

FIRST
AMENDMENT
TO DECLARATION FOR MIRASOL

THIS FIRST AMENDMENT is made this 26th day of February, 2007, by HOMEQUEST DEVELOPMENT, LLC with an address of 375 West 37th Street, Suite 200, Loveland, CO 80538 (hereinafter referred to as "Declarant"). ✓

- I. On May 12, 2006, Homequest Development, LLC as "Declarant" executed that certain "Declaration for Mirasol," which Declaration was recorded on May 17, 2006, at Reception No. 0036841 in the records in the office of the Clerk and Recorder of Larimer County, Colorado ("Declaration"). The Declaration created a common interest community within certain real property described therein and on Exhibit A, as the same may be expanded pursuant to the Declarant's reservation of rights. This First Amendment is subject only to that Declaration and the items set forth on Exhibit B to the Declaration which are also set forth on Exhibit B attached to this First Amendment.
- II. Section 14.1 of the Declaration permits the Declarant to make amendments which are necessary to clarify a statement. The Declarant has discovered that an error was made in a Section of 12.2, such that the total of all Allocated Interests would not equal 100%.

The Declarant, therefore, amends and restates Section 12.2, in its entirety, as follows:

Section 12.2 Formula for Determining Common Expense Liability for Community Common Expenses:

12.2.1 Residential Lots: a percentage based upon a fraction, the numerator is one and the denominator is the total number of Dwellings within the Community.

12.2.2 Multi-Family Lots: a percentage based upon a fraction, the numerator is the total number of Dwellings within that Lot and the denominator is the total number of Dwellings within the Community.

12.2.3 Commercial Lots: Commercial Lots shall pay no Common Expense Liability for Community Common Expenses as such Lots receive no benefit.

TERMS USED IN THIS FIRST AMENDMENT ARE DEFINED IN THE DECLARATION. ALL OTHER PROVISIONS IN THE DECLARATION REMAIN IN FULL FORCE AND AFFECT AND ARE NOT CHANGED BY THIS AMENDMENT.

THIS FIRST AMENDMENT SHALL BE EFFECTIVE THE DATE IT IS RECORDED.

EXHIBIT A

THE REAL ESTATE

A parcel of land located in the Northeast 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 24, Township 5 North, Range 69 West of the 6th, P.M. in Larimer County, Colorado, more particularly described as follows:

Assuming the west line of the Southeast 1/4 of said Northeast 1/4 of Section 24 as bearing North 00°42'55" East with all bearings contained herein relative thereto; COMMENCING at the Southwest corner of said Southeast 1/4 of the Northeast 1/4 of Section 24;

thence North 00°42'55" East a distance of 198.00;
thence South 89°19'25" East a distance of 171.99;
thence South 00°42'55" West a distance of 0.12;
thence South 89°17'05" East a distance of 224.01;
thence North 00°42'55" East a distance of 413.40;
thence South 89°54'35" West a distance of 381.04;
thence North 00°42'55" East a distance of 358.59;
thence South 89°56'30" East a distance of 640.67 to the TRUE POINT OF BEGINNING of Phase I Mirasol Development;

thence South 89°56'30" East a distance of 667.88;
thence South 00°50'35" West a distance of 965.57;
thence North 89°53'39" West a distance of 200.02;
thence South 00°51'41" West a distance of 34.78;
thence North 85°44'56" West a distance of 138.22;
thence South 89°04'53" West a distance of 148.28;
thence North 49°39'14" East a distance of 72.02;
thence North 53°59'31" West a distance of 235.93;
thence North 03°57'40" East a distance of 189.54;
thence North 57°45'44" East a distance of 26.45;
thence North 37°08'39" East a distance of 81.29;
thence North 54°09'35" West a distance of 179.78;
thence along the arc of a curve to the left (having a radius of 31.00 feet, chord bears South 80°50'25" West 43.84) 48.69 feet along said curve;

thence South 35'50'25" West a distance of 10.00;
thence North 54'09'35" West a distance of 56.04;
thence North 35'50'25" East a distance of 10.00;
thence along the arc of a curve to the left (having a
radius of 31.00 feet, chord bears North 09'09'35" West
43.84) 48.69 feet along said curve;
thence North 35'50'25" East a distance of 58.00;
thence along the arc of a curve to the left (having a
radius of 31.01 feet, chord bears South 77'11'0 1 " East
24.25) 24.91 feet along said curve;
thence North 35'50'25" East a distance of 116.13;
thence North 00'03'30" East a distance of 229.19;
to the Point of Beginning; containing 14.27 acres or
621489.94 square feet more or less. Boundary includes
portion of Mirasol First Subdivision, recorded on February 15, 2006,
at Reception No. 20060014474, including lots, blocks and
Rights of Way.

Except Lot 2, Block 4, Mirasol First Subdivision, according to the plat thereof recorded
on February 15, 2006, at Reception No. 20060014474,
City of Loveland, County of Larimer, State of Colorado.

EXHIBIT B

EASEMENTS AND OTHER ITEMS OF RECORD

1. The lien for real property taxes for the year 2007 and subsequent years, not yet due and payable.
2. Right of way 70 feet in width as referenced in deed recorded November 22, 1982 in Book 2194 at page 1352.
3. Oil and Gas Lease recorded February 3, 1984 in Book 2257 at Page 1364 and any and all assignments thereof, or interest therein.
4. Right of way 70 feet in width as referenced in deed recorded November 22, 1982 in Book 2194 at Page 1352.
5. Oil and gas lease recorded February 03, 1984 in Book 2257 at Page 1364 and any and all assignments thereof, or interest therein.
6. Matters as set forth on surveys dated December 16, 2002, by Trout Daoud Surveying, including but not limited to the following: fences not on property lines, 70 foot right of way for farmers ditch, 30 foot right of way for South Madison Avenue, encroachment of shed, overlap in boundary descriptions, gaps in property descriptions.
7. Grant of easement to Paul D. Chandler and Carol J. Chandler, for grazing of cattle, and incidental purposes, by instrument recorded August 31, 2004, under Reception No. 20040086230.
8. Easements, conditions, covenants, restrictions, reservations and notes on the recorded Plat of Loveland Housing Authority/Chandler boundary line adjustment recorded September 22, 2004 at Reception No. 2004093036.
9. Grant of easement to the Housing Authority of the City of Loveland, for utility easement, and incidental purposes, by instrument recorded September 22, 2004, under Reception No. 20040093039.
10. Terms, conditions and provisions of ordinance No. #4974 recorded May 31, 2005 at Reception No. 20050043765.
11. Mirasol first addition annexation and development agreement recorded May 31, 2005 at Reception No. 20050043767.

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12. Grant of easement to Housing Authority of the City of Loveland, for a drainage and utility easement, and incidental purposes, by instrument recorded September 01, 2005, under Reception No. 200573994.
13. Terms, conditions and provisions of agreement recorded January 26, 2006 at Reception No. 20060006529.
14. Easements, conditions, covenants, restrictions, reservations and notes on the recorded Plat for Mirasol First Subdivision, recorded February 15, 2006 at Reception No. 20060014474.
15. That certain instrument entitled, "Reciprocal Easements, Covenants and Agreements," dated May 9, 2006 and recorded on May 12, 2006 at Reception No. 20060035701 in the Office of the Clerk and Recorder for Larimer County, Colorado.
16. That certain instrument entitled, "Declaration for Mirasol," dated May 12, 2006 and recorded on May 19, 2006 at Reception No. 0036841 in the office of the Clerk and Recorder for Larimer County, Colorado.