

**SIXTH AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
BATTLEMENT MESA**

THIS AMENDMENT is made this 20th day of December, 2005 and will become effective January 1, 2006.

RECITALS

- A. Association is the Association named and referred to in that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa, recorded on August 13, 1991, at Reception No. 426419, of the records of the Clerk and Recorder of Garfield County, Colorado and any and all recorded amendments and supplements thereto (collectively, the "Declaration")
- B. Pursuant to Article XI, Section 11.2 of the Declaration, the Declaration may be amended upon the approval of Delegates representing at least two thirds (2/3) of the voting power of Members of the Service Association at a duly constituted meeting of the Delegates.
- C. The undersigned, being the President and Secretary of the Association, hereby certify that Delegates representing at least two thirds (2/3) of the voting power of the Members of the Service Association have approved this Amendment as required under Article XI, Section 11.2 of the Declaration and that the recorded copy of this Amendment shall be placed in the Association's corporate records and shall be available for review and inspection upon request.
- D. The Delegates within the Battlement Mesa Community desire to amend certain provisions of the Declaration by virtue of this Sixth Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa ("Sixth Amendment").

NOW THEREFORE,

I Amendments. The Declaration is hereby amended as follows:

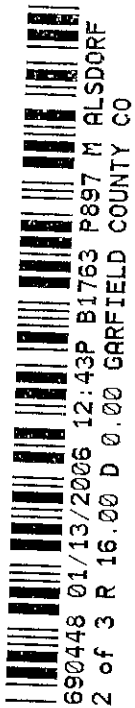
(a) **Repeal and Restatement.** Article VIII, Section 8.8 (d) is hereby repealed in its entirety and the following Article VIII, Section 8.8 (d) is substituted:

(d) For Building Design, Minimum Square Footages and Construction refer to the Amended and Restated Residential Architectural

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Standards for Battlement Mesa.



(b) **Addition. Article VIII, Section 8.16 (d)** As required by Colorado Revised Statutes (CRS), Title 38-33.3-106.5 para (d):

The parking of certain emergency motor vehicles by a unit owner or occupant on a street, driveway, or guest parking area in the Battlement Mesa Service Association villages is prohibited unless the vehicles comply with the provisions of Colorado law set forth below:

- the unit owner's (or occupant's) employer requires that the vehicle be brought to the owner's/occupant's residents during non-work hours as a condition of employment.
- the vehicle has a gross vehicle weight rating of ten thousand pounds or less;
- The unit owner or occupant is a bona fide member of a volunteer fire department or is employed by an emergency service provider, as defined in CRS 29-11-101 (1.6).
- The vehicle bears an official emblem or other visible designation of the emergency service provider and
- Parking of the vehicle can be accomplished without obstructing emergency access or interfering with the reasonable needs of other unit owners to use streets and driveways within the Battlement Mesa Service Association area.

(c) **Repeal and Restatement. Article VIII, Section 8.26 is hereby repealed in its entirety and the following Article VIII, Section 8.26 is substituted:**

The completed landscaping and revegetation of the improved Lot, to specifically include the front, side and rear yard areas, shall be completed no later than six (6) months from the date of the Certificate of Occupancy. An additional maximum four (4) month extension may be granted by the Architectural Committee (after application submittal for the extension) if the Certificate of Occupancy was issued shortly prior to the non-growing winter months such that landscape construction could not diligently proceed. However, in any event, the landscaping construction shall be fully complete no later than ten (10) months from the date of Certificate of Occupancy. The Owner of such Site shall thereafter maintain the landscaping in a neat and attractive condition, including periodic and horticultural correct watering, fertilizing, trimming, pruning and replacement when necessary. Landscaping plans shall be submitted in advance to the Architectural Committee for review and approval.

II No Other Amendments. Except as amended by the terms of this

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Amendment and previous Amendments, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned.

BATTLEMENT MESA SERVICE ASSOCIATION
A Colorado nonprofit corporation

By: Charles D. Hall
President

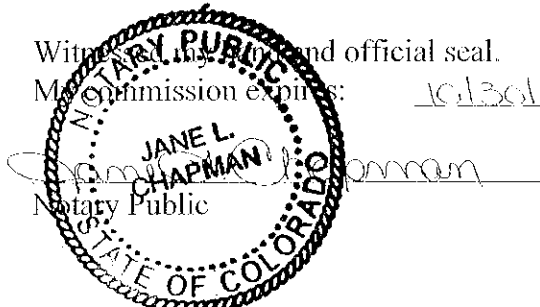
By: Sue Lancaster
Sue Lancaster

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing was acknowledged before me this 29th day of December, 2005, by Charles D. Hall, as President of the Battlement Mesa Service Association, a Colorado nonprofit corporation.

Witnessed my hand and official seal.

My commission expires: 10/30/08

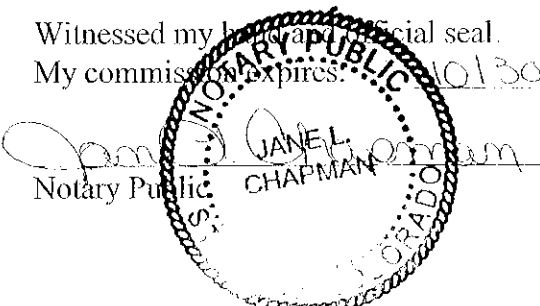


STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing was acknowledged before me this 30th day of December, 2005, by Sue Lancaster, as Secretary of the Battlement Mesa Service Association, a Colorado nonprofit corporation.

Witnessed my hand and official seal.

My commission expires: 10/30/08



Return to: Battlement Mesa Service Association
P O Box 6006
Battlement Mesa, CO 81636