

After Recordation, Please Return To:

Fairfield and Woods, P.C.  
1801 California Street, Suite 2600  
Denver, Colorado 80202  
Attn: Karen Reutzell, Esq.

**FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF ABILENE STATION**

This First Amendment to the Master Declaration of Covenants, Conditions and Restrictions of Abilene Station (“First Amendment”) is executed on this 17th day of January, 2023.

**RECITALS**

A. Abilene Station LLC, a Colorado limited liability company (hereafter “Declarant”) executed and caused to be recorded that certain Master Declaration of Covenants, Conditions and Restrictions of Abilene Station (the “Declaration”) on July 31, 2015 under Reception No. D5085270 of the records of the Office of the Clerk and Recorder of Arapahoe County, Colorado.

B. A Supplemental Declaration (“Phase Two Annexation”) was recorded on December 14, 2018 under Reception No. D8122393 in the records of the Office of the Clerk and Recorder of Arapahoe County, Colorado, annexing into the planned community additional property legally described in Exhibit A, attached hereto (“Phase Two Property”). The Phase Two Property was designated as a “Hotel Site” by the Phase Two Annexation.

C. HDDA – Denver, LLC, a Colorado limited liability company (“HDDA”) is the Owner of the Phase Two Property and desires to change the designation of the Phase Two Property from “Hotel Site” to “Residential Site.”

D. Pursuant to Section 17.4 (a) of the Declaration, the Declaration may be amended or terminated at any time by a written and recorded instrument containing the affirmative consent of 67% of the total votes allocated to Lots in the Association subject to the prior written consent of the Declarant during the Development Period.

E. By their signatures below, Owners of Lots holding at least 67% of the total votes in the Association, and the Declarant, consent to terms and conditions of this First Amendment as set forth herein.

**AMENDMENT**

NOW, THEREFORE, the Declaration is hereby amended, as follows:

1). Definitions. Any capitalized term not otherwise defined in this First Amendment shall have the same meaning herein as ascribed to such term in the Declaration.

2). The site designation for the Phase Two Property is hereby amended from "Hotel Site" to "Residential Site."

3) Immediately upon the recording of this First Amendment in the real estate records of the County of Arapahoe, State of Colorado, the Phase Two Property shall be subject to all of the covenants, conditions, restrictions, limitations, reservations, exceptions, equitable servitudes, easements, charges and liens set forth in the Declaration applicable to Residential Sites. The Phase Two Property is also expressly subject to all of the applicable provisions for Residential Sites found in the Articles of Incorporation and the Bylaws of the Owners Association, as more particularly described in the Declaration, the Articles of Incorporation, and the Bylaws.

4). Except as specifically amended by this First Amendment, the Declaration remains in full force and effect in accordance with its terms. If any term or provision of this First Amendment is inconsistent with any term or provision of the Declaration, the term or provision of this First Amendment shall control. This First Amendment shall inure to the benefit of and be binding upon the Owners and their heirs, personal representatives, successors and assigns.

**IN WITNESS WHEREOF**, the consenting Owners and Declarant have executed this First Amendment on the day and year first above written.

[signature pages follow]



**CONSENT OF DECLARANT:**

**DECLARANT:**

Abilene Station LLC,  
a Colorado limited liability company

By: David J. Erb & Company, its manager

By: *David J. Erb*  
Name: David J. Erb  
Its: President

STATE OF COLORADO )  
County of Denver ) ss.

The foregoing instrument was acknowledged before me this 3 day of January, 2023, by David J. Erb, President of David J. Erb & Company, Manager of Abilene Station LLC, a Colorado limited liability company.

Witness my hand and official seal.  
My commission expires:

CAREY NEWMAN  
Notary Public  
State of Colorado  
Notary ID # 20154025300  
My Commission Expires 06-29-2023

*Carey Newman*  
Notary Public



**EXHIBIT A**  
**TO**  
**FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS**  
**AND RESTRICTIONS OF ABILENE STATION**

LOT 1, BLOCK 1;  
ABILENE STATION SUBDIVISION FILING NO. 1,  
COUNTY OF ARAPAHOE,  
STATE OF COLORADO.