

**THIRD AMENDMENT  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR WOODLAND PONDS SUBDIVISION  
(April, 2017) (TO VACATE EASEMENT)**

This instrument constitutes an amendment of that certain Declaration of Covenants, Conditions and Restrictions for Woodland Ponds Subdivision ("Covenants") recorded in the Montrose County, Colorado real estate records on February 8, 2006 at Reception No. 750704 and as previously amended by documents recorded at Reception No. 787336 on March 4, 2008, and Reception No. 813820 on May 18, 2010.

Except as expressly changed by this Amendment, said Declaration of Covenants, Conditions and Restrictions as Amended remain in full force and effect.

This Amendment is adopted under the authority of Article IX, Section 15 of said Declaration which specifies this Declaration may be amended by an instrument signed and notarized by the Declarant until it has sold sixty-seven percent (67%) of the lots, after which any amendment must be executed by not less than sixty-seven percent (67%) of the lot owners who are in good standing with Woodland Ponds Subdivision Homeowners Association ("WPHOA").

Pursuant to Article 1, Definitions Section 4 of the Covenants, "COMMON ELEMENTS" shall mean all real property including the open space and ponds, the improvements thereon, if any, now or hereafter owned by the Association for the common use and enjoyment of the owners, and as designated on the subdivision plat for the Woodland Ponds Subdivision or as required by the Association from time to time.

Lot 10 of Woodland Ponds Subdivision - Filing Two ("Lot 10") is encumbered by a ten (10) foot pedestrian access easement to Outlot 1, as depicted on the Plat of Woodland Ponds Subdivision, Filing 2, which is a common element of Woodland Ponds Subdivision and is owned by the Woodland Ponds Subdivision Homeowners Association ("WPHOA").

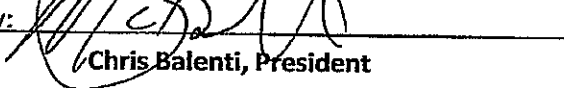
Collard Properties, LLC, ("Declarant") was the Declarant under the Covenants. Collard Properties, LLC is the current owner of Lot 10.

Declarant has otherwise provided access to Outlot 1 by **deeding Lot 8** of Woodland Ponds Subdivision Filing 2 to the WPHOA. Declarant has requested and WPHOA has agreed to vacate the pedestrian access easement to Outlot 1 across Lot 10.

Based upon a vote of the Lot Owners at a meeting of the WPHOA on April 27, 2017 and the agreement of the Lot Owners as set forth below, representing at least sixty-seven percent (67%) of the Lot Owners that are in good standing with WPHOA, the ten (10) foot pedestrian access easement to Outlot 1 as designated on the Plat of Woodland Ponds Subdivision – Filing 2 is hereby vacated, and WPHOA and the Lot Owners as set forth below hereby convey and quitclaim to Collard Properties, LLC all right, title and interest WPHOA may have in Lot 10.

The foregoing Amendment was adopted by the Woodland Ponds Homeowners Association and sixty-seven percent (67%) of the Lot Owners, in good standing, of Woodland Ponds Subdivision on April 27, 2017.

Woodland Ponds Homeowners Association

By:   
Chris Balenti, President

Dan Paradis

Michael C. & Janine Balenti

Jennie Durgan

R.C. Sjoden

Bill Collard (10 votes)

William Meyerriecks

Bruce Young

David Hames

Randy Zlomke

John & Myrna Griffin

Julie & Adam Hancock

Cindi Mason

Bill & Jeanne Welfelt

Michael Tucker

Bob & Jamie Johnson

Matt & Tina Suppes

STATE OF COLORADO  
COUNTY OF Montrose

} SS:

The foregoing instrument was acknowledged before me this 4th day of **October, 2017**,  
by *Chris Pelenti, President of Woodland Ponds Homeowners  
Association*

*Diane Gorrone*  
Notary Public

Witness my hand and official seal.  
My Commission expires:

**DIANE GORRONE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19924004822  
MY COMMISSION EXPIRES 05/29/2020**