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Cheri Brunvand-Summit County Recorder 71291200413:31 DF:

**SECOND AMENDMENT AND SUPPLEMENT
TO
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS FOR VISTA POINT**

This Second Amendment and Supplement to Declaration of Covenants, Conditions, Restrictions and Easements For Vista Point ("Second Amendment") is made and entered into this 22 day of July, 2004, 2004 by and between WSG BRECKENRIDGE, LP, a Delaware limited partnership ("Declarant") and the TOWN OF BRECKENRIDGE, a Colorado municipal corporation ("Town").

WHEREAS, the Declarant executed that certain Declaration of Covenants, Conditions, Restrictions, and Easements for Vista Point, which document is dated April 17, 2002 and was recorded April 18, 2002 under Reception No. 681899 of the records of the Clerk and Recorder of Summit County, Colorado ("**Declaration**"); and

WHEREAS, the Declarant subsequently executed that certain Amendment To Declaration of Covenants, Conditions, Restrictions and Easements For Vista Point, which document is dated January 27, 2003 and was recorded February 3, 2003 under Reception No. 709837 of the records of the Clerk and Recorder of Summit County, Colorado ("**First Amendment**"); and

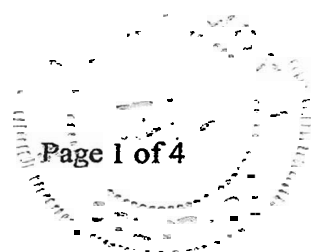
WHEREAS, the definition of "**Deed Restricted Lot**" as set forth in Paragraph N of Section 3.1 of the Declaration contemplates that such defined term shall include, without limitation, "any Lots so designated in any supplement to this Declaration for **future** phases of Vista Point"; and

WHEREAS, subsequent to the recording of the Declaration, the Declarant subdivided that subdivision known as "**Vista Point Subdivision, Filing No. 2, a resubdivision of Tract Z, Vista Point Subdivision, Amended Filing No. 1, Town of Breckenridge, County of Summit and State of Colorado**" ("**Vista Point Phase 2**"), which subdivision is a "**future** phase of Vista Point" within the meaning of the definition of "**Deed Restricted Lot**" as set forth in Paragraph N of Section 3.1 of the Declaration; and

WHEREAS, the Declarant and the Town desire to supplement the Declaration so as to **identify** the Deed Restricted Lots for Vista Point Phase 2, all as **hereafter** set forth; and

WHEREAS, Article XVI of the Declaration contain certain covenants which were made for the benefit of the **Town**; and

WHEREAS, Section 16.5 provides that Article XVI of the Declaration may be amended with the written consent of the Declarant and the Town, without the requirement for approval by the Lot Owners or Mortgagees, so long as the amendment is no more restrictive on either the Lot Owners or the Mortgagees; and



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STATE OF COLORADO
COUNTY OF SUMMIT

I hereby certify that this instrument was filed for record in my office at 13:01 clock P M. 7/29 2004

Reception No. 702885

CHERI BRUNVAND
COUNTY CLERK AND RECORDER

Quemellia Tukes
Quemellia Tukes

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WHEREAS, the Declarant and the Town desire to further amend the Declaration as hereafter set forth; and

WHEREAS, the amendments to the Declaration set forth herein are found and determined to be no more restrictive on either the Lot Owners or the Mortgagees.

NOW, THEREFORE, for an inconsideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which is hereby acknowledged and confessed, the Declarant declares, and the Declarant and the Town agree, **as** follows:

1. The definition of "Deed Restricted Lot" **as** set forth in Paragraph N of Section 3.1 of the Declaration is hereby amended so as to read in its entirety **as** follows:

N. "Deed Restricted Lot" means those lots referred to in Exhibit A and any Lots so designated in any supplement to this Declaration for future phases of Vista Point.

2. Section 16.1 of the Declaration is hereby amended so as to read in its entirety as follows:

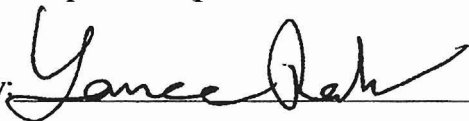
Section 16.1 Identification of Deed Restricted Lots. The Lots in Vista Point listed on Exhibit A are Deed Restricted Lots and are subject to certain limitations on rental, occupancy, and resale price. In addition to the other provisions of this Declaration, which apply to all of Vista Point, the provisions of this ARTICLE XVI specify covenants and restrictions that apply to the Deed **Restricted** Lots. The covenants in this ARTICLE XVI may be enforced only the Town of Breckenridge or its designee.

3. Exhibit "A" to the Declaration, entitled "Deed Restricted Lots", is hereby supplemented as set forth on Exhibit "A", which is attached hereto and incorporated herein by reference. Except as specifically supplemented hereby, Exhibit "A" to the Declaration shall continue in full force and effect.

4. Except **as** expressly amended by the First **Amendment** and this Second Amendment, the Declaration shall continue in full force and effect.

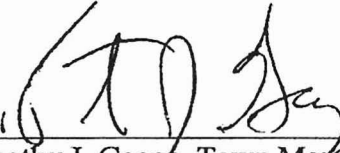
Executed as of the date first set forth above.

WSG Breckenridge, LP, a Delaware
limited partnership

By: 

Title: Attorney in Fact

**TOWN OF BRECKENRIDGE, a Colorado
municipal corporation**

By 

Timothy J. Gagen, Town Manager

ATTEST:



Mary Jean Loufek, CMC,
Town Clerk

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STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 22 day of July, 2004, by Dana M. Mcke, as Attorney in fact of WSG Breckenridge, LP, a Delaware limited partnership.

WITNESS my hand and official seal.



My commission expires: 5/23/06.

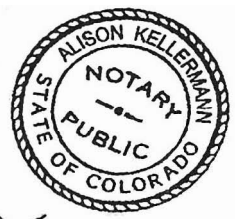
Dana M Mcke
Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 26 day of JULY, 2004, by Timothy J. Gagen, Town Manager, and Mary Jean Loufek, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: 10/10/2007



Alison Kellermann
Notary Public

EXHIBIT "A"
TO
SECOND AMENDMENT AND SUPPLEMENT
TO
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS FOR VISTA POINT

**Deed Restricted Lots In Vista Point Subdivision, Filing No. 2, a resubdivision of Tract Z,
Vista Point Subdivision, Amended Filing No. 1, Town of Breckenridge, County of Summit
and State of Colorado**

Lots 1-4, inclusive, Block 1,

and

Lots 1, Block 2