

31th

SUPPLEMENTAL DECLARATION

FOR THE

VISTA POINTE TOWNHOMES

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DONETTA DAVIDSON
ARAPAHOE COUNTY

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THIS SUPPLEMENTAL DECLARATION is made this day and date by Dry Creek South, LLC, a Delaware limited liability company, whose address is 2696 S. Colorado Boulevard, Suite 430, Denver, Colorado 80222 ("Declarant").

RECITALS

A. Declarant has executed that certain Amended and Restated Declaration of the Vista Pointe Townhomes ("Declaration"), which Declaration has been recorded in the records in the Office of the Clerk and Recorder of the County of Arapahoe, Colorado.

B. The Declaration has been amended and supplemented by instruments filed of record with the Clerk and Recorder of the County of Arapahoe, Colorado.

C. Article 7 of the Declaration provides enlargement, expansion and other reserved rights of the Declarant.

D. Exhibit C of the Declaration provides the legal description of property which Declarant may annex to the Condominium Community known as the "Vista Pointe Townhomes" ("Annexable Property").

E. The undersigned Declarant desires to annex a portion of the Annexable Property to Vista Pointe Townhomes Condominium Community pursuant to Article 7 of the Declaration and desires to establish additional Units.

The undersigned hereby declares as follows:

1. Annexation of Property. Pursuant to Article 7 of the Declaration, the property described in **Exhibit A** attached hereto and incorporated herein by this reference, being a portion of the Annexable Property, is annexed to the Condominium Community and the "Real Estate." The property described in **Exhibit A** shall hereafter be held, sold, conveyed, encumbered, leased, rented, occupied and improved subject to the terms and provisions of the Declaration.

2. Additional Units. The Declarant hereby establishes additional Units within the Condominium Community, which additional Units are identified in **Exhibit B** attached hereto and incorporated herein by reference and which additional Units are also described in a supplemental Condominium Map for the property described in Exhibit A.


3. Number of Units/Allocated Interests. Immediately upon the recording of this Supplemental Declaration and a supplemental Condominium Map for the property described in **Exhibit A**, the total number of Units in the Condominium Community and their allocated interests shall be as provided in the Declaration and as set forth in **Exhibit C** attached hereto and incorporated herein by reference.

4. Definitions. Unless otherwise defined herein, initially capitalized terms defined in the Declaration shall have the same meaning herein.

IN WITNESS WHEREOF, the undersigned Declarant has hereunto set is hand and seal as of this day and date.



DRY CREEK SOUTH, LLC,
a Delaware limited liability company

By: 
Peter Kudla, Manager and Authorized Agent

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing was acknowledged before me this 5th day of May, 1999, by Peter Kudla, as Manager and Authorized Agent of Dry Creek South, LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: 8-11-2001


Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY ANNEXED HEREBY

A PARCEL OF LAND BEING A PART OF NOB HILL SIXTH FILING SITUATED IN A PORTION OF THE SW 1/4 OF SECTION 30, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO, WITH BEARINGS BASED ON THE WEST LINE OF SAID SW 1/4 ASSUMED TO BE N00°12'53"E BETWEEN THE MONUMENTS AS SHOWN HEREON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING N11°36'27"E, A DISTANCE OF 926.68 FEET FROM THE SW CORNER OF SAID SW 1/4;
THENCE N38°55'17"W, A DISTANCE OF 32.22 FEET TO A POINT;
THENCE N00°12'53"E, A DISTANCE OF 78.88 FEET TO A POINT;
THENCE S89°47'07"E, A DISTANCE OF 28.53 FEET TO A POINT;
THENCE N00° 12'53"E, A DISTANCE OF 150.00 FEET TO A POINT;
THENCE N89° 47'07"W, A DISTANCE OF 155.00 FEET TO A POINT;
THENCE S00° 12'53"W, A DISTANCE OF 83.17 FEET TO A POINT;
THENCE S24° 23'09"E, A DISTANCE OF 107.56 FEET TO A POINT;
THENCE S67° 29'20"W, A DISTANCE OF 136.13 FEET TO A POINT OF NONTANGENT CURVATURE;
THENCE 43.07 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 49°21'51", A CHORD OF 41.75 FEET WHICH BEARS N89°42'27"W TO A POINT;
THENCE S65°36'51"W, A DISTANCE OF 32.90 FEET TO A POINT OF CURVATURE;
THENCE 12.68 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 14°32'09", TO THE POINT OF BEGINNING.

CONTAINING 40,239 SQUARE FEET OR 0.9238 ACRES OF LAND, MORE OR LESS.

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EXHIBIT B

ADDITIONAL UNITS

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
11	4023	11-A
11	4025	11-B
11	4027	11-C
11	4029	11-D
11	4031	11-E

EXHIBIT C

ALL UNITS

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
1	4001	1-A
1	4003	1-B
1	4005	1-C
1	4007	1-D

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
2	4009	2-A
2	4011	2-B
2	4013	2-C

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
3	4040	3-A
3	4042	3-B
3	4044	3-C
3	4046	3-D

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
4	4032	4-A
4	4034	4-B
4	4036	4-C
4	4038	4-D

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
5	4010	5-A
5	4008	5-B
5	4006	5-C
5	4004	5-D
5	4002	5-E
5	4000	5-F

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<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
6	4012	6-A
6	4014	6-B
6	4016	6-C

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
7	4018	7-A
7	4020	7-B
7	4022	7-C
7	4024	7-D

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
8	4051	8-A
8	4049	8-B
8	4047	8-C
8	4045	8-D
8	4043	8-E

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
9	4033	9-A
9	4035	9-B
9	4037	9-C
9	4038	9-D

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
10	4015	10-A
10	4017	10-B
10	4019	10-C
10	4021	10-D

<u>Building</u>	<u>Unit</u>	<u>a/k/a Unit</u>
11	4023	11-A
11	4025	11-B
11	4027	11-C
11	4029	11-D
11	4031	11-E