RECORDED AT 2 28 O"CLOCK M. APR 9 1993
REC * 446154 MILORED ALSDORF, COUNTY CLERK

SUPPLEMENTAL DECLARATION AND ANNEXATION TO BATTLEMENT MESA FOR MESA RIDGE PHASE II SUBDIVISION

THIS SUPPLEMENTAL DECLARATION AND ANNEXATION TO BATTLEMENT MESA FOR MESA RIDGE PHASE II SUBDIVISION is made and entered into by BATTLEMENT MESA PARTNERS, a Colorado general partnership ("Declarant"), on the date and year hereinafter set forth.

WITNESSETH:

THAT, WHEREAS, a certain Declaration of Covenants, Conditions and Restrictions for Battlement Mesa was recorded on October 15, 1981, in Book 583, Page 456, Reception No. 320285, in the records of the office of the Clerk and Recorder of Garfield County, Colorado, as amended or supplemented from time to time (collectively, the "Original Declaration"), which authorized formation of the master Battlement Mesa Service Association; and,

WHEREAS, a certain Amended And Declaration Of Covenants, Conditions And Restrictions For Battlement Mesa was recorded on August 13, 1991, in Book 811, Page 09, Reception No. 426419, in the records of the office of the Clerk and Recorder of Garfield County, Colorado, as amended or supplemented from time to time (collectively, the "Amended and Restated Declaration") which authorized the complete merger of various community associations within Battlement Mesa under the master Battlement Mesa Service Association, and, by merger, rescinded and replaced the Original Declaration; and,

WHEREAS, under Article II, Section 2.3, of the Amended And Restated Declaration, the Declarant reserved the right to Annex certain additional real property as evidenced by recording of a Supplemental Declaration, which Supplemental Declaration may impose supplemental covenants, conditions and restrictions to the Annexed Property; and,

WHEREAS, that portion of Jack's Pocket Village Filing #5, of Delegate Area #3, has been resubdivided as Mesa Ridge Phase II Subdivision, which includes the creation

of sixteen (16) additional townhome lots, as evidenced by recording of the Final Plat in the records of the office of the Clerk and Recorder of Garfield County, Colorado.

NOW, THEREFORE, Battlement Mesa Partners, as the Declarant under the Amended And Restated Declaration and the owner of that certain real property known as Mesa Ridge Phase II Subdivision, does hereby add and annex to the Property covered by the Amended And Restated Declaration of the Battlement Mesa Service Association as part of Delegate Area #3 and subject to the juridiction and benefits of the Battlement Mesa Service Association, all of the real property covered by the Final Plat of Mesa Ridge Phase II Subdivision, legal description per Exhibit A hereto, executed even date herewith and recorded in the real property records of Garfield County, Colorado.

EXCEPT to the extent provided herein, all other, provisions of the Amended And Restated Declaration, as amended and supplemented, shall remain in full force and effect.

EXECUTED as of this 9th day of AFRIL ,1993.

BATTLEMENT MESA PARTNERS, by Community Holdings West, Inc., a Colorado corporation, its General Partner

By: <u>little</u> Vice President

The foregoing instrument was acknowledged before me this go day of April , 1993, by William Wilde, as Vice President of Community Holdings West, Inc., a Colorado Corporation, a General Partner for Battlement Mesa Partners.

Witness my hand and official seal. My commission expires 6/5/93

Mary Low Septon Notary Public

j.

MARY LOU SEXTER

EXHIBIT A

LEGAL DESCRIPTION, MESA RIDGE PHASE II SUBDIVISION

A tract of land situated in Jack's Pocket Village Filing 5 A Part of the Ballement Mesa P.U.D., Section 17, Township 7 South, Range 95 West of the 6th Principal Meridian, Garfield County, Colorado being more particularly described as follows:

Beginning at a point on the west property line of said Jack's Pocket Village Filing 5 whence the north 1/4 comer of said Section 17 bears N 32-23-41 W 1271.67 feet, thence N 22-00-00 E 108.00 feel; thence 331.89 feet along the arc of a curve to the right having a radius of 1095.92 feet, a central angle of 17-21-06 and subtending a chord bearing N 30-40-33 E 330.62 feet; thence 32.17 feet along the arc of a curve to the right having a radius of 20.00 feet, a central angle of 92-08-55 and sublending a chord bearing N 85-25-33 E 28.81 feel; thence S 48-30-00 E 274.55 feet; thence 50.72 feet along the arc of a curve to the right having a radius of 339.48 feet, a central angle of 8—33—37 and subtending a chord bearing S 44-13-11 E 50.67 feet; thence S 13-07-47 W 152.16 feel; thence S J9-51-55 W 125.93 feel; thence 5 42-J8-56 W 138.89 feel; thence N 24-30-00 W 34.06 feet; thence 113.56 feet along the arc of a curve to the left having a radius of 149.57 feet, a central angle of 43-30-05 and sublending a chord bearing N 46-15-02 W 110.85 feel; thence N 68-00-00 W 189.00 feet to the point of beginning.

Said parcel contains 3.48 acres more or less; have by these presents laid out, platted, and subdivided the same into lots as shown hereon and designate the same as Mesa Ridge Phase II Subdivision in the County of Garfield, State of Colorado.