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Kathleen Neel – Summit County Recorder

3 Pages

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FOURTH AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
THE WELLINGTON NEIGHBORHOOD

This Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions of The Wellington Neighborhood (“Fourth Amendment”) is made by Union Mill, Inc., a Colorado corporation, (“Successor Declarant”).

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of The Wellington Neighborhood was recorded in the office of the Clerk and Recorder of Summit County, Colorado on September 28, 2000 at Reception No. 633819 (“Declaration”); and

WHEREAS, an Assignment of Declarant’s Rights, Special Declarant’s Rights and Expansion and Development Rights pursuant to the Declaration of Covenants, Conditions and Restrictions of The Wellington Neighborhood was recorded in the office of the Clerk and Recorder of Summit County, Colorado on September 22, 2006 at Reception No. 833732 (“Assignment”); and

WHEREAS, all of the Special Declarant’s Rights and Expansion and Development Rights of Wellington Neighborhood, LLC and Poplarhouse, LLC as the original Declarants of the Declaration were assigned to Successor Declarant by the Assignment; and

WHEREAS, the First Amendment to Declaration of Covenants, Conditions and Restrictions of the Wellington Neighborhood was recorded in the office of the Clerk and Recorder of Summit County, Colorado on May 19, 2008 at Reception No. 887817; and

WHEREAS, the Second Amendment to Declaration of Covenants, Conditions and Restrictions of the Wellington Neighborhood was recorded in the office of the Clerk and Recorder of Summit County, Colorado on July 24, 2009 at Reception No. 918907; and

WHEREAS, the Third Amendment to Declaration of Covenants, Conditions and Restrictions of the Wellington Neighborhood was recorded in the office of the Clerk and Recorder of Summit County, Colorado on June 14, 2012 at Reception No. 994978; and

WHEREAS, Successor Declarant has recorded a Final Plat of Lincoln Park at Wellington Neighborhood, Filing 1 in the office of the Clerk and Recorder of Summit County, Colorado on December, 30, 2015 at Reception No. 1101145 (“LP, F1 Plat”) subdividing Lots 1 and 2, Block 6, Wellington Neighborhood according to the Preliminary Plat of Wellington Neighborhood recorded in the office of the Clerk and Recorder of Summit County, Colorado on October 18, 1999 at Reception No. 608047 into: Lots 1 – 15, Block 1; Tract LP-1; Farncomb, Stillson, Sisler and Lincoln Greens; Private Alleys 2, 3A and 3B; and Carport Tracts 1, 2 and 3 (“Subdivided Parcels”), and leaving the Remainder of Lots 1 & 2, Block 6, Wellington Neighborhood, which are identified thereon as Subject to Future Development, (“Remainder of Lots 1 & 2”); and

WHEREAS, Successor Declarant will be filing plats for additional filings of Lincoln Park at Wellington Neighborhood to subdivide the Remainder of Lots 1 & 2 into additional lots and tracts.

NOW, THEREFORE, Successor Declarant hereby amends the Declaration as follows:

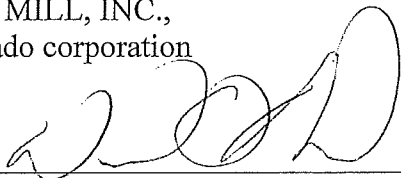
1. By the recording of the LP, F1 Plat and this Fourth Amendment, all of the Subdivided Parcels and the Remainder of Lots 1 & 2, and all lots and tracts created by the future subdivision of the Remainder of Lots 1 & 2, hereby are subjected to the Declaration and all of the provisions, covenants, conditions and restrictions thereof, as amended.

2. All capitalized terms used herein, but not defined herein, shall be defined as provided for in the Declaration, as amended.

3. Except as provided for in this Fourth Amendment, all of the provisions, covenants, conditions and restrictions of the Declaration, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, Successor Declarant has executed this Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions of The Wellington Neighborhood this ____ day of April, 2016.

UNION MILL, INC.,
a Colorado corporation

By: 
David G. O'Neil, President

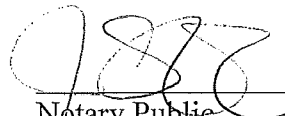
STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

Subscribed and sworn to before me this 21st day of April, 2016 by David G. O'Neil as President of Union Mill, Inc., a Colorado corporation.

Witness my hand and official seal.

My commission expires: 3/13/19

JESSICA SNIDER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20074010804
MY COMMISSION EXPIRES MARCH 13, 2019

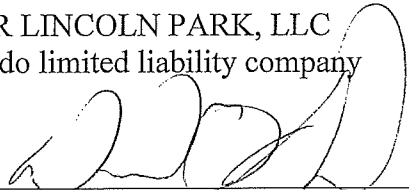

Notary Public

CONSENT

Poplar Lincoln Park, LLC, a Colorado limited liability company, as the owner of Lots 1, 2, 3, 4, 5, 6, 14 and 15, Block 1, Lincoln Park at Wellington Neighborhood, Filing No. 1, according to the plat thereof recorded in the office of the Clerk and Recorder of Summit County, Colorado on December, 30, 2015 at Reception No. 1101145 ("Poplar Lots"), hereby consents to the filing of the foregoing Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions of The Wellington Neighborhood and acknowledges and agrees that, upon recording of said Fourth Amendment with the Summit County, Colorado Clerk and Recorder, all of the Poplar Lots will be subject to the Declaration described in said Fourth Amendment and all of the provisions, covenants, conditions and restrictions thereof, as amended.

IN WITNESS WHEREOF, Poplar Lincoln Park, LLC has caused this Consent to be executed on the date set forth in the acknowledgement below.

POPLAR LINCOLN PARK, LLC
a Colorado limited liability company

By: 
David G. O'Neil, Manager

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

Subscribed and sworn to before me this 22nd day of April, 2016 by David G. O'Neil as Manager of Poplar Lincoln Park, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 3/13/19

JESSICA SNIDER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20074010604
MY COMMISSION EXPIRES MARCH 13, 2019


Notary Public