DECLARATION OF ANNEXATION
AND
AMENDMENT NO. 3
TO
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
COURTYARD AT KISSING CAMELS ESTATES
FILING NO. 1 AND FILING NO. 1A
DECLARATION OF ANNEXATION
AND
AMENDMENT NO. 3
TO
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
COURTYARD AT KISSING CAMELS ESTATES
FILING NO. 1 AND FILING NO. 1A

(Annexation of Lot 1, Courtyard at Kissing Camels Estates Filing No. 2B)

THIS INSTRUMENT, is dated for identification purposes only this 8TH day of MARCH, 2013, and shall be deemed effective upon recording in the real property records of the Clerk and Recorder of El Paso County, Colorado.

RECITALS:

A. On June 26, 1995, Hill Development Corporation (as "Declarant") recorded that certain Declaration of Covenants, Conditions, Restrictions and Easements for Courtyard at Kissing Camels Estates Filing No. 1 and Filing No. 1A dated June 26, 1995, at Book 6671, Page 1372, under Reception No. 095062568, in the real estate records of the Clerk and Recorder of El Paso County, Colorado (the "Original Declaration").

B. The Original Declaration subjected that certain real property described under the heading "Parcel 1" on Exhibit A, attached hereto (the "Property"), together with all improvements, appurtenances and facilities located on the Property, to the covenants, conditions, restrictions and easements set forth in the Original Declaration. The Property constitutes a common interest community and is commonly known as "Courtyard at Kissing Camels Estates" or "Courtyard."

C. Pursuant to Article 11 of the Original Declaration, the Declarant reserved the right to subject certain additional parcels of real property to the terms and conditions of the Original Declaration, such additional parcels identified in the Original Declaration by exhibit, to wit: Exhibit C, Development Parcel - Phase 2 ("Phase 2 Property") and Exhibit D, Development Parcel - Phase 3 ("Phase 3 Property").

D. On August 25, 1998, the Declarant recorded that certain Amendment No. 1 to Declaration of Covenants, Conditions, Restrictions and Easements for Courtyard at Kissing Camels Estates Filing No. 1 and Filing No. 1A dated August 24, 1998, under Reception No. 098121435 in the real estate records of the Clerk and Recorder of El Paso County, Colorado ("Amendment No. 1").
E. Amendment No. 1 subjected the Phase 2 Property to the terms and conditions of the Original Declaration. The legal description of the Phase 2 Property is set forth under the heading "Parcel 2" on Exhibit A, attached hereto.

F. On October 7, 1999, the Declarant recorded in the records of the Clerk and Recorder of El Paso County that certain Amendment No. 2 to Declaration of Covenants, Conditions, Restrictions and Easements for Courtyard at Kissing Camels Estates Filing No. 1 and Filing No. 1A ("Amendment No. 2") under Reception No. 099157061. Amendment No. 2 made various additional amendments to the Original Declaration, but did not add additional property to Courtyard.

G. The Original Declaration, Amendment No. 1 thereto and Amendment No. 2 thereto, are hereinafter collectively referred to as the "Courtyard Declaration."

H. Courtyard at Kissing Camels Estates Homeowners Association, Inc. (the "Association") is now the successor Declarant under the Courtyard Declaration.

I. Garden of the Gods Club, LLC ("GGC, LLC") has since acquired substantially all of the Phase 3 Property, as well as Lot 10, Courtyard at Kissing Camels Estates Filing No. 2, and has proposed the replat of Lot 10 to include a small, contiguous portion of the Phase 3 Property (such portion hereinafter referred to as the "Phase 3 Tract").

J. The Association has conditioned its agreement and consent to the replatting upon, among other things, (i) the amendment of the Courtyard Declaration as necessary to allow the resubdivision of Lot 10, and (ii) the annexation of the Phase 3 Tract into the Courtyard at Kissing Camels Estates common interest community.

NOW, THEREFORE, it is declared that the Courtyard Declaration is hereby amended as follows:

ARTICLE I - AMENDMENT AND ANNEXATION

1.1 Amendment of Courtyard Declaration to Permit Reconfiguration and Replat of Lot 10. The Courtyard Declaration is hereby amended to permit the reconfiguration and replat of Lot 10 to include the Phase 3 Tract. Any provision of the Courtyard Declaration which may conflict with, or purport to prohibit, the actions undertaken pursuant to this instrument, including the provisions of Section 5.2 of the Courtyard Declaration which might otherwise prevent the subdivision, resubdivision or reconfiguration of Lot 10, are hereby waived to the extent required to permit the actions contemplated herein.

