

FIFTH SUPPLEMENTAL CONDOMINIUM DECLARATION AND
ANNEXATION AGREEMENT FOR THE
WINDSONG CONDOMINIUMS

THIS SUPPLEMENTAL CONDOMINIUM DECLARATION AND ANNEXATION AGREEMENT is made and entered into this 1st day of November, 1985, by CARMEL HOMES, INC., a Colorado corporation, formerly known as 304 Corporation, a Colorado corporation (hereinafter referred to as the "Declarant").

RECITALS:

1. Declarant has 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 in the records in the office of the Clerk and Recorder of Arapahoe County, Colorado.

2. 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."

3. Exhibit 3 of the Declaration provides the legal description of property which Declarant may annex to The Windsong Condominiums (the "Annexable Property").

4. Declarant is the owner, except for parcels thereof previously annexed to the Project, of the Annexable Property.

5. Declarant desires to annex a portion of such Annexable Property to The Windsong Condominiums pursuant to Paragraph 33 of the Declaration, and to establish one hundred and eight (108) additional Condominium Units for annexation to the Project.

Declarant hereby declares as follows:

WF 28435

A. Annexation of Property. Pursuant to Paragraph 33.1 of the Declaration, a portion of the Annexable Property is hereby annexed to the Project and 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 "A" attached hereto and incorporated herein by this reference.

B. 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 property which is described in Exhibit "A" attached hereto.

C. Division Into Condominium Units. Declarant hereby establishes one hundred and eight (108) additional Condominium Units for annexation to the Project and the "Property" as defined in the Declaration and as identified in Exhibit "B" attached hereto and incorporated herein by reference. Immediately upon the recording of the foregoing Supplemental Map and this Supplemental Condominium Declaration and Annexation Agreement, the total number of Condominium Units in the Project, their numeric designation and their undivided interest in the Common Elements shall be as set forth on Exhibit "C", attached hereto and incorporated herein by this reference.

D. Definitions. Unless otherwise defined herein, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

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, President and
Authorized Agent

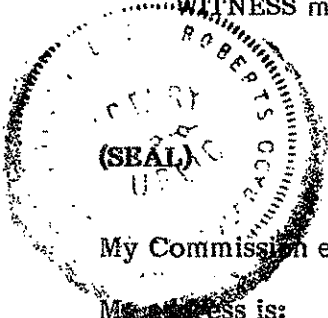
ATTEST: (SEAL)

Mary D. Cole
Mary D. Cole, Secretary

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 1st day of November, 1985, by Kal Zeff, as President and Authorized Agent and by Mary Cole, as Secretary of Carmel Homes, Inc.

WITNESS my hand and official seal.



My Commission expires:

My office is:

Katherine E. Roberts
Notary Public

August 8, 1986

950 S. Pike Road, 4th Fl #1100

Denver, Colorado 80227

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 17th day of SEPTEMBER, 198 5.

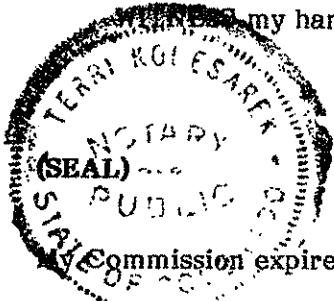
VETERANS ADMINISTRATION

By *Merle C. Shirley*
Authorized Agent

STATE OF COLORADO)
COUNTY OF JEFFERSON) ss.

The foregoing was acknowledged before me this 17th day of SEPTEMBER, 198 5, by MERLE C. SHIRLEY, as authorized agent for the Veterans Administration.

Witness my hand and official seal.



My address is:
Commission expires:

Terri Kolesarek
Notary Public

9-26-87

Construction and Valuation (262)
VA Regional Office
44 Union Boulevard
Box 25126
Denver, CO 80225

**SUPPLEMENTAL CONDOMINIUM DECLARATION
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WINDSONG CONDOMINIUMS**

EXHIBIT "A"

Legal description of property to be annexed hereby (Phase VI):

