Reception#: 772654 08/03/2009 03:08:51 PM Jean Alberico 1 of 3 Rec Fee:\$16.00 Doc Fee:0.00 GARFIELD COUNTY CO

18 month Conduction = OR Landscape

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

THIS AMENDMENT is made this $19^{+1/2}$ day of 2009.

RECITALS

- A. The Battlement Mesa Service Association ("Association") is the Association named and referred to in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa, recorded on August 31, 1991, at Reception Number 426419, in the records of the Clerk and Recorder of Garfield County, Colorado ("Declaration"), as amended by the First through Sixth Amendments to the Amended and Restated Declaration of Covenants, and the Supplemental Declaration to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa Applicable Only to Willow Creek Village, Section One; Battlement Creek Village, Section One; and Stone Ridge Subdivision Properties.
- B. Pursuant to Article XI, Section 11.2 of the Declaration, the Declaration may be amended upon the approval of Delegates representing at least 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 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 Seventh Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa ("Seventh Amendment").

NOW THEREFORE,

- 1. Amendments. The Declaration, as amended by the Sixth Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Battlement Mesa, is hereby amended as follows:
 - (a) Repeal and Restatement, Article VIII, Section 8.26 is hereby repleated in its entirety and the following Article VIII, Section 8.26 is substituted:

The completed structure, landscaping and revegetation of the improved Lot, to specifically include the front, side and rear yard areas, shall be completed no later than eighteen (18) months from initial project approval by the Architectural Review Committee. Landscaping plans shall be submitted to the Architectural Review Committee with the original project plans for review and approval. Refer to The Amended and Restated Residential Architectural Standards for Battlement Mesa (11/2007) for specific landscape requirements. The Owner of such Site shall thereafter maintain the landscaping in a neat and attractive condition, including periodic and horticulturally correct watering, fertilizing, trimming, pruning and replacement when necessary.

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

Ву:

President

By:

Carratary

STATE OF COLORADO)
COUNTY OF Garfield) ss.)
The foregoing was acknowled, 20 <u>09</u> , by of the Battlement Mesa Service Ass	edged before me this 26 day of, as President ociation, a Colorado nonprofit corporation.
Witness my hand and officia My commission expires:	

Notary Public

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STATE OF COLORADO) SS. COUNTY OF Gorbild)
The foregoing was acknowledged before me this 20th day of may, 2009, by Combon Schilling, as Secretary
of the Battlement Mesa Service Association, a Colorado nonprofit corporation. Witness my hand and official seal. My commission expires: // //3/2012
Notary Public JANE L. CHAPMAN

After Recording Return To:

Battlement Mesa Service Association PO Box 6006 Battlement Mesa, CO 81636