

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BERKLEY SHORES

HDC 6300 Lowell Boulevard, LLLP, a Colorado limited liability partnership (the "Declarant"), executes this Amendment to Declaration of Covenants Conditions and Restrictions of Berkley Shores (the "Amendment") as of the 4th day of JANUARY 2022.

RECITALS

WHEREAS, that certain Declaration of Covenants Conditions and Restrictions of Berkley Shores (as amended and supplemented, the "Declaration") was recorded by Declarant in the real property records of Adams County, Colorado, on September 16, 2020 at Reception No. 2020000092376; and

WHEREAS, pursuant to Section 12.4.1 of the Declaration, the Declaration may be amended by the affirmative vote or agreement of Owners (as defined in the Declaration) owning at least sixty-seven percent (67%) of the Lots and the approval of the Declarant; and

WHEREAS, Declarant is the fee simple title holder of at least 67% of the Lots shown on the recorded subdivision map of the real estate and Improvements described on Exhibit A and B to the Declaration; and

WHEREAS, the Declarant desires to amend the Declaration.

DECLARATION

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

1. Recitals and Definitions. The Recitals set forth above are true and correct, and incorporated herein as though fully restated herein. Capitalized terms not otherwise defined herein shall have the meaning set forth in the Declaration.

2. Procedures. Section 4.3 of the Declaration is hereby deleted in its entirety and replaced with the following:

Section 4.3 *Procedures*

The Architectural Review Committee shall decide each request for approval within forty-five (45) days after the complete submission of the application or request and all plans, specifications and other materials and information which the ARC may require in conjunction with such application or request. If the Architectural Review Committee fails to decide any application or request within forty five (45) days after the complete submission of the plans, specifications, materials and other information with respect thereto, then such application or request for approval shall be deemed to have been denied by the ARC, except in

the case of a request for approval of renewable energy devices which are deemed approved if not denied or returned for modifications within sixty (60) days.

3. Signs. Section 7.6.1 of the Declaration is hereby deleted in its entirety.

4. Conflict. In the event of any conflict between this Amendment and the Declaration, the terms of this Amendment shall control. Except as specifically modified herein, the terms, covenants and conditions of the Declaration shall remain in full force and effect.

(Signature page follows.)

IN WITNESS WHEREOF, the Declarant has executed this Amendment effective as of the date and year above written.

DECLARANT:

HDC 6300 LOWELL BOULEVARD, LLLP, a Colorado limited liability partnership

By: [Signature]
Name: PAUL MALONE
Its: MANAGER

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 4th day of JANUARY, 2022,
by PAUL MALONE as MANAGER of HDC 6300 LOWELL
BOULEVARD, LLLP.

WITNESS my hand and official seal.

[Signature]
Notary Public

My Commission Expires: NOVEMBER 1, 2024

NATALIE SATT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164041623
MY COMMISSION EXPIRES 11/01/2024