

Phase III

SECOND SUPPLEMENTAL CONDOMINIUM DECLARATION AND
ANNEXATION AGREEMENT FOR THE
WINDSONG CONDOMINIUMS

THIS SUPPLEMENTAL CONDOMINIUM DECLARATION AND ANNEXATION AGREEMENT is made and entered into this 9th day of November, 1983, by 304 Corporation, a Colorado Corporation (hereinafter referred to as the "Declarant").

W I T N E S S E T H

WHEREAS, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions of The Windsong Condominiums (hereinafter referred to as the "Declaration"), which Declaration was recorded on July 12, 1983, at Book 3912, Page 441, Reception No. 2299601 of the records in the office of the Clerk and Recorder of Arapahoe County, Colorado; and

WHEREAS, Paragraph 33.1 of the Declaration provides as follows:

"33.1 Annexations by Declarant. Subject only to the prior approval of the Veterans Administration to determine that the annexation is in accord with the general plan heretofore approved by the Veterans Administration and to insure that future improvements will be consistent in terms of quality of construction, Declarant shall have and hereby specifically reserves the right until December 31, 1988, to annex from time to time any portion or portions of the property described in Exhibit 3 attached (to the Declaration and attached hereto as Exhibit "A") to the Property and to subject such additional property to the terms and provisions of this Declaration."

and

WHEREAS, Exhibit 3 of the Declaration provides the legal description of property which Declarant may annex to The Windsong Condominiums, said property being more fully described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Declarant is the owner, except for parcels thereof previously annexed to the Declaration, of the real property described in Exhibit "A"; and

WHEREAS, Declarant desires to annex a portion of such property to The Windsong Condominiums pursuant to Paragraph 33.1 of the Declaration;

NOW, THEREFORE, Declarant hereby declares as follows:

1. Annexation of Property. Pursuant to Paragraph 33.1 of the Declaration, a portion of the property described in Exhibit "A" is hereby annexed to the "Property", as defined in the Declaration, and shall hereafter be held, sold, conveyed, encumbered, leased, rented, occupied and improved subject to the terms and provisions of the Declaration; said property being more fully described in Exhibit "B" attached hereto and incorporated herein by this reference.

2. Supplemental Condominium Map. Pursuant to Paragraph 33.2 of the Declaration, Declarant has prepared and recorded, or will prepare and record, in the records in the office of the Clerk and Recorder of Arapahoe County, Colorado, a Supplemental Condominium Map for The Windsong Condominiums covering the real property which is described in Exhibit "B" attached hereto. Upon the recording of such Supplemental Condominium Map for The Windsong Condominiums and the annexation of the property above referenced, the "Property" shall consist of ninety-eight (98) additional separate Condominium Units as identified in Exhibit "C" attached hereto and incorporated herein by reference.

3. Undivided Interests. Upon the recording in the records in the office of the Clerk and Recorder of Arapahoe County, Colorado, of this Supplemental Condominium Declaration and Annexation Agreement and of the above-referenced Supplemental Condominium Map, the undivided interest in the Common Elements appurtenant to each Condominium Unit in prior phases of The Windsong Condominiums shall be automatically modified in accordance with Paragraph 33.3 of the Declaration as set forth in Exhibit "D" attached hereto and incorporated herein by reference. Further, the additional Condominium Units made subject to the Declaration by this Supplemental Condominium Declaration and Annexation Agreement shall have an initial undivided interest in the General Common Elements as set forth in Exhibit "D".

IN WITNESS WHEREOF, Declarant has hereunto set its hand and seal as of the day and year first above written.



304 Corporation,
a Colorado corporation

By Kal Zeff
Kal Zeff, Authorized Agent

STATE OF COLORADO)
)
COUNTY OF Denver) ss.

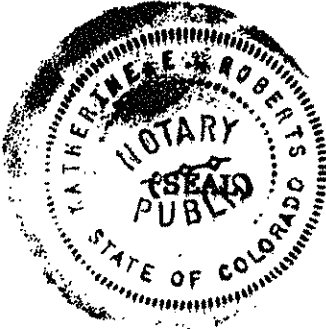
The foregoing instrument was acknowledged before me this 8 day of November, 1983, by Zal Zeff, as authorized agent of 304 Corporation.

