

Recorded at 11:24 o'clock A M AUG 28 1984

Reception 2446269 MARJORIE PAGE, Recorder BOOK 4248 PAGE 496

Phase IV

THIRD SUPPLEMENTAL CONDOMINIUM DECLARATION AND
ANNEXATION AGREEMENT FOR THE
WINDSONG CONDOMINIUMS

THIS SUPPLEMENTAL CONDOMINIUM DECLARATION AND ANNEXATION AGREEMENT is made and entered into this ___ day of _____, 19___, by CARMEL HOMES, INC., a Colorado corporation, formerly known as 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



WF 25246

WHEREAS, Declarant is the owner, except for parcels thereof previously annexed to the Project, 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 eight (8) 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 on 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.

CARMEL HOMES, INC.,
a Colorado corporation

By Kal Zeff
Kal Zeff, Authorized Agent

ATTEST: (SEAL)

Asst. Mary D. Cole
Secretary

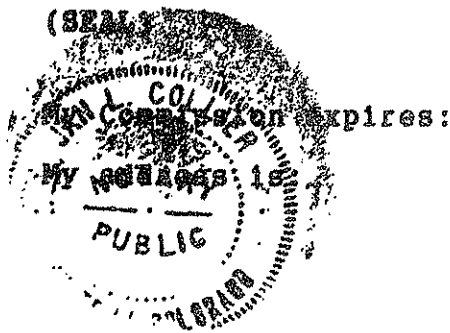
STATE OF COLORADO }
COUNTY OF Denver }

The foregoing instrument was acknowledged before me this 20th day of August 1984 by Kal Zeff, as authorized agent and by Mary Cole, as Secretary of CARMEL HOMES, INC., a Colorado corporation, formerly known as 304 Corporation, a Colorado corporation.

WITNESS my hand and official seal.

Jane H. Collier
Notary Public

August 12, 1985
950 S. Cherry #1100
Denver, CO 80222



WINDSONG CONDOMINIUMS

MORTGAGE APPROVAL

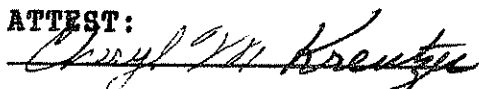
THE UNDERSIGNED hereby approves, ratifies and consents to the attached Supplemental Condominium Declaration and Annexation Agreement for The Windsong Condominiums.

IN WITNESS WHEREOF, the undersigned has caused its corporate name to be hereunto subscribed by its Assistant Vice President, and its corporate seal to be hereunto affixed, and attested by its Assistant Secretary, this 6th day of August, 1984.



By Lynni Deaville
Title: Asst. Vice President

(SEAL)

ATTEST:

Title: Asst. Secretary

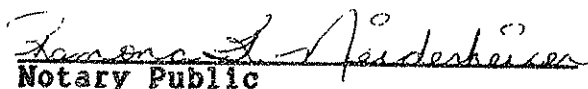
STATE OF COLORADO)
)
COUNTY OF DENVER)

The foregoing was acknowledged before me this 6th day of August, 1984, by Lynni Deaville and Cheryl M. Kreutzer, authorized agents of SECURITY PACIFIC MORTGAGE CORPORATION.

WITNESS my hand and official seal.

(SEAL)

Ramona K. Naiderheiser
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 7/12/87


Notary Public

My Commission expires:

My address is:

950 South Cherry, #816
Denver, CO 80222

WINDSONG CONDOMINIUMS

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
MERLE C. SHIRLEY, this 6th day of JULY, 1984.

VETERANS ADMINISTRATION

By *Merle C. Shirley*
Authorized Agent

STATE OF COLORADO)
)
COUNTY OF _____)

The foregoing was acknowledged before me this 6th day of JULY, 1984, by MERLE C. SHIRLEY, as authorized agent for the Veterans Administration.

WITNESS my hand and official seal.



My Commission expires:
My address is:

Terri Kolesarek
Notary Public

9-26-87
Loan Guaranty Division
VETERANS ADMINISTRATION
REGIONAL OFFICE
SERVICES FEDERAL CENTER
DENVER, COLORADO 80226

WINDSONG CONDOMINIUMSEXHIBIT "A"

Legal description of property which Declarant may annex:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) 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 (NW 1/4) OF SECTION 21;
 THENCE S 89° 50' 08" E, A DISTANCE OF 50.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) 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.

WINDSONG CONDOMINIUMSEXHIBIT "B"

Legal description of Phase IV:

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER (NW 1/4) 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 ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 21; THENCE S 89° 50' 08" E, A DISTANCE OF 50.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE ON SOUTH QUEBEC STREET EXTENDED;

THENCE N 00°00'00" E, A DISTANCE OF 35.00 FEET;
THENCE S 89°49'46" E, A DISTANCE OF 1,278.00 FEET;
THENCE N 00° 05'45" W, A DISTANCE OF 340.00 FEET;
THENCE S 89°54'15" W, A DISTANCE OF 84.00 FEET;
THENCE N 00°05'45" W, A DISTANCE OF 16.47 FEET;
THENCE S 89°54'15" W, A DISTANCE OF 55.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S 89°54'15" W, A DISTANCE OF 170.00 FEET;
THENCE N 00°05'45" W, A DISTANCE OF 86.90 FEET;
THENCE N 89°54'15" E, A DISTANCE OF 170.00 FEET;
THENCE S 00°05'45" E, A DISTANCE OF 86.90 FEET TO THE TRUE POINT OF BEGINNING.