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 35.00 FEET;
THENCE S 89° 49' 46" E, A DISTANCE OF 1278.75 FEET;
THENCE N 00° 05' 45" W, A DISTANCE OF 340.99 FEET TO THE TRUE POINT OF BEGINNING;
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 50.00 FEET;
THENCE N 00° 05' 45" W, A DISTANCE OF 86.90 FEET;
THENCE S 89° 54' 15" W, A DISTANCE OF 170.00 FEET;
THENCE S 00° 05' 45" E, A DISTANCE OF 86.90 FEET;
THENCE S 89° 54' 15" W, A DISTANCE OF 80.00 FEET;
THENCE S 00° 05' 17" E, A DISTANCE OF 26.00 FEET;
THENCE S 89° 54' 15" W, A DISTANCE OF 260.00 FEET;
THENCE N 69° 04' 29" W, A DISTANCE OF 182.41 FEET;
THENCE N 18° 31' 40" E, A DISTANCE OF 394.64 FEET;
THENCE S 71° 28' 20" E, A DISTANCE OF 262.17 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' 26" E, A DISTANCE OF 17.91 FEET;
THENCE S 35° 42' 33" E, A DISTANCE OF 36.34 FEET;
THENCE S 00° 05' 45" E, A DISTANCE OF 388.22 FEET TO THE TRUE POINT OF BEGINNING.

SAID PHASE CONTAINING 5.94 ACRES, MORE OR LESS.

**SUPPLEMENTAL CONDOMINIUM DECLARATION
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WINDSONG CONDOMINIUMS**

EXHIBIT "B"

<u>Condominium Building</u>	<u>Condominium Unit No.</u>
2	1
2	2
2	3
2	4
2	5
2	6
2	7
2	8
2	9
2	10
2	11
2	12
2	13
2	14
32	1
32	2
32	3
32	4
32	5
32	6
32	7
32	8
32	9
32	10
33	1
33	2
33	3
33	4
33	5
33	6
33	7
33	8
33	9
33	10

**SUPPLEMENTAL CONDOMINIUM DECLARATION
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EXHIBIT "B"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>
34	1
34	2
34	3
34	4
34	5
34	6
34	7
34	8
34	9
34	10
35	1
35	2
35	3
35	4
35	5
35	6
35	7
35	8
35	9
35	10
36	1
36	2
36	3
36	4
36	5
36	6
36	7
36	8
36	9
36	10
37	1
37	2
37	3
37	4
37	5
37	6
37	7
37	8
37	9
37	10

**SUPPLEMENTAL CONDOMINIUM DECLARATION
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EXHIBIT "B"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>
38	1
38	2
38	3
38	4
38	5
38	6
38	7
38	8
38	9
38	10
38	11
38	12
38	13
38	14
39	1
39	2
39	3
39	4
39	5
39	6
39	7
39	8
39	9
39	10
40	1
40	2
40	3
40	4
40	5
40	6
40	7
40	8
40	9
40	10

**SUPPLEMENTAL CONDOMINIUM DECLARATION
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EXHIBIT "C"

This Exhibit sets forth the final undivided interest in the Common Elements Appurtenant to each Condominium Unit subject to the Declaration. The following percentage interest figures of such undivided interests in the Common Elements is different from, modifies and replaces those figures initially included and as estimated and as set forth in Exhibit 4 of the Declaration. In the event of any conflict between Exhibit 4 of the Declaration and this Exhibit "C", this Exhibit "C" shall control.

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
1	1	0.003472
1	2	0.002854
1	3	0.002854
1	4	0.003179
1	5	0.003179
1	6	0.002854
1	7	0.002854
1	8	0.003472
2	1	0.002117
2	2	0.001992
2	3	0.001984
2	4	0.001984
2	5	0.001992
2	6	0.001992
2	7	0.001984
2	8	0.001984
2	9	0.001992
2	10	0.001992
2	11	0.001984
2	12	0.001984
2	13	0.001992
2	14	0.002117
3	1	0.003292
3	2	0.003179
3	3	0.003179
3	4	0.002854
3	5	0.002854
3	6	0.003179
3	7	0.003179
3	8	0.002854
3	9	0.002854
3	10	0.003472