WITNESS my hand and official seal.

My commission expires: August 8, 1986

My address is: 950 S. Cherry St. #1110
Denver, Colorado 80222

Katherine E. Roberts
Notary Public



WINDSONG CONDOMINIUMS

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MORTGAGEE APPROVAL

INTRAWEST MORTGAGE COMPANY hereby approves, ratifies and consents to the attached Supplemental Condominium Declaration and Annexation Agreement for The Windsong Condominiums.

IN WITNESS WHEREOF, the said Company has caused its corporate name to be hereunto subscribed by its Vice President, and its corporate seal to be hereunto affixed, and attested by its Assistant Secretary, this 8th day of November, 1983.



By Barbara Engle
Title: Vice President

William A. Dur
Title: Assistant Secretary

STATE OF COLORADO)
COUNTY OF _____) SS.

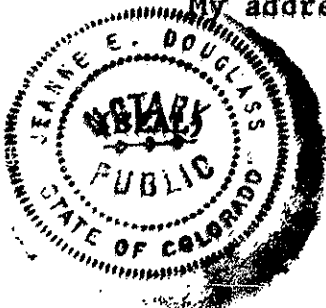
The foregoing was acknowledged before me this 8th day of November, 1983, by CATHERINE McGRATH and BARBARA ENGLE as authorized agents for INTRAWEST MORTGAGE COMPANY.

Witness my hand and official seal.

My commission expires:

My Commission Expires June 21, 1987
My address is:

IntraWest Mortgage Company
P. O. BOX 5241 TA
DENVER, CO 80217



Jeanne E. Douglass
Notary Public

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VA APPROVAL

THE VETERANS ADMINISTRATION hereby approves, ratifies and consents to the attached Supplemental Condominium Declaration and Annexation Agreement for The Windsong Condominiums.

IN WITNESS WHEREOF, the Veterans Administration has caused its name to be hereunto subscribed by its AGENT, this 28 day of OCT., 1983

VETERANS ADMINISTRATION

By Merrle C. Shirley
Authorized Agent

State of Colorado)
County of _____) ss.

The foregoing was acknowledged before me this 28 day of OCT, 1983, by MERRLE C. SHIRLEY as authorized agent for the Veterans Administration.

Witness my hand and official seal.

My commission expires: _____

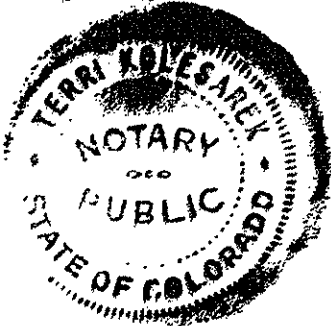
9-26-87

My address is: _____

Loan Guaranty Division
VETERANS ADMINISTRATION
REGIONAL OFFICE
DENVER FEDERAL CENTER
DENVER, COLORADO 80228

Terri Kolesarek
Notary Public

(SEAL)



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EXHIBIT "A"

Legal description of property which Declarant may annex:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 21;

THENCE S 89° 50'08" E, A DISTANCE OF 50.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4) TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE ON SOUTH QUEBEC STREET;

THENCE N 00° 00'00" E, A DISTANCE OF 253.73 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N 00° 00'00" E, A DISTANCE OF 569.03 FEET;

THENCE S 89° 47'52" E, A DISTANCE OF 334.84 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 553.04 FEET, A CENTRAL ANGLE OF 18° 19'32", AND AN ARC LENGTH OF 176.89 FEET TO A POINT OF TANGENCY;

THENCE S 71° 28'20" E, A DISTANCE OF 347.17 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 446.70 FEET, A CENTRAL ANGLE OF 54° 26'57", AND AN ARC LENGTH OF 424.51 FEET TO A POINT OF TANGENCY;

THENCE N 54° 04'43" E, A DISTANCE OF 12.91 FEET;

THENCE S 35° 42'33" E, A DISTANCE OF 43.30 FEET;

THENCE S 00° 05'45" E, A DISTANCE OF 720.62 FEET;

THENCE N 89° 49'46" W, A DISTANCE OF 618.01 FEET;

THENCE N 00° 10'14" E, A DISTANCE OF 139.00 FEET;

THENCE N 89° 49'46" W, A DISTANCE OF 439.53 FEET;

THENCE N 00° 10'14" E, A DISTANCE OF 130.98 FEET;

THENCE N 89° 49'46" W, A DISTANCE OF 127.02 FEET;

THENCE S 00° 00'00" W, A DISTANCE OF 15.97 FEET;

THENCE N 90° 00'00" W, A DISTANCE OF 94.99 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 19.3695 ACRES, MORE OR LESS.

