or the Bylaws of the Association, the Declaration, as supplemented, shall control.

FOREST PARK AT WILDERNEST, INC. a Colorado corporation

By: 
 Andy C. Wallace, President

STATE OF COLORADO)
)ss.
 COUNTY OF Summit)

The foregoing instrument was acknowledged before me this 10 day of December, 1998, by Andy C. Wallace as President of Forest Park at Wilderdest, Inc., a Colorado corporation.

WITNESS MY HAND AND OFFICIAL SEAL.

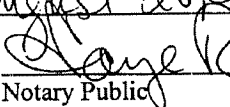
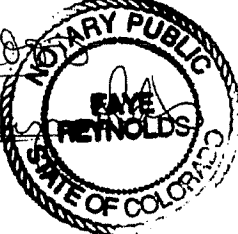
MY COMMISSION EXPIRES: August 20, 2000

 Notary Public 

EXHIBIT A

Legal Description

All property described as the Expansion Property on the Phase I Plat (the Subdivision Exemption Plat for Forest Park at Wildernest, Phase I, Wildernest, Filing No. 2, recorded March 27, 1998 as Reception No. 561859 in the real property records of Summit County, Colorado), which property has been replatted on the Phase II Plat (the Subdivision Exemption Plat for Forest Park at Wildernest, Phase II, Wildernest, Filing No. 2, recorded Dec 8, 1998 as Reception No. 583214 in the real property records of Summit County, Colorado) as follows:

- (a) Lots 6A through 6E, inclusive, Lots 7A through 7E, inclusive, and Lots 8A through 8F, inclusive, as shown on the Phase II Plat; and
- (b) all other property within the Expansion Property (as defined on the Phase I Plat), which property is being submitted to the Declaration as Common Area (i.e., all Common Area shown on the Phase II Plat not previously submitted to the Declaration, which was the Common Area described on the Phase I Plat).

EXHIBIT B

Sharing Ratios and Formula

<u>Residential Unit</u>	<u>Sharing Ratio</u>
1A	1/40
1B	1/40
1C	1/40
1D	1/40
2A	1/40
2B	1/40
2C	1/40
2D	1/40
2E	1/40
2F	1/40
3A	1/40
3B	1/40
3C	1/40
3D	1/40
3E	1/40
4A	1/40
4B	1/40
4C	1/40
4D	1/40
5A	1/40
5B	1/40
5C	1/40
5D	1/40
5E	1/40
6A	1/40
6B	1/40
6C	1/40
6D	1/40
6E	1/40
7A	1/40
7B	1/40
7C	1/40
7D	1/40
7E	1/40
8A	1/40
8B	1/40
8C	1/40
8D	1/40
8E	1/40
8F	1/40

The formula for Sharing Ratios is an equal allocation among all Residential Units.