

**NINTH AMENDMENT AND SUPPLEMENT TO THE
AMENDED AND RESTED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
BATTLEMENT MESA**

THIS AMENDMENT is made this 20th day of August, 2019

RECITALS

A. WHEREAS, The Battlement Mesa Service Association (“Association”) is the Association named and referred to in the Amended and Restated Declaration of Covenants, Conditions, and Restriction for Battlement Mesa, recorded on August 31, 1991 at Reception No. 426419, of the Clerk and Recorder of Garfield County, Colorado and any and all recorded amendments and supplements thereto (collectively, the “Declaration”).

B. WHEREAS, The Declaration allows for enlargement and expansion of the Service Association Area by annexation of additional property and amendment of the Declaration provided approval of Delegates representing fifty-one percent (51%) of the voting power of the Members of the Association is obtained at a duly constituted meeting of the Association.

C. WHEREAS, VALLEY VIEW VILLAGE SUB-DIV Lot: 47A, was annexed into and made part of the Community upon recordation of that certain Annexation Agreement dated December 16th, 2003 recorded on December 16, 2003 at Reception No. 643039 (the “Annexation Agreement”).

D. WHEREAS, Lot 47A was formally accepted into the community upon recordation of the Fourth Amendment and Supplement to the Amended and Restated Declaration of Covenants, Conditions and Restriction for Battlement Mesa recorded on March 1, 2004 at Reception No. 647410.

The Undersigned hereby declares as follows:

1. **Initial Unit.** The property, more particularly described as Section: 18 Township: 7 Range: 95 Subdivision: RESUBDIVISION OF LOT 47 VALLEY VIEW VILLAGE SUBDIVISION shall be composed of 1.607 acres of land with a single story pre-engineered metal commercial building with a paved parking lot.
2. **Supplemental Map.** Pursuant to the Declaration and Supplemental Declaration, a Supplemental Map for Battlement Mesa covering the property which is described as Section: 18 Township: 7 Range: 95 Subdivision: RESUBDIVISION OF LOT 47 VALLEY VIEW VILLAGE SUBDIVISION, has been prepared and recorded at reception No. 914381 in the records of the Office of the Clerk and Recorder of Garfield County, Colorado.
3. **Delegate Area.** The annexed property shall be part of the Valley View Village, Delegate Area #18, as defined by the Declaration, and shall be subject to all the rights and duties set forth in the Declaration.

4. **Amendment of the Declaration.** The Declaration is hereby amended by the addition of the following language to the Declaration under the subsection "Commercial Area":

Valley View Village
Lot 47A Delegate Area #18

5. **Vote Allocation.** Commercial Unit assessments and vote allocations are based upon each five hundred (500) square feet of finished non-residential building area on such property as evidenced by issuance of a final certificate of occupancy for the applicable building shall constitute one (1) Assessment Unit. Voting rights shall be limited to one (1) vote per Assessment Unit. Per the certificate of occupancy, Lot 47A is 8,724 square feet. As such, Lot 47A contains 17.5 Assessment Units, and is therefore entitled to 17.5 Votes.

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

7. **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

By: Laurel Koning
President

By: John M Shepherd
Secretary

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing was acknowledged before me this 26th day of September, 2019, by Laurel Koning, President of Battlement Mesa Service Association, and John Shepherd, Secretary of Battlement Mesa Service Association, a Colorado nonprofit corporation.

Witness my hand and official seal.
My Commission expires: 9-6-2020

Brenda Mae Locker
Notary Public