Except parts thereof previously annexed to the Declaration.

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EXHIBIT "B"

Legal Description of Phase III:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 21;
THENCE S 89° 50' 08" E, A DISTANCE OF 50.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4) TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE ON SOUTH QUEBEC STREET;

THENCE N 00° 00' 00" E, A DISTANCE OF 35.00 FEET; THENCE S 89° 49' 46" E, A DISTANCE OF 660.74 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N 00° 10' 14" E, A DISTANCE OF 139.00 FEET;
THENCE N 89° 49' 46" W, A DISTANCE OF 79.98 FEET;
THENCE N 00° 10' 14" E, A DISTANCE OF 209.35 FEET;
THENCE S 69° 04' 29" E, A DISTANCE OF 56.10 FEET;
THENCE N 89° 54' 15" E, A DISTANCE OF 260.00 FEET;
THENCE N 00° 05' 45" W, A DISTANCE OF 26.00 FEET;
THENCE N 89° 54' 15" E, A DISTANCE OF 300.00 FEET;
THENCE S 00° 05' 45" E, A DISTANCE OF 16.47 FEET;
THENCE N 89° 54' 15" E, A DISTANCE OF 84.00 FEET;
THENCE S 00° 05' 45" E, A DISTANCE OF 340.99 FEET;
THENCE N 89° 49' 46" W, A DISTANCE OF 618.01 FEET TO THE TRUE POINT OF BEGINNING.

Said Phase III contains approximately 5.234 acres, more or less.

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EXHIBIT "C"

Condominium Units in Phase III

<u>Condominium Building</u>	<u>Condominium Unit No.</u>
21	1
21	2
21	3
21	4
21	5
21	6
21	7
21	8
21	9
21	10
22	1
22	2
22	3
22	4
22	5
22	6
22	7
22	8
22	9
22	10
23	1
23	2
23	3
23	4
23	5
23	6
23	7
23	8
23	9
23	10
23	11
23	12
24	1
24	2
24	3
24	4
24	5
24	6
24	7
24	8
24	9
24	10

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Condominium
Building

Condominium
Unit No.

25
25
25
25
25
25
25
25
25
25

1
2
3
4
5
6
7
8
9
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26
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29
29

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5
6
7
8

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Condominium
Building

Condominium
Unit No.

30
30
30
30
30
30
30
30
30
30

1
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3
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9
10

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EXHIBIT "D"

This Exhibit sets forth the Condominium Units in all Phases subject to the Declaration, including this Supplemental Declaration and Annexation Agreement, together with each Unit's undivided interest in the General Common Elements.

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit *</u>
10	1	.005462
10	2	.005168
10	3	.005248
10	4	.005168
10	5	.005248
10	6	.005168
10	7	.005168
10	8	.005462
11	1	.004146
11	2	.003982
11	3	.003982
11	4	.003982
11	5	.003970
11	6	.003970
11	7	.003970
11	8	.003970
11	9	.003982
11	10	.003982
11	11	.003982
11	12	.004146
12	1	.005462
12	2	.005168
12	3	.005168
12	4	.005248
12	5	.005168
12	6	.005248
12	7	.005168
12	8	.005462

* The undivided interest in the General Common Elements appurtenant to each Unit is subject to modification by annexations to the Declaration pursuant to Paragraph 33 of the Declaration.