SAID PHASE IV CONTAINS .339 ACRES, MORE OR LESS.

WINDSONG CONDOMINIUMS

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EXHIBIT "C"

Condominium Units in Phase IV:

<u>Condominium Building</u>	<u>Condominium Unit No.</u>
31	1
31	2
31	3
31	4
31	5
31	6
31	7
31	8

WINDSONG CONDOMINIUMSEXHIBIT "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	.005242
10	2	.004960
10	3	.005035
10	4	.004960
10	5	.005035
10	6	.004960
10	7	.004960
10	8	.005242
11	1	.003977
11	2	.003821
11	3	.003821
11	4	.003821
11	5	.003809
11	6	.003809
11	7	.003809
11	8	.003809
11	9	.003821
11	10	.003821
11	11	.003821
11	12	.003977
12	1	.005242
12	2	.004960
12	3	.004960
12	4	.005035
12	5	.004960
12	6	.005035
12	7	.004960
12	8	.005242

* 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.

WINDSONG CONDOMINIUMS

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit</u> *
13	1	.005242
13	2	.004960
13	3	.004960
13	4	.005035
13	5	.004960
13	6	.005035
13	7	.004960
13	8	.005035
13	9	.004960
13	10	.005242
14	1	.003977
14	2	.003821
14	3	.003809
14	4	.003809
14	5	.003809
14	6	.003809
14	7	.003821
14	8	.003977
15	1	.005242
15	2	.004960
15	3	.004960
15	4	.005035
15	5	.004960
15	6	.005035
15	7	.004960
15	8	.005035
15	9	.004960
15	10	.005242
16	1	.005242
16	2	.004960
16	3	.005035
16	4	.004960
16	5	.005035
16	6	.004960
16	7	.004960
16	8	.005242

* 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.

WINDSONG CONDOMINIUMS

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit *</u>
17	1	.005242
17	2	.004960
17	3	.004960
17	4	.005035
17	5	.004960
17	6	.005035
17	7	.004960
17	8	.005035
17	9	.004960
17	10	.005242
18	1	.003977
18	2	.003821
18	3	.003821
18	4	.003821
18	5	.003809
18	6	.003809
18	7	.003809
18	8	.003809
18	9	.003809
18	10	.003809
18	11	.003821
18	12	.003821
18	13	.003821
18	14	.003977
19	1	.005242
19	2	.004960
19	3	.005035
19	4	.004960
19	5	.005035
19	6	.004960
19	7	.005035
19	8	.004960
19	9	.004960
19	10	.005242

* 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.

WINDSONG CONDOMINIUMS

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit</u> *
20	1	.005242
20	2	.004960
20	3	.004960
20	4	.005035
20	5	.004960
20	6	.005035
20	7	.004960
20	8	.005035
20	9	.004960
20	10	.005242
21	1	.005242
21	2	.004960
21	3	.005035
21	4	.004960
21	5	.005035
21	6	.004960
21	7	.005035
21	8	.004960
21	9	.004960
21	10	.005242
22	1	.005242
22	2	.004960
22	3	.004960
22	4	.005035
22	5	.004960
22	6	.005035
22	7	.004960
22	8	.005035
22	9	.004960
22	10	.005242
23	1	.003977
23	2	.003821
23	3	.003821
23	4	.003821
23	5	.003809
23	6	.003809

* 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.

WINDSONG CONDOMINIUMS

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit</u> *
23	7	.003809
23	8	.003809
23	9	.003821
23	10	.003821
23	11	.003821
23	12	.003977
24	1	.005242
24	2	.004960
24	3	.005035
24	4	.004960
24	5	.005035
24	6	.004960
24	7	.005035
24	8	.004960
24	9	.004960
24	10	.005242
25	1	.005242
25	2	.004960
25	3	.004960
25	4	.005035
25	5	.004960
25	6	.005035
25	7	.004960
25	8	.005035
25	9	.004960
25	10	.005242
26	1	.003977
26	2	.003821
26	3	.003809
26	4	.003809
26	5	.003821
26	6	.003821
26	7	.003809
26	8	.003809
26	9	.003809
26	10	.003977

* 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.

WINDSONG CONDOMINIUMS

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit</u> *
27	1	.005242
27	2	.004960
27	3	.004960
27	4	.005035
27	5	.004960
27	6	.005035
27	7	.004960
27	8	.005035
27	9	.004960
27	10	.005242
28	1	.005242
28	2	.004960
28	3	.005035
28	4	.004960
28	5	.005035
28	6	.004960
28	7	.004960
28	8	.005242
29	1	.005242
29	2	.004960
29	3	.005035
29	4	.004960
29	5	.005035
29	6	.004960
29	7	.004960
29	8	.005242
30	1	.003977
30	2	.003821
30	3	.003809
30	4	.003809
30	5	.003821
30	6	.003821
30	7	.003809
30	8	.003809
30	9	.003821
30	10	.003977

* 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.

WINDSONG CONDOMINIUMS

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the General Common Elements Appurtenant To Each Unit</u> *
31	1	.005242
31	2	.004960
31	3	.005035
31	4	.004960
31	5	.005035
31	6	.004960
31	7	.004960
31	8	.005254

* 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.