1.2 Annexation of Phase 3 Tract. The prospective legal description of Lot 10, as replatted to include the Phase 3 Tract, is set forth under the heading "Parcel 3" on Exhibit A, attached hereto. Upon finalization and recordation of the replat, the Courtyard Declaration shall be, and hereby is, deemed amended to reflect the annexation of the Phase 3 Tract. The Phase 3 Tract shall thereupon become subject to, and shall be held, sold, conveyed, encumbered, leased,
rented, occupied and improved in accordance and compliance with all of the terms and
conditions of the Courtyard Declaration, as the same may be amended from time to time, and the
Phase 3 Tract shall thereafter be deemed to be contained within the “Property,” as such term is
defined in the Courtyard Declaration. Attached hereto as Exhibit B is a surveyor’s depiction of
Lot 10, Courtyard at Kissing Camels Estates Filing No. 2, and the adjoining Phase 3 Tract,
before the replat, and attached hereto as Exhibit C is a surveyor’s depiction of the same parcels
replatted as Lot 1, Courtyard at Kissing Camels Estates Filing No. 2B.

1.3 Setbacks and Building Coverage. As provided in the Courtyard Declaration,
Section 5.16, all Dwelling Units and other Improvements constructed and located upon the
Property must comply with setback requirements and other conditions imposed from time to time
by zoning ordinance and/or as a condition to Development Plan or Plat approval. Attached
hereto as Exhibit D is the most recent modification to the Development Plan for the Property,
dated March 4, 2013, and the setback and building coverage requirements set forth on such
Development Plan shall govern the replatted Lot 1, Courtyard at Kissing Camels Estates Filing
2B.

1.4 Rate of Assessment. Lot 10, as reconfigured to include the Phase 3 Tract (and
replatted as Lot 1, Courtyard at Kissing Camels Estates Filing 2B), shall continue to be treated as
a single Lot for all purposes under the Courtyard Declaration, and it shall be assessed for annual,
special and any other assessments on the same basis as other Lots within Courtyard at Kissing
Camels Estates.

1.5 Consent and Approval of Board. The Board of Board of Directors of the
Association has approved and consented to (i) the amendment of the Courtyard Declaration to
permit the reconfiguration of Lot 10, Courtyard at Kissing Camels Estates Filing 2, to include the
Phase 3 Tract, and the replatting of said Lot 10 as Lot 1, Courtyard at Kissing Camels Estates
Filing 2B, all as more fully described herein, and (ii) the annexation of the Phase 3 Tract into the
common interest community known as Courtyard at Kissing Camels Estates.

1.6 Consent and Approval of Owners/Members. As required by Section 17.14.2 of
the Courtyard Declaration, the requisite number of Lot Owners/Members of the Association have
likewise approved of and consented to (i) the amendment of the Courtyard Declaration to permit
the reconfiguration of Lot 10, Courtyard at Kissing Camels Estates Filing 2, to include the Phase
3 Tract, and the replatting of said Lot 10 as Lot 1, Courtyard at Kissing Camels Estates Filing
2B, all as more fully described herein, and (ii) the annexation of the Phase 3 Tract into the
common interest community known as Courtyard at Kissing Camels Estates. The consent and
approval of Owners/Members of the Association is attached hereto as Exhibit E.

1.7 Binding Effect. The covenants contained herein, as well as those contained
within the Declaration, will run with the land and will bind and benefit all persons or entities
(including Declarant) having any right, title or interest in all or any part of the Phase 3 Tract and
the Property (as expanded by this instrument), their heirs, successors and assigns, and their
tenants, employees, guests and invitees.
IN WITNESS WHEREOF, the Declarant has executed this Amendment on the date and year set forth below.

SUCCESSOR DECLARANT:

COURTYARD AT KISSING CAMELS
ESTATES, INC., a Colorado corporation

By:  Donald C. Hare
Donald C. Haré, Vice President

Date:  March 8, 2013

ATTEST:

By:  Marla Twardowski
Marla Twardowski, Secretary

Date:  March 8, 2013

STATE OF Colorado
COUNTY OF El Paso ss.

The foregoing instrument was acknowledged before me this 8th day of March, 2013, by Donald C. Hare, as Vice President, of COURTYARD AT KISSING CAMELS ESTATES, INC., a Colorado corporation.

My commission expires:  10/21/2015

Witness my hand and official seal.

Notary Public

STATE OF Colorado
COUNTY OF El Paso ss.

The foregoing instrument was acknowledged before me this 8th day of March, 2013, by Marla Twardowski, as Secretary, of COURTYARD AT KISSING CAMELS ESTATES, INC., a Colorado corporation.

My commission expires:  10/21/2015

Witness my hand and official seal.