**SUPPLEMENTAL CONDOMINIUM DECLARATION
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EXHIBIT "C"

Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
4	1	0.003292
4	2	0.003179
4	3	0.003179
4	4	0.002854
4	5	0.002854
4	6	0.003179
4	7	0.003179
4	8	0.002854
4	9	0.002854
4	10	0.003472
5	1	0.003472
5	2	0.002854
5	3	0.002854
5	4	0.003179
5	5	0.003179
5	6	0.002854
5	7	0.002854
5	8	0.003472
6	1	0.002117
6	2	0.001992
6	3	0.001984
6	4	0.001984
6	5	0.001992
6	6	0.001992
6	7	0.001984
6	8	0.002107
7	1	0.002117
7	2	0.001992
7	3	0.001984
7	4	0.001984
7	5	0.001992
7	6	0.001992
7	7	0.001984
7	8	0.001984
7	9	0.001992
7	10	0.002117

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EXHIBIT "C"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
8	1	0.003472
8	2	0.002854
8	3	0.002854
8	4	0.003179
8	5	0.003179
8	6	0.002854
8	7	0.002854
8	8	0.003179
8	9	0.003179
8	10	0.003292
9	1	0.003472
9	2	0.002854
9	3	0.002854
9	4	0.003179
9	5	0.003179
9	6	0.002854
9	7	0.002854
9	8	0.003179
9	9	0.003179
9	10	0.003292
10	1	0.002667
10	2	0.002524
10	3	0.002562
10	4	0.002524
10	5	0.002562
10	6	0.002524
10	7	0.002524
10	8	0.002667
11	1	0.002024
11	2	0.001944
11	3	0.001944
11	4	0.001944
11	5	0.001939
11	6	0.001939
11	7	0.001939
11	8	0.001939
11	9	0.001944
11	10	0.001944
11	11	0.001944
11	12	0.002024

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EXHIBIT "C"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
12	1	0.002667
12	2	0.002524
12	3	0.002524
12	4	0.002562
12	5	0.002524
12	6	0.002562
12	7	0.002524
12	8	0.002667
13	1	0.002667
13	2	0.002524
13	3	0.002524
13	4	0.002562
13	5	0.002524
13	6	0.002562
13	7	0.002524
13	8	0.002562
13	9	0.002524
13	10	0.002667
14	1	0.002024
14	2	0.001944
14	3	0.001939
14	4	0.001939
14	5	0.001939
14	6	0.001939
14	7	0.001944
14	8	0.002024
15	1	0.002667
15	2	0.002524
15	3	0.002524
15	4	0.002562
15	5	0.002524
15	6	0.002562
15	7	0.002524
15	8	0.002562
15	9	0.002524
15	10	0.002667

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EXHIBIT "C"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
16	1	0.002667
16	2	0.002524
16	3	0.002562
16	4	0.002524
16	5	0.002562
16	6	0.002524
16	7	0.002524
16	8	0.002667
17	1	0.002667
17	2	0.002524
17	3	0.002524
17	4	0.002562
17	5	0.002524
17	6	0.002562
17	7	0.002524
17	8	0.002562
17	9	0.002524
17	10	0.002667
18	1	0.002024
18	2	0.001944
18	3	0.001944
18	4	0.001944
18	5	0.001939
18	6	0.001939
18	7	0.001939
18	8	0.001939
18	9	0.001939
18	10	0.001939
18	11	0.001944
18	12	0.001944
18	13	0.001944
18	14	0.002024

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EXHIBIT "C"
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<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
19	1	0.002667
19	2	0.002524
19	3	0.002562
19	4	0.002524
19	5	0.002562
19	6	0.002524
19	7	0.002562
19	8	0.002524
19	9	0.002524
19	10	0.002667
20	1	0.002667
20	2	0.002524
20	3	0.002524
20	4	0.002562
20	5	0.002524
20	6	0.002562
20	7	0.002524
20	8	0.002562
20	9	0.002524
20	10	0.002667
21	1	0.002667
21	2	0.002524
21	3	0.002562
21	4	0.002524
21	5	0.002562
21	6	0.002524
21	7	0.002562
21	8	0.002524
21	9	0.002524
21	10	0.002667
22	1	0.002667
22	2	0.002524
22	3	0.002524
22	4	0.002562
22	5	0.002524
22	6	0.002562
22	7	0.002524
22	8	0.002562
22	9	0.002524
22	10	0.002667

