

**SECOND AMENDMENT
TO THE
DECLARATION OF PROTECTIVE COVENANTS LARKSPUR**

This Second Amendment to Declaration of Protective Covenants Larkspur ("Second Amendment") is executed with an effective date of April 2, 2024, by Larkspur Community Association, a Colorado non-profit corporation ("Association"), with the approval of at least sixty-seven percent of all Members having a vote in the Association pursuant to the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-101, *et seq.* (the "Act") and the First Amendment to Declaration of Protective Covenants Larkspur, as well as the consent of Gunnison County, Colorado.

RECITALS

WHEREAS, Larkspur was created by the recording of the Declaration of Protective Covenants Larkspur recorded at Reception No. 568253 in the real property records of Gunnison County, Colorado, as amended by the First Amendment to Declaration of Protective Covenants Larkspur recorded at Reception No. 643637 in the real property records of Gunnison County, Colorado (collectively, the "Declaration"), which created a common interest community under the name Larkspur, and which encumbers real property situated in the County of Gunnison, State of Colorado more particularly described in the Declaration.

WHEREAS, the Members and the Association desire to amend certain sections of the Declaration to reflect a change in the use of the Recreation Lot labeled as Lot R1 on the Amended Plat of Larkspur recorded at Reception No. 591518 in the real property records of Gunnison County, Colorado.

WHEREAS, Article XVIII, Section 4 of the Declaration requires that any amendment to the Declaration be approved by the affirmative vote of at least 67% of all Members in the Association and with the written consent of Gunnison County.

WHEREAS, Article II, Section 2.10 of the Association's Bylaws and C.R.S. § 7-127-109 provide that in addition to voting at a meeting, Owners may vote by written ballot without the physical presence of such Owners at a meeting so long as the number of returned ballots equals or exceeds the quorum required to be present at a meeting and the returned affirmative ballots equals or exceeds the number required for passage of the amendment at a meeting.

WHEREAS, as evidenced by the affidavit below signed by the President and Secretary of the Association, notice was provided by delivering a ballot to all Members complying with C.R.S. § 7-127-109, and at least 67% of all Members having a vote in the Association voted to approve this Second Amendment, thus meeting the quorum and passage requirements.

NOW THEREFORE, the Declaration is amended as follows:



AMENDMENT

Article III, Paragraph 19 of the Declaration is hereby amended and restated in its entirety as follows:

19. Recreation Lot. A lot designated on the recorded plat of LARKSPUR as R1. Lot R1 can be used for recreational purposes, including tennis facilities, both indoor and outdoor, clubhouse, health club, swimming center, bathrooms and showers, climbing wall, batting cages, golf practice area, basketball courts, pro shops, parking, food and bar service, and accompanying offices and services. Said tract may be resubdivided by the owner thereof into a maximum of six Single Family Lots each being not less than .25 acres with the Remainder of R1 of approximately .75 acres dedicated to the Association as open space, which shall be used pursuant to the Open Space Restrictions of the Declaration but may include a dock/fishing pier, picnic pavilion, trails, parking spaces, and a restroom. Lot R1 may not be further subdivided except as noted above. Such resubdivision of R1 may be done without further approval by the Association or Owners provided that Gunnison County approves such resubdivision in accordance with the Gunnison County Land Use Resolution in effect at the time of such resubdivision and the President of the Association reviews the plat for such resubdivision to certify it meets the requirements of this paragraph 19. As part of the approval process, the Owner of Lot R1 shall establish to Gunnison County an adequate physical and legal water supply for the resubdivision of Lot R1. Upon Gunnison County approval of the resubdivision of Lot R1, the original permitted uses for recreational purposes, including tennis facilities, both indoor and outdoor, clubhouse, health club, swimming center, bathrooms and showers, climbing wall, batting cages, golf practice area, basketball courts, pro shops, parking, food and bar service, and accompanying offices and services shall be eliminated. Upon recordation of the amended plat for such resubdivision, the owners of the new Single Family Lots created by such plat shall, for each lot, have such voting rights and assessment obligations as any other Owner of a lot or unit that is not an essential lot or unit as set forth in this Declaration.

Article VI, Paragraph 1, subparagraph D of the Declaration is hereby amended and restated in its entirety as follows:

D. Recreation Lot. The Recreation Lot shall have the permitted uses as described in paragraph 19 of Article III of the Declaration as set forth above.

Article VI, Paragraph 5 of the Declaration is hereby amended and restated in its entirety as follows:

5. Resubdivision. No Single Family Lot or Essential Single Family Lot shall ever be resubdivided into smaller tracts or lots. The Recreation Lot may be further subdivided into a maximum of six Single Family Lots and remainder open space in accordance with paragraph 19 of Article III of the Declaration and the Gunnison County Land Use



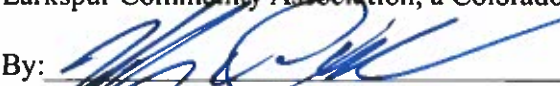
Resolution. The essential multi-family lots may only be resubdivided and condominiumized after the actual units are constructed.

Except for the foregoing, the Declaration shall remain unchanged.

Affidavit and Certification by Association:

Jeff Duke, as President of the Board of Directors of the Association ("Association"), hereby swears and attests that he has received and reviewed the returned ballots from the Members and that the above-described Second Amendment, as written, was approved by the signatures of at least 67% of Members having a vote in the Association thus meeting the quorum and passage requirements of C.R.S. § 38-33.3-217, Section 4 of Article XVIII of the Declaration, and C.R.S. § 7-127-109.

Larkspur Community Association, a Colorado non-profit corporation

By: 
Jeff Duke, Board President

Attest:
By: 
Bob Pannier, Board Secretary



Consent of Gunnison County, Colorado:


This Second Amendment to the Declaration of Protective Covenants Larkspur is approved this 2 day of April, 2024 by Gunnison County, Colorado:

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**

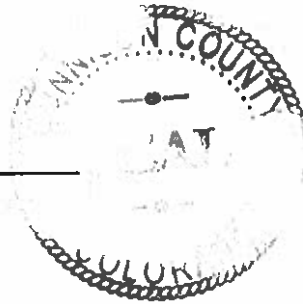


Jonathan Houch
Chairperson

ATTEST:



Gunnison County Clerk and Recorder
Deputy County Clerk





STATE OF Colorado)
)
COUNTY OF Gunnison)

The foregoing instrument was acknowledged before me this 14 day of February, 2024, by Jeff Duke as Board President of Larkspur Community Association, a Colorado non-profit corporation.

Witness my hand and official seal.

Vernon G. Smith
Notary Public

My commission expires:

STATE OF Colorado)
)
COUNTY OF Gunnison)

The foregoing instrument was acknowledged before me this 14 day of February, 2024, by Bob Pannier as Board Secretary of Larkspur Community Association, a Colorado non-profit corporation.

Witness my hand and official seal.

Vernon G. Smith
Notary Public

My commission expires: