

RESOLUTION OF AMENDMENT OF PROTECTIVE COVENANTS  
FOR ELK RUN SUBDIVISION

PURSUANT TO Article XI - General Provisions, Paragraph 2 Termination of Covenants, of the Declaration of Second Amended Protective Covenants of Elk Run Subdivision, the Elk Run Homeowners Association, Inc., hereby certifies and resolves as follows:

A. Upon notice to all members, the 2000 annual meeting of the Association was held on August 5, 2000.

B. A vote was taken to amend the Second Amended Protective Covenants recorded in Book 711 at page 583 of the Gunnison County records, as further amended by Resolution recorded in Book 771 at page 664.

C. By vote of more than three-fourths of the votes entitled to be cast, the following Amendment was adopted at the membership's annual meeting held on August 5, 2000, and the Secretary of the Association was instructed to prepare this Resolution and have it certified and placed of record.

NOW THEREFORE be it resolved as follows:

1. Article V, Paragraph 2. Approval by Architectural Committee, is hereby amended in its entirety to read as follows:

"2. Approval by Architectural Committee. No improvements of any kind, including but not limited to dwelling houses, barns, stables, outbuildings, swimming pools, tennis courts, ponds, parking areas, fences, walls, garages, drives, antennae, flag poles, curbs, and side walks shall ever be constructed or altered on any land within Elk Run Subdivision, nor may any vegetation be altered or destroyed or any landscaping performed on any tract, unless the complete architectural plans for such construction or alteration or landscaping are approved in writing by the Committee prior to the commencement of such work. In the event that the Committee fails to take any action within ninety (90) days after complete architectural plans for such work have been submitted to it, then all of such submitted architectural plans shall be deemed approved. In the event the Committee shall disapprove any architectural plans, the applicant may appeal the matter to the next annual or special meeting of the Members of ELK RUN HOMEOWNERS ASSOCIATION, where a vote of at least two-thirds (2/3) of the votes entitled to be cast at said meeting shall be required to change the decision of the Committee."

2. Article V, Paragraph 5.b. Final Plans, Subsection 6) is hereby amended in its entirety to read as follows:

"6) Within fifteen (15) days after receipt of complete architectural plans for a proposed building or structure, or for any addition to or alterations of an existing structure, including all necessary accompanying data, the Committee shall mail (to the address maintained by the Secretary of the Association) such plans to the owner of each lot which is adjacent (either directly or across the street) to the lot to which the plans pertain. Each owner of an adjacent lot may, within thirty (30) days of the date of mailing by the Committee, submit to the Committee written comments on the plans. Within forty-five (45) days after such thirty (30) day period, the Committee shall review the plans and any comments which have been received from adjacent lot owners and render in writing its determination to the applicant, approving, disapproving, or approving with conditions, the construction of the proposed building or structure or any addition or alterations to an existing structure. In the event the Committee fails to take any action within ninety (90) days from initial receipt of such final plans the application shall be deemed approved; provided, however, in no event shall such failure to act in a timely fashion constitute approval of any violation of the Protective Covenants for Elk Run Subdivision or of any governmental law or regulatory requirement. Notwithstanding the foregoing, the Committee may waive and dispense with the mailing requirement to adjacent lot owners, if the plans do not seek approval of either new construction, or addition and/or alterations to the exterior of existing structures. If the Committee so waives the mailing requirement to adjacent lot owners in a given case, the Committee shall have a total of ninety (90) days nevertheless from receipt of the plans to take action on the same."

ELK RUN HOMEOWNERS ASSOCIATION, INC.

By: *Boyd J. Pederson*  
Boyd J. Pederson  
Its Secretary

I hereby certify that the foregoing Resolution duly reflects the action taken by the Elk Run Homeowners Association, Inc., upon vote of more than three-fourths (3/4) of the owners entitled to vote at a meeting of the members held on August 5, 2000.



ELK RUN HOMEOWNERS ASSOCIATION, INC.

By: *Boyd J. Pederson*  
Boyd J. Pederson  
Its Secretary

STATE OF COLORADO }  
                                  } ss  
COUNTY OF GUNNISON }

13 <sup>th</sup> THE FOREGOING Resolution was subscribed, acknowledged and sworn to before me this day of July 2001 by Boyd J. Pederson as Secretary of Elk Run Homeowners Association, Inc.

Witness my hand and official seal.

My commission expires 9/21/03

*Judith E. Bandy*  
Notary Public

MY COMMISSION EXPIRES: 9/21/03  
# 174114  
GUNNISON, CO 81230