

**FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF  
WINDSOR PARK HOMEOWNERS' ASSOCIATION, INC.**

THIS AMENDMENT is made this 12 day of February, 2020.

**RECITALS**

A. Casa Tiara Development, Inc., a Colorado corporation, created WINDSOR PARK HOMEOWNERS' ASSOCIATION, INC. ("Community") by recording the Declaration of Covenants, Conditions and Restrictions of Windsor Park Subdivision in the real property records of the County of Mesa, State of Colorado, at Reception No. 2057707, on May 22, 2002 (the "Original Declaration").

B. Windsor Park Homeowners' Association, Inc., is the Homeowners Association described in the Declaration; and

C. The Declaration has been amended by that First Amendment to Declaration of Covenants, Conditions, and Restrictions for Windsor Park Subdivision recorded on June 18, 2003 at Reception No. 2128391 ("First Amendment"); by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for Windsor Park Subdivision recorded on January 16, 2009 at Reception No. 2472396 ("Second Amendment"); and that certain Third Amendment to Declaration of Covenants, Conditions and Restrictions for Windsor Park Subdivision recorded on June 1, 2009 at Reception No. 2491300 ("Third Amendment"). The Original Declaration, along with the First, Second and Third Amendments are collectively the "Declaration".

D. The Declaration provides for and allows for this Fifth Amendment to the Declaration of Covenants, Conditions, and Restrictions of Windsor Park Subdivision (the "Amendment") in Article XIII, Section 13.04, which provides as follows:

Subject to the provisions of Section 38-33.3-217(1), (5) and (6), C.R.S., all or any portion of this Declaration other than the provisions of Article XII may be supplemented, changed, or canceled in whole or in part at any time by the consent of a majority of the Owners entitled to vote, evidenced by an instrument in writing signed by the consenting Owners and certified on behalf of the Association by the President (the "Officer's Certificate"), when the Officer's Certificate is duly recorded in the office of the Clerk and Recorder of Mesa County, Colorado. Upon recordation in that manner, any modification of this Declaration shall be valid and binding upon the Owner of the Lots and their heirs, personal representatives, successors in interest, and assigns. This Declaration may also be amended as provided by Section 38-33.3-217(7), C.R.S.

E. 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.

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

G. The purpose of this Fifth Amendment is to clarify the definition of the Common Expenses.

H. The undersigned, being the President and Secretary of the Association, hereby certify that Owners representing at least 50% of the Association votes have consented and agreed to this Fifth Amendment.

I. As amended by this Fifth Amendment, this amendment shall become part of and incorporated into the "Declaration."

NOW THEREFORE,

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

(a) **Repeal and Replacement. Article 1, Section 1.09(a) of the Declaration of Covenants, Conditions and Restrictions for Windsor Park Subdivision is hereby deleted in its entirety and the following paragraph is hereby substituted:**

(a) maintenance, management, operation, repair and replacement of the Common Areas, to the extent provided in this Declaration, includes utilities, trash pick-up and disposal, landscaping, ponds and water courses, fencing around irrigation pond, entrance to Common Areas, playground equipment, sports areas and equipment, and other services benefitting the Common Area;

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.

