

**FIRST AMENDMENT TO
AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
DAVEN HAVEN CABINS**

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF DAVEN HAVEN CABINS (this "First Amendment") is made as of _____ 2023, by the DAVEN HAVEN CABINS OWNERS ASSOCIATION a Colorado Non-Profit Corporation (the "Association").

RECITALS

1. The Townhouse Declaration for Daven Haven Cottages was recorded July 16, 2002, at Reception No. 2002-007246 of the records of the Clerk and Recorder of Grand County, Colorado (the "Original Declaration").
2. On July 16, 2002, the Final Plat for Daven Haven Cottages was recorded at Reception No. 2002-007245 of the records of the Clerk and Recorder of Grand County, Colorado (the "Final Plat").
3. On May 13, 2005, an As-Built Plat for Daven Haven Cottages was recorded at Reception No. 2005-004886 of the records of the Clerk and Recorder of Grand County, Colorado (the "As-Built Plat").
4. On December 17, 2008, a Townhouse Declaration for Daven Haven Cottages was recorded at Reception No. 2008011706 of the records of the Clerk and Recorder of Grand County, Colorado (the "Second Declaration").
5. On December 17, 2008, the 1st Amendment to the Final Plat of Daven Haven Cottages was recorded at Reception No. 2008011705 of the records of the Clerk and Recorder of Grand County, Colorado (the "First Amended Final Plat").
6. On April 20, 2012, the Daven Haven Cabins Final Plat 2nd Amendment to the Development formerly known as Daven Haven Cottages was recorded at Reception No. 2012002995 (the "Second Amended Final Plat").
7. On April 20, 2012, the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Daven Haven Cabins was recorded at Reception No. 2012002996 (the "Restated Declaration").
8. On December 21, 2012, the Correction Plat to Daven Haven Cottages Final Plat was recorded at Reception No. 2012009954 (the "Correction Plat").

9. Article 8.00 of the Restated Declaration provides that the Restated Declaration may be amended by a written instrument signed by sixty percent (60%) of the Owners.

10. Section 38-33.3-312(1), C.R.S. provides that portions of the common elements may be conveyed by an association if persons entitled to cast at least sixty-seven percent (67%) of the votes in the association agree to that action.

11. The Association is the owner of Parcel 3, Daven Haven Cabins, except for the Units as defined in the Restated Declaration and the Correction Plat.

12. The Parties desire to amend the Restated Declaration in accordance with the terms and conditions of this First Amendment and the Third Amended Final Plat – Daven Haven Cabins, (the “Third Amended Final Plat”), recorded on _____, 2023, at Reception No. 2023 _____ of the records of the Clerk and Recorder of Grand County, Colorado.

13. At least sixty-seven percent (67%) of the Members of the Association have approved this First Amendment and the Third Amended Final Plat.

NOW, THEREFORE, in consideration of the premises set for above, the Association declares as follows:

1. The boundary line between Parcel 3 and Parcel 4 as shown on the Correction Plat shall be modified consistent with said boundary line as shown on the Third Amended Final Plat.

2. The definition of “This Declaration” or “this Declaration” in Article 2.00 of the Restated Declaration shall be deleted in its entirety and the following inserted in lieu thereof:

This Declaration (or this Declaration) means the Amended and Restated Declaration of Covenants, Conditions, and Restrictions, recorded April 20, 2012, at Reception No. 2012002996 of the records of the Clerk and recorder of Grand County, Colorado, as amended from time to time.

3. The definition of “Property” in Article 2.00 of the Restated Declaration shall be deleted in its entirety and the following inserted in lieu thereof:

Property means the Units as shown on the Correction Plat to Daven Haven Cottages Final Plat recorded December 21, 2012, at Reception No. 2012009954 of the records of the Clerk and Recorder of Grand County, Colorado, and the Common Elements as shown on the Third Amended Final Plat recorded on _____, 2023, at Reception No. 2023 _____.

3. The following definitions are added to Article 2.00 of the Restated Declaration.

SECRETARIAL CERTIFICATE

THE UNDERSIGNED, _____, being the duly elected and acting Secretary of Daven Haven Cabins Owners Association, a Colorado nonprofit corporation (the Association), does hereby certify that on this _____ day of _____, 2023, at a duly called meeting of the Members of the Association, the above and foregoing First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Daven Haven Cabins subdivision was approved and adopted by at least sixty-seven percent (67%) of the owners of Units entitled to vote.

Printed Name: _____
Title: Secretary

STATE OF COLORADO)
) ss
COUNTY OF GRAND)

Subscribed, sworn to, and acknowledged before me this _____ day of _____, 2023, by _____ as Secretary of the Daven Haven Cabins Owners Association, a Colorado nonprofit corporation at _____ o'clock _____m.

My commission expires: _____

Notary Public