



**THIRD SUPPLEMENTAL DECLARATION  
FOR  
TENDERFOOT**

**RECITALS**

*3/26*

1. Declarant (all capitalized terms used herein shall have the meanings as defined in the Declaration of Covenants, Conditions and Restrictions of Tenderfoot as it may be amended from time to time and any Supplemental Declaration, unless otherwise defined or modified herein) recorded on January 11, 2006 at Reception Number 200600902 of the real property records in the Office of the Clerk and Recorder of the County of Eagle, State of Colorado the Declaration and Declarant filed and recorded on January 11, at Reception Number 200600901 of the real property records in the Office of the Clerk and Recorder of the County of Eagle, State of Colorado the Final Plat for Tenderfoot Phase I, A Resubdivision of Tract B – Tenderfoot Town of Gypsum, County of Eagle, State of Colorado. ("Final Plat Phase I") and Declarant filed and recorded on July 12, 2006 at Reception Number 200618690 the First Supplemental Declaration For Tenderfoot and Declarant filed and recorded on July 12, 2006 at Reception Number 100618699 the Final Plat Phase II – a Resubdivision of Tract B-1 – Tenderfoot – Phase I, Town of Gypsum, County of Eagle, State of Colorado ("Final Plat Phase II") and Declarant filed and recorded on October 17, 2006, at Reception Number 200628449, the Second Supplemental Declaration For Tenderfoot and Declarant filed and recorded on October 17, 2006 at Reception Number 200628448 the Final Plat Tenderfoot - Phase III – A Resubdivision of Tract A-1 and Tract B-1, Tenderfoot – Phase II, Town of Gypsum, Eagle County, Colorado ("Final Plat Phase III").

2. In Section 4.3 Paragraph (a) of the Declaration, Declarant expressly reserved for itself the right to subject all or any part of the Expansion Property to the provisions of the Declaration and expand the Property to include up to thirty eight (38) additional Townhouse Units and to expand the Common Area.

3. By this Third Supplemental Declaration for Tenderfoot ("Third Supplemental Declaration") the Declarant desires to submit to the Property and the provisions of the Declaration, Townhouse Units 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B and the Common Area as set forth on the Final Plat, Tenderfoot Phase IV, A Resubdivision of Tract A - 2 Tenderfoot foot - Phase III, Town of Gypsum, Eagle County, Colorado, to be recorded on the real property records in the Office of the Clerk and Recorder of the County of Eagle, State of Colorado contemporaneously herewith ("Final Plat Phase IV").

**DECLARATION**

1. The above Recitals are incorporated as a part of this Declaration.
2. Townhouse Units 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B and the Common Area as set forth on the Final Plat Phase IV are

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hereby annexed to the Property and made subject to the provisions of the Declaration. The Property shall hereby consist of and be divided into Townhouse Units 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, 14A, 14B, 15A, 15B, 16A, 16B, 17A, 17B, 18A, 18B, 19A, 19B, 20A and 20B and the Common Area as set forth on Final Plat Phase I, Final Plat Phase II, Final Plat Phase III and Final Plat Phase IV.

3. In accordance with the allocation formula set forth in the Declaration, upon the recording of this Third Supplemental Declaration for Tenderfoot, the Owner's Proportionate Share and Assessment Percentage for each Townhouse Unit shall be as follows:

| <b>Townhouse Unit</b> | <b>Owner's Proportionate Share and Assessment Percentage</b> |
|-----------------------|--|
| 1A                    | 2.5%   |
| 1B                    | 2.5%   |
| 2A                    | 2.5%   |
| 2B                    | 2.5%   |
| 3A                    | 2.5%   |
| 3B                    | 2.5%   |
| 4A                    | 2.5%   |
| 4B                    | 2.5%   |
| 5A                    | 2.5%   |
| 5B                    | 2.5%   |
| 6A                    | 2.5%   |
| 6B                    | 2.5%   |
| 7A                    | 2.5%   |
| 7B                    | 2.5%   |
| 8A                    | 2.5%   |
| 8B                    | 2.5%   |
| 9A                    | 2.5%   |
| 9B                    | 2.5%   |
| 10A                   | 2.5%   |
| 10B                   | 2.5%   |
| 11A                   | 2.5%   |
| 11B                   | 2.5%   |
| 12A                   | 2.5%   |
| 12B                   | 2.5%   |

| Townhouse Unit | Owner's Proportionate Share and Assessment Percentage |
|----------------|---|
| 13A            | 2.5%  |
| 13B            | 2.5%  |
| 14A            | 2.5%  |
| 14B            | 2.5%  |
| 15A            | 2.5%  |
| 15B            | 2.5%  |
| 16A            | 2.5%  |
| 16B            | 2.5%  |
| 17A            | 2.5%  |
| 17B            | 2.5%  |
| 18A            | 2.5%  |
| 18B            | 2.5%  |
| 19A            | 2.5%  |
| 19B            | 2.5%  |
| 20A            | 2.5%  |
| 20B            | 2.5%  |
|                | 100%  |

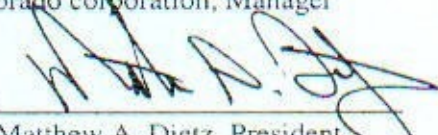
IN WITNESS WHEREOF Declarant has fully executed this Third Supplemental Declaration this 9th day of ~~December~~, 2006.  
*January, 2007*

DECLARANT

Chatfield Court Development LLC  
a Colorado limited liability company

By: Valley Custom Builders, LLC,  
a Colorado limited liability  
company Manager

By: M. Dietz Enterprises, Inc., a  
Colorado corporation, Manager

By:   
Matthew A. Dietz, President

STATE OF COLORADO )  
 ) §  
COUNTY OF EAGLE )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of ~~December~~ <sup>January</sup>, 2006 by Matthew A. Dietz as President of M. Dietz Enterprises, Inc., a Colorado corporation.

Witness my hand and official seal.

My commission expires on: 01/07/08



Marcia Colby  
Notary Public

### JOINDER OF LIENOR

The undersigned, beneficiary under the Deeds of Trust recorded at Reception Nos. 927697, 200601878, 933811, 200623353 and 200627839 on the property records in the office of the Clerk and Recorder of Eagle County, Colorado, as amended and supplemented from time to time (the "Deeds of Trust"), for itself and its successors and assigns, approves the foregoing Third Supplemental Declaration for Tenderfoot a portion of the property encumbered by the Deeds of Trust, and agrees that no foreclosure or other enforcement of any remedy pursuant to the Deeds of Trust shall impair, invalidate, supersede or otherwise affect the covenants, conditions, restrictions and easements established by that Third Supplemental Declaration for Tenderfoot.

Alpine Bank

By: Marcia Colby

Title: Asst. Vice President

STATE OF COLORADO    )  
  ) §  
COUNTY OF EAGLE     )

The foregoing instrument was acknowledged before me this 7 day of December, 2006 by Jeremy Behling as Bank officer of Alpine Bank.

Witness my hand and official seal.

My commission expires on: 7/29/2009

Jeremy D. Behling  
Notary Public



My Commission Expires 07/29/2009