

FIRST SUPPLEMENTAL DECLARATION TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
BROOKFIELD SUBDIVISION

THIS FIRST SUPPLEMENTAL DECLARATION, effective this 2nd day of March, 2021, is made and entered into by Senergy Builders, LLC (“Declarant”).

RECITALS

A. By that certain Declaration of Covenants, Conditions, and Restrictions for Brookfield Subdivision recorded March 22, 2019 at Reception No. 2873647 in the Office of the Clerk and Recorder of Mesa County, Colorado, (the “Declaration”), Declarant created a common interest community, as defined by Colorado law, known as Brookfield Subdivision. Capitalized terms herein shall have the same meaning as such terms in the Declaration unless otherwise stated.

B. Under Section 10.6 of the Declaration, Declarant reserved the right to annex to the community all or any part of “Lot 99” described in Section 10.6 of the Master Declaration.

C. Declarant desires by this First Supplemental Declaration to annex to the community a further portion of Lot 99, consisting of twenty -two (22) additional Lots and certain common elements and other lands, and to amend the Declaration accordingly, and to reallocate the votes in the Association provided by Section 5.2 and the fraction or percentage of the common expenses of the Association provided by Section 7.3 (collectively, the “Allocated Interests”) accordingly.

SUPPLEMENTAL DECLARATION

NOW, THEREFORE, for the purposes set forth in the Declaration, Declarant, for itself and its successors and assigns, hereby declares as follows:

1. The real property described on Exhibit A attached hereto and made a part hereof by this reference is hereby annexed to and made a part of the common interest community known as Brookfield Subdivision. The property annexed by this First Supplemental Declaration is hereinafter referred to as “Brookfield North Filing Two.”

2. The definitions contained in the Declaration are hereby amended by the addition thereto of Brookfield North Filing Two, and all of the lands within it are hereby made expressly subject to the Declaration and all covenants, conditions, restrictions, limitations, assessments, charges, servitudes, liens, reservations, exceptions, easements, privileges, rights and other provisions set forth therein, as modified below.

3. Declaration is amended to additionally provide as follows:


Section 5.1A Stormwater Facilities. The Association shall regularly and routinely inspect, clean and maintain the all stormwater control facilities within the Subdivision, including, without limitation, all detention/retention facilities and rear yard storm drains (collectively, the "Stormwater Facilities"), in accordance with the requirements of the City of Grand Junction, the Post-Construction Stormwater Control Operations and Maintenance Agreement with the 5-2-1 Drainage Authority as a representative of the City of Grand Junction, and any other standards, rules, or regulations of the City or any other governmental or quasi-governmental authority regarding maintenance of the Stormwater Facilities, and stormwater best management practices as they may exist from time to time. The Association shall keep the Stormwater Facilities in good repair, the cost of which shall be a Common Expense.

4. The Allocated Interests of all Lots in the Subdivision are hereby reallocated as provided in Sections 5.2, regarding votes in the Association, and 7.3, regarding common expenses. For the avoidance of doubt, the Lots in Brookfield North Filing Two shall each be allocated one (1) vote in the Association increasing the total number of votes in the Association to sixty-three (63), and each Lot in the Subdivision shall pay assessments for Common Expenses pursuant the formula set forth in Section 7.3, including the Lots in Brookfield North Filing Two in the referenced calculation, such that each Lot shall be 1/63rd of the Common Expenses.

5. The recorded easements and licenses appurtenant to or included in Brookfield North Filing Two are set forth on Exhibit B attached hereto and made a part hereof by this reference.

IN WITNESS WHEREOF, Declarant has executed this First Supplemental Declaration the day and year first above written.

DECLARANT:
Senergy Builders, LLC,
a Colorado limited liability company

By: 

Darin Carei, managing member

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

2nd The foregoing First Supplemental Declaration was acknowledged before me this day of March, 2021, by Darin Carei, as managing member, of Senergy Builders, LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: 11/06/2022

(SEAL)

Tracy A. States

Notary Public

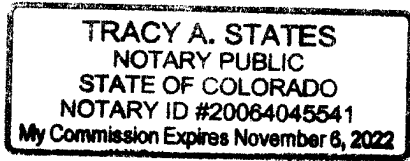


EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY ANNEXED TO
SUBDIVISION BY
FIRST SUPPLEMENTAL DECLARATION

All that real property described and depicted on that certain subdivision plat of Brookfield North Filing Two recorded or to be recorded in the Office of the Clerk and Recorder of Mesa County, Colorado, including, without limitation:

Lots 15 through 20, 35 through 41, and 55 through 63, inclusive, Brookfield North Filing Two

And

Tracts H, I and J Brookfield North Filing Two

City of Grand Junction, Mesa County, Colorado.

EXHIBIT B

RECORDED EASEMENTS AND LICENSES

All easements, rights-of-way, and licenses dedicated, shown or referred to on the final plat of Brookfield North Filing Two recorded or to be recorded in the Office of the Clerk and Recorder of Mesa County, Colorado.