Notary Public
EXHIBIT A

Parcel 1

Legal Description of Real Property Subject to Original Declaration

Courtyard at Kissing Camels Estates, Filing Nos. 1 and 1A

Parcel 2

Legal Description of Phase 2 Property

Courtyard at Kissing Camels Estates, Filing No. 2

Parcel 3

Legal Description of Lot 10 and Phase 3 Tract, as Replotted

Lot 1, Courtyard at Kissing Camels Estates Filing No. 2B

(commonly known as 3336 Bishop Pine Point, Colorado Springs, Colorado 80904)
EXHIBIT B

Surveyor's Depiction of Lot 10 and Adjoining Phase 3 Tract Before Replat
EXHIBIT C

Surveyor's Depiction of Lot 10 and Adjoining Phase 3 Tract After Replat
EXHIBIT D

Development Plan dated February 27, 2013
EXHIBIT E

Owners/Members Consent
Courtyard at Kissing Camels Estates
Certificate of Consent to Re-plat Lot 10 Filing 2

We certify that we are the legal owner of the specified property listed below in Courtyard at Kissing Camels Estates. We have read and hereby approve the replat of Lot 10 Courtyard at Kissing Camels Estates Filing 2 also known as 3336 Bishop Pine Point, Colorado Springs, CO 80904.

By signing this consent form, I/we hereby acknowledge that a copy of the re-plat was received. I understand that Owner approval of the re-plat will occur through several counterparts and that this is the only document I will sign in approving the Re-plat of Lot 10 Courtyard at Kissing Camels Estates Filing 2.

This consent and approval shall be irrevocable and shall remain valid notwithstanding any Owner’s disability, death or conveyance of his/her/its Lot prior to the recording of the Re-plat. The Re-plat must receive approval from Owners representing at least sixty-seven percent of the votes in Courtyard at Kissing Camels Estates Homeowners Association, Inc. (“Association”). Upon receipt of the requisite approvals, the Board of Directors of the Association will certify the re-plat and approve of its recording it in the real property records of El Paso County, Colorado.

Carroll Smith 2610 Alder Point Colorado Springs, CO 80904 – LOT 6 COURTYARD AT KISSING CAMELS ESTATES FIL NO 1A. I (we) approve:

Ina K. Padgett 2620 Alder Point Colorado Springs, CO 80904 – LOT 7 COURTYARD AT KISSING CAMELS ESTATES FIL NO 1A. I (we) approve:

Robert V. Armstrong 2630 Alder Point Colorado Springs, CO 80904 – LOT 8 COURTYARD AT KISSING CAMELS ESTATES FIL NO 1A. I (we) approve:

Steven P. McKeever 2640 Alder Point Colorado Springs, CO 80904 – LOT 9 COURTYARD AT KISSING CAMELS ESTATES FIL NO 1. I (we) approve:

Sally C. Maurer 2650 Alder Point Colorado Springs, CO 80904 – LOT 10 COURTYARD AT KISSING CAMELS ESTATES FIL NO 1. I (we) approve:

Roberto Agolini 2660 Alder Point Colorado Springs, CO 80904 – LOT 11 COURTYARD AT KISSING CAMELS ESTATES FIL NO 1. I (we) approve:

Donald and Ellen Anderson 2655 Alder Point Colorado Springs, CO 80904 – LOT 12 COURTYARD AT KISSING CAMELS ESTATES FIL NO 1. I (we) approve:
Gary R. and Mary F. Cowan 2665 Alder Point Colorado Springs, CO 80904 -LOT 13 COURTYARD AT KISSING CAMELS ESTAES FIL NO 1. I (we) approve:

Gary R. Cowan

Mary F. Cowan

Date: 12/6/2012

Elizabeth Schutz 2675 Alder Point Colorado Springs, CO 80904 -LOT 1 COURTYARD AT KISSING CAMELS ESTAES FIL NO 2. I (we) approve:

Elizabeth Schutz

Date: 12/12/12

Sandra Lynn Parrish 2685 Alder Point Colorado Springs, CO 80904 -LOT 12 COURTYARD AT KISSING CAMELS ESTAES FIL NO 2. I (we) approve:

Sandra Lynn Parrish

Date: 1/1/13

Anna L. Harmes 2545 Stagsleap Point Colorado Springs, CO 80904 -LOT 18 COURTYARD AT KISSING CAMELS ESTAES FIL NO 1. I (we) approve:

Anna L. Harmes

Date: 12/12/2012

Robert C. and Kay F. Malowney 2555 Stagsleap Point Colorado Springs, CO 80904 -LOT 17 COURTYARD AT KISSING CAMELS ESTAES FIL NO 1. I (we) approve:

Robert C. Malowney

Kay F. Malowney

Date: 1/3/13

Date: 1/3/13

Judith D. and James C. Bowers 2565 Stagsleap Point Colorado Springs, CO 80904 -LOT 16 COURTYARD AT KISSING CAMELS ESTAES FIL NO 1. I (we) approve:

