

FIRST SUPPLEMENT
TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
THE NINETEENTH FAIRWAY TOWNHOUSE CONDOMINIUMS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Warner Properties, Inc., a Colorado corporation (hereinafter referred to as "Declarant") has heretofore caused to be recorded in Book 150 at Page 329, Eagle County, Colorado records, a Declaration of Covenants, Conditions and Restrictions of The Nineteenth Fairway Townhouse Condominiums (the "Declaration"); and

WHEREAS, in Section 29 of the Declaration, Declarant, for itself, its successors and assigns, expressly reserved the right to enlarge the Condominium Project by submitting additional real property and improvements; and

WHEREAS, Declarant wishes to submit to the Condominium Project the real property and improvements described on Exhibit 1 attached hereto and incorporated herein by reference.

NOW, THEREFORE, Declarant does hereby publish and declare that the following terms, covenants, conditions, easements, restrictions, uses, limitations and obligations shall be deemed to run with the land and shall be a burden and a benefit to Declarant, its successors and assigns, and any person acquiring or owning an interest in the real property which is or becomes subject to this First Supplement to Declaration and improvements thereon, their grantees, successors, heirs, executors, administrators, devisees, or assigns.

1. General. The terms and provisions contained in this First Supplement to Declaration of Covenants, Conditions and Restrictions of the Nineteenth Fairway Townhouse Condominiums shall be in addition and supplemental to the terms and provisions contained in the Declaration. All terms and provisions of the Declaration, including all definitions, except those terms and provisions specifically modified herein, shall be applicable to the real property described on Exhibit 1 attached hereto.

2. Division into Units. The real property described on Exhibit 1 hereto, including any improvements thereon, is hereby divided into 10 Units each consisting of a separate fee simple estate in a particular Condominium Apartment and an appurtenant undivided fee simple interest in the General Common Elements. The undivided interest in the General Common Elements appurtenant to a particular Condominium Apartment is as set forth on Exhibit 2 attached hereto and incorporated herein by reference, such undivided interests being determined on the basis of the square footage contained in each particular Condominium Apartment in relation to the total square footage of all of the Condominium Apartments contained in the improvements constructed or to be constructed on the real property described on Exhibit 1 hereto. Each owner shall own his own appurtenant undivided interest in the General Common Elements, as a tenant in common with all other Owners.

3. Limited Common Elements. A portion of the General Common Elements is reserved for the exclusive use of the Owners

of certain of the Units and such areas are referred to as Limited Common Elements. The Limited Common Elements reserved for the exclusive use of the Owners of the respective Units are identified and shown on the First Supplement to Condominium Map of The Nineteenth Fairway Townhouse Condominiums, subject to any supplement(s) thereto, and such General Common Elements shall be used by the Owner of such Unit to the exclusion of the use thereof by the other Owners of Units except by invitation.

4. First Supplement to Condominium Map. The First Supplement to the Condominium Map of the Nineteenth Fairway Townhouse Condominiums depicting the location of each Condominium Apartment, both horizontally and vertically, together with such other information as is required by the provisions of Section 2 of the Declaration, shall be recorded prior to the first conveyance of any Condominium Apartment situate on the real property described on Exhibit 1 hereto in order to permit the location, both horizontally and vertically, of said Condominium Apartments.

5. Description of Unit. After the First Supplement to the Condominium Map and the First Supplement to Declaration of Covenants, Conditions and Restrictions of the Nineteenth Fairway Townhouse Condominiums have been filed for record in the office of the Clerk and Recorder of the County of Eagle, State of Colorado, every contract, deed, lease, mortgage, deed of trust, will or other instrument shall legally describe a Unit as follows:

Unit No. _____, Building _____, the Nineteenth Fairway Townhouse Condominiums, according to the Condominium Map filed for record in Book 249 at Page 170 and the First Supplement to Condominium Map filed for record in Book _____ at Page _____, and subject to the Declaration of Covenants, Conditions and Restrictions recorded on November 26, 1976 in Book 250 at Page 329 and the First Supplement to Declaration of Covenants, Conditions and Restrictions recorded on _____, 1977 in Book _____ at Page _____, all in the records of the Clerk and Recorder of the County of Eagle, State of Colorado.