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EXHIBIT "C"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
23	1	0.002024
23	2	0.001944
23	3	0.001944
23	4	0.001944
23	5	0.001939
23	6	0.001939
23	7	0.001939
23	8	0.001939
23	9	0.001944
23	10	0.001944
23	11	0.001944
23	12	0.002024
24	1	0.002667
24	2	0.002524
24	3	0.002562
24	4	0.002524
24	5	0.002562
24	6	0.002524
24	7	0.002562
24	8	0.002524
24	9	0.002524
24	10	0.002667
25	1	0.002667
25	2	0.002524
25	3	0.002524
25	4	0.002562
25	5	0.002524
25	6	0.002562
25	7	0.002524
25	8	0.002562
25	9	0.002524
25	10	0.002667

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EXHIBIT "C"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
26	1	0.002024
26	2	0.001944
26	3	0.001939
26	4	0.001939
26	5	0.001944
26	6	0.001944
26	7	0.001939
26	8	0.001939
26	9	0.001944
26	10	0.002024
27	1	0.002667
27	2	0.002524
27	3	0.002524
27	4	0.002562
27	5	0.002524
27	6	0.002562
27	7	0.002524
27	8	0.002562
27	9	0.002524
27	10	0.002667
28	1	0.002667
28	2	0.002524
28	3	0.002562
28	4	0.002524
28	5	0.002562
28	6	0.002524
28	7	0.002524
28	8	0.002667
29	1	0.002667
29	2	0.002524
29	3	0.002562
29	4	0.002524
29	5	0.002562
29	6	0.002524
29	7	0.002524
29	8	0.002667

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<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
30	1	0.002024
30	2	0.001944
30	3	0.001939
30	4	0.001939
30	5	0.001944
30	6	0.001944
30	7	0.001939
30	8	0.001939
30	9	0.001944
30	10	0.002024
31	1	0.002667
31	2	0.002524
31	3	0.002562
31	4	0.002524
31	5	0.002562
31	6	0.002524
31	7	0.002524
31	8	0.002667
32	1	0.003292
32	2	0.003179
32	3	0.003179
32	4	0.002854
32	5	0.002854
32	6	0.003179
32	7	0.003179
32	8	0.002854
32	9	0.002854
32	10	0.003472
33	1	0.003292
33	2	0.003179
33	3	0.003179
33	4	0.002854
33	5	0.002854
33	6	0.003179
33	7	0.003179
33	8	0.002854
33	9	0.002854
33	10	0.003472

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EXHIBIT "C"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
34	1	0.002117
34	2	0.001992
34	3	0.001984
34	4	0.001984
34	5	0.001992
34	6	0.001992
34	7	0.001984
34	8	0.001984
34	9	0.001992
34	10	0.002117
35	1	0.003292
35	2	0.003179
35	3	0.003179
35	4	0.002854
35	5	0.002854
35	6	0.003179
35	7	0.003179
35	8	0.002854
35	9	0.002854
35	10	0.003472
36	1	0.002117
36	2	0.001992
36	3	0.001984
36	4	0.001984
36	5	0.001992
36	6	0.001992
36	7	0.001984
36	8	0.001984
36	9	0.001992
36	10	0.002117

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EXHIBIT "C"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
37	1	0.003292
37	2	0.003179
37	3	0.003179
37	4	0.002854
37	5	0.002854
37	6	0.003179
37	7	0.003179
37	8	0.002854
37	9	0.002854
37	10	0.003472
38	1	0.002117
38	2	0.001992
38	3	0.001984
38	4	0.001984
38	5	0.001992
38	6	0.001992
38	7	0.001984
38	8	0.001984
38	9	0.001992
38	10	0.001992
38	11	0.001984
38	12	0.001984
38	13	0.001992
38	14	0.002117
39	1	0.003292
39	2	0.003179
39	3	0.003179
39	4	0.002854
39	5	0.002854
39	6	0.003179
39	7	0.003179
39	8	0.002854
39	9	0.002854
39	10	0.003472

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EXHIBIT "C"
Continued

<u>Condominium Building</u>	<u>Condominium Unit No.</u>	<u>Undivided Interest in the Common Elements*</u>
40	1	0.003292
40	2	0.003179
40	3	0.003179
40	4	0.002854
40	5	0.002854
40	6	0.003179
40	7	0.003179
40	8	0.002854
40	9	0.002854
40	10	0.003472