Judith D. Bowers

James C. Bowers

Date: 1/7/12

Date: 1/12/12

Jordan 2575 Stagsleap Point Colorado Springs, CO 80904 -LOT 15 COURTYARD AT KISSING CAMELS ESTAES FIL NO 1. I (we) approve:

Chuck Jordan

Date: 12/13/12

Robert E. Hage 2585 Stagsleap Point Colorado Springs, CO 80904 -LOT 14 COURTYARD AT KISSING CAMELS ESTAES FIL NO 1. I (we) approve:

Robert E. Hage

Date

Thomas A. and Claudia L. Rogers 2589 Stagsleap Point Colorado Springs, CO 80904 -LOT 1 COURTYARD AT KISSING CAMELS ESTAES FIL NO 2. I (we) approve:

Thomas A. Rogers

Claudia L. Rogers

Date: 12/6/12

Date: 12-06-12
Robert J. and Waltraud E. Rennick 2593 Stagsleap Point Colorado Springs, CO 80904 -LOT 2 COURT-YARD AT KISSING CAMELS ESTAES FIL NO 2.1 (we) approve:

Robert J. Rennick

Waltraud E. Rennick

Elnora A. Godshall 2597 Stagsleap Point Colorado Springs, CO 80904 -LOT 3 COURT-YARD AT KISSING CAMELS ESTAES FIL NO 2.1 (we) approve:

Elnora A. Godshall

Margaret A. Vessel 2615 Stagsleap Point Colorado Springs, CO 80904 -LOT 5 COURT-YARD AT KISSING CAMELS ESTAES FIL NO 2.1 (we) approve:

Margaret A. Vessel

Bonnie B. Powers 2625 Stagsleap Point Colorado Springs, CO 80904 -LOT 6 COURT-YARD AT KISSING CAMELS ESTAES FIL NO 2.1 (we) approve:

Bonnie B. Powers

Janet K. Lehmann 2635 Stagsleap Point Colorado Springs, CO 80904 -LOT 7 COURT-YARD AT KISSING CAMELS ESTAES FIL NO 2A.1 (we) approve:

Janet K. Lehmann

Anthony and Sandra Wells 2645 Stagsleap Point Colorado Springs, CO 80904 -LOT 8 COURT-YARD AT KISSING CAMELS ESTAES FIL NO 2A.1 (we) approve:

Anthony Wells

Sandra Wells

Thomas J. and Marla L. Twardowski 3312 Bishop Pine Point Colorado Springs, CO 80904 -LOT 4 COURT-YARD AT KISSING CAMELS ESTAES FIL NO 2.1 (we) approve:

Thomas J. Twardowski

Marla L. Twardowski

Rex Peteet and Vanessa Bivens 3323 Bishop Pine Point Colorado Springs, CO 80904 -LOT 11 COURT-YARD AT KISSING CAMELS ESTAES FIL NO 2.1 (we) approve:

Rex Peteet

Vanessa Bivens

Donald C. and Sharon E. Hare 3324 Bishop Pine Point Colorado Springs, CO 80904 -LOT 9 COURT-YARD AT KISSING CAMELS ESTAES FIL NO 2.1 (we) approve:

Donald C. Hare

Sharon E. Hare
8green LLC 2510 Stagsleap Point Colorado Springs, CO 80904 – LOT 1 COURTYARD AT KISSING CAMELS
ESTAES FIL NO 1. I (we) approve:

8green LLC

Date  January 9, 2013
Date

Estate of Lew C. Christensen 2520 Stagsleap Point Colorado Springs, CO 80904 – LOT 2 COURTYARD AT KISSING CAMELS ESTAES FIL NO 2. I (we) approve:

Date

Arlene G. Nelson 2530 Stagsleap Point Colorado Springs, CO 80904 – LOT 3 COURTYARD AT KISSING CAMELS ESTAES FIL NO 1. I (we) approve:

Arlene G. Nelson

Date  12-23-2012
Date

Marvin H. McMurray 2540 Stagsleap Point Colorado Springs, CO 80904 – LOT 4 COURTYARD AT KISSING CAMELS ESTAES FIL NO 1A. I (we) approve:

Marvin H. McMurray

Date  12/03/2012
Date

Kirk Robert and Tomi K. Padgett 2550 Stagsleap Point Colorado Springs, CO 80904 – LOT 5 COURTYARD AT KISSING CAMELS ESTAES FIL NO 1A. I (we) approve:

Kirk Robert Padgett

Tomi K. Padgett

Date  12-6-12
Date  12/6/12
Date

Garden Of The Gods Club, LLC 3336 Bishop Pine Point Colorado Springs, Co 80904 – LOT 1D COURTYARD AT KISSING CAMELS ESTAES FIL NO 2. I (we) approve

Garden Of The Gods Club LLC By Sunrise GGC Management LLC, as manager Dirk Gosda President

Date  12/17/12
Date