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<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit *</u>
13	1	.005462
13	2	.005168
13	3	.005168
13	4	.005248
13	5	.005168
13	6	.005248
13	7	.005168
13	8	.005248
13	9	.005168
13	10	.005462
14	1	.004146
14	2	.003982
14	3	.003970
14	4	.003970
14	5	.003970
14	6	.003970
14	7	.003982
14	8	.004146
15	1	.005462
15	2	.005168
15	3	.005168
15	4	.005248
15	5	.005168
15	6	.005248
15	7	.005168
15	8	.005248
15	9	.005168
15	10	.005462
16	1	.005462
16	2	.005168
16	3	.005248
16	4	.005168
16	5	.005248
16	6	.005168
16	7	.005168
16	8	.005462

* The undivided interest in the General Common Elements appurtenant to each Unit is subject to modification by annexations to the Declaration pursuant to Paragraph 33 of the Declaration.

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<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit *</u>
17	1	.005462
17	2	.005168
17	3	.005168
17	4	.005248
17	5	.005168
17	6	.005248
17	7	.005168
17	8	.005248
17	9	.005168
17	10	.005462
18	1	.004145
18	2	.003982
18	3	.003982
18	4	.003982
18	5	.003970
18	6	.003970
18	7	.003970
18	8	.003970
18	9	.003970
18	10	.003970
18	11	.003982
18	12	.003982
18	13	.003982
18	14	.004145
19	1	.005462
19	2	.005168
19	3	.005248
19	4	.005168
19	5	.005248
19	6	.005168
19	7	.005248
19	8	.005168
19	9	.005168
19	10	.005462

* The undivided interest in the General Common Elements appurtenant to each Unit is subject to modification by annexations to the Declaration pursuant to Paragraph 33 of the Declaration.

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit *</u>
		.005462
20	1	.005168
20	2	.005168
20	3	.005248
20	4	.005168
20	5	.005248
20	6	.005168
20	7	.005248
20	8	.005168
20	9	.005462
20	10	
21	1	.005462
21	2	.005168
21	3	.005248
21	4	.005168
21	5	.005248
21	6	.005168
21	7	.005248
21	8	.005168
21	9	.005168
21	10	.005462
22	1	.005462
22	2	.005168
22	3	.005168
22	4	.005248
22	5	.005168
22	6	.005248
22	7	.005168
22	8	.005248
22	9	.005168
22	10	.005462
23	1	.004145
23	2	.003982
23	3	.003982
23	4	.003982
23	5	.003970

* The undivided interest in the General Common Elements appurtenant to each Unit is subject to modification by annexations to the Declaration pursuant to Paragraph 33 of the Declaration.

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<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit *</u>
23	6	.003970
23	7	.003970
23	8	.003970
23	9	.003982
23	10	.003982
23	11	.003982
23	12	.004145
24	1	.005462
24	2	.005168
24	3	.005248
24	4	.005168
24	5	.005248
24	6	.005168
24	7	.005248
24	8	.005168
24	9	.005168
24	10	.005462
25	1	.005462
25	2	.005168
25	3	.005168
25	4	.005248
25	5	.005168
25	6	.005248
25	7	.005168
25	8	.005248
25	9	.005168
25	10	.005462
26	1	.004145
26	2	.003982
26	3	.003970
26	4	.003970
26	5	.003982
26	6	.003982
26	7	.003970
26	8	.003970
26	9	.003982
26	10	.004145

* The undivided interest in the General Common Elements appurtenant to each Unit is subject to modification by annexations to the Declaration pursuant to Paragraph 33 of the Declaration.

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Undivided
Interest in the
General Common
Elements Appurtenant
To Each Unit *

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	
27	1	.005462
27	2	.005168
27	3	.005168
27	4	.005248
27	5	.005168
27	6	.005248
27	7	.005168
27	8	.005248
27	9	.005168
27	10	.005462
28	1	.005462
28	2	.005168
28	3	.005248
28	4	.005168
28	5	.005248
28	6	.005168
28	7	.005168
28	8	.005462
29	1	.005462
29	2	.005168
29	3	.005248
29	4	.005168
29	5	.005248
29	6	.005168
29	7	.005168
29	8	.005462
30	1	.004145
30	2	.003982
30	3	.003970
30	4	.003970
30	5	.003982
30	6	.003982
30	7	.003970
30	8	.003970
30	9	.003982
30	10	.004145

* The undivided interest in the General Common Elements appurtenant to each Unit is subject to modification by annexations to the Declaration pursuant to Paragraph 33 of the Declaration.