Every such description shall be good and sufficient for all purposes to sell, convey, transfer, encumber or otherwise affect not only the Condominium Apartment, but also, the General Common Elements and the Limited Common Elements appurtenant thereto. Each such description shall be construed to include: a non-exclusive easement for ingress and egress throughout and for use of the General Common Elements; the right to the appropriate exclusive use of the Limited Common Elements; and the other easements, obligations, limitations, rights, encumbrances, covenants, conditions and restrictions created in the Declaration and this First Supplement to Declaration.

6. Easements. Each Owner shall have the non-exclusive right and easement together with all other Owners to use all of the General Common Elements, open spaces, recreational facilities, grass and landscaping areas and all the other areas in the Condominium Project which are not specifically designated to the use of less than all the Owners. This easement shall be in addition to those easements as set forth in Section 14 of the Declaration, shall be irrevocable and shall be for the purposes of ingress and egress, recreational and social use and shall apply to all of the

real property hereinbefore and hereinafter submitted to the Condominium Project.

7. Water Meter Easement. The water meter for Building B, situate upon the real property described on Exhibit 1 hereto, is situate in the Condominium Apartment which comprises part of Unit 18, Building B, and said Condominium Apartment shall at all times be owned, held, used, transferred and occupied subject to an easement for access through said Condominium Apartment by the Association, Managing Agent or water company employee, as may be necessary for the reading, repair and/or replacement of said water meter.

8. Reservation. Declarant hereby reserves the right to further enlarge the Condominium Project as provided in Section 29 of the Declaration.

9. Miscellaneous.

a. Invalidity or unenforceability of any provision of this First Supplement to Declaration, in whole or in part, shall not affect the validity or enforceability of any other provision or any valid and enforceable part of any provision of this First Supplement to Declaration.

b. The provisions of this First Supplement to Declaration shall be in addition and supplemental to the Condominium Ownership Act of the State of Colorado and to all other provisions of law.

c. Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

IN WITNESS WHEREOF, Declarant has executed this First Supplement to Declaration this 28 day of April, 1977.

WARNER PROPERTIES, INC.,
a Colorado corporation

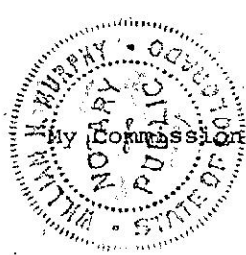
By: [Signature]

Attest: [Signature]

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 23rd day of April, 1977, by Robert G. Warner, Jr. as President and Declarant Warner as Secretary of Warner Properties, Inc., a Colorado corporation.

Witness my hand and official seal.



William J. Murphy
Notary Public

My Commission Expires: January 6, 1981

EXHIBIT 2

<u>Unit</u>	<u>Building</u>	<u>Square Footage (approximate)</u>	<u>Undivided Interest In The General Common Elements</u>
9	B	1,800	.10
10	B	1,800	.10
11	B	1,800	.10
12	B	1,800	.10
13	B	1,800	.10
14	B	1,800	.10
15	B	1,800	.10
16	B	1,800	.10
17	B	1,800	.10
18	B	1,800	.10

EXHIBIT 1

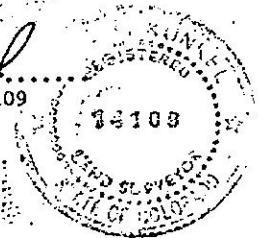
A portion of Lot 105, Block 3, Eagle-Vail Subdivision: Filing No. 1,
more particularly described as follows, to wit:

Beginning at the most Southerly Corner of said Lot 105; thence
N.36°55'16"W. 46.50 feet; thence N.44°40'00"E. 115.00 feet; thence
N.67°10'00"E. 138.40 feet to a point on the southerly right of way boundary
of Columbine Circle; thence along said right of way boundary 37.09 feet on
a curve to the left with a radius of 152.76 feet; the chord of which bears
S.77°38'35"E. 37.09 feet; thence, continuing along said right of way boundary,
S.84°37'00"E. 75.78 feet; thence S.61°39'05"W. 331.95 feet to the point of
beginning.

Said portion of Lot 105 contains 0.450 acres, more or less.

April 7, 1977
Date

David L. Kunkel
David L. Kunkel, R.L.S. 14109



150734

STATE OF COLORADO } ss.
County of EAGLE }
I hereby certify that this instrument was
Filed for record in my office on

APR 25 1977

at ^{1:00} o'clock P. M. and recorded
in Book 254 Page 434
MAXWELL R. BAZZ, County Clerk & Recorder
By Starr Wall Deputy

#10.00 pd

Return to
Warner Properties, Inc.
B Drawer B-100
Aron, Co. 81620