

Bldg 7  
2nd Floor  
201-208

**SUPPLEMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF  
BALTERRA CONDOMINIUMS**

Arapahoe County Clerk & Recorder, Nancy A. Dufy  
Reception #: B6011830  
Recording Fee: \$31.00  
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KNOW ALL MEN BY THESE PRESENTS:

THAT, D.R. HORTON, INC. - DENVER, a Delaware corporation ("Declarant"), has heretofore executed and caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions of Balterra Condominiums, recorded on September 29, 2005 at Reception No. B5146725 in the office of the Clerk and Recorder of the Arapahoe County, Colorado, as amended and supplemented from time to time ("Declaration") (terms which are defined in the Declaration shall have the same meanings herein unless otherwise defined); and

WHEREAS, Article XIV, Section 5 of the Declaration permits the creation of additional Units within the property subject to the Declaration, and the annexation of additional land thereto by the Declarant until seven (7) years after the date of recording of the Declaration in Arapahoe County, Colorado, without consent of any other Owners, Security Interest Holders, or any other Person, subject to a determination by HUD or VA (if the Declarant desires to attempt to obtain HUD or VA approval of the property being annexed) that any annexation is in accord with the general plan approved by them and that the structures to be located thereon will be of comparable style, quality, size and cost to the existing Improvements; and

WHEREAS, it has been less than seven (7) years since the Declaration was recorded.

NOW, THEREFORE, the undersigned Declarant does hereby create additional Units within that property heretofore annexed to and made a part of the Declaration which property is more fully described on Exhibit A attached hereto and incorporated herein by this reference ("Annexed Property"), such that the Units hereby created shall be part of the Community. The Declarant hereby further states and declares as follows:

1. Declarant is the owner of the Units hereby created in the Annexed Property.
2. The Units created within the Annexed Property shall have an identifying number as shown on the Condominium Map of Balterra Condominiums, Building No. 7 - 2<sup>nd</sup> Floor, and as listed on Exhibit B attached hereto and incorporated herein as follows: (Building No. 7 - 2<sup>nd</sup> Floor (2672 S. Cathay Way), Units 201, 202, 203, 204, 205, 206, 207 and 208.
3. The Common Elements in the Annexed Property generally consist of all of the Annexed Property except for the Individual Air Space Units located therein.
4. As provided in Article XIV, Section 5 of the Declaration, the Allocated Interests attributable to each Unit shall be one (1) over the total number of Units subject to the Declaration, as set forth on the attached Exhibit B.

5. The Annexed Property is subject to a certain Condominium Map of Balterra Condominiums, Building No. 7 – 2<sup>nd</sup> Floor, recorded in the records of the office of the Clerk and Recorder of Arapahoe County, Colorado, as amended.

6. The Condominium Map of Balterra Condominiums, Building No. 7 – 2<sup>nd</sup> Floor, contains the certification of an independent licensed engineer, surveyor or architect, as required by C.R.S. §§ 38-33.3-201(2) and 38-33.3-209(6).

7. All provisions of the Declaration, including, but not limited to those provisions regarding obligations to pay assessments to the Association and any right to cast votes as Members, shall be deemed to apply to the Annexed Property, and the Units hereby created therein, upon recording of this document in Arapahoe County, Colorado,

IN WITNESS WHEREOF, the undersigned Declarant has hereunto set its hand this 20<sup>th</sup> day of January, 2006.

D.R. HORTON, INC. - DENVER,  
a Delaware corporation

By: [Signature]  
Its: Vice President

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STATE OF COLORADO )  
 ) ss.  
\_\_\_\_ COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of January, 2006, by [Signature] as Vice President of D.R. HORTON, INC. - DENVER, a Delaware corporation.

WITNESS my hand and official seal.

(SEAL)

[Signature]  
Notary Public  
My Commission expires: May 25, 2009

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My Commission Expires 05/25/2009

EXHIBIT A  
SUPPLEMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF  
BALTERRA CONDOMINIUMS

LEGAL DESCRIPTION OF CONDOMINIUM MAP OF BALTERRA CONDOMINIUMS,  
BUILDING NO. 7:

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**PROPERTY DESCRIPTION**  
**BUILDING NO. 7 - BALTERRA**

A parcel of land located in Lot 1, Block 1, Sterling Hills Subdivision Filing No. 13 recorded at Reception No. B2141264 Arapahoe County Clerk and Recorder, being in the South Half of Section 27, Township 4 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Arapahoe, State of Colorado, being more particularly described as follows;

COMMENCING at the South Quarter Corner of said Section 27;  
WHENCE the Southwest Corner of said Section 27 bears N89°41'36"W;  
THENCE N00°16'08"E a distance of 155.00 feet to an angle point on the southerly line of said Sterling Hills Subdivision Filing No. 13;  
THENCE N50°43'26"W, a distance of 536.73 feet to the POINT OF BEGINNING;

THENCE S64°22'46"W, a distance of 183.67 feet;  
THENCE N39°18'28"W, a distance of 132.15 feet;  
THENCE N45°31'38"E, a distance of 51.54 feet;  
THENCE N79°00'04"E, a distance of 231.36 feet;  
THENCE S67°31'30"E, a distance of 25.95 feet;  
THENCE S22°28'30"W, a distance of 100.82 feet to the POINT OF BEGINNING.

Containing 29,405 Square Feet, (0.675 Acres), more or less.

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EXHIBIT B  
 SUPPLEMENT TO  
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
 OF  
 BALTERRA CONDOMINIUMS

**UNITS**

| <u>Building No.</u>   | <u>Unit No.</u> | Allocated Interests and<br>Undivided Interest in the<br>Common Elements<br>Attributable to the Unit* |
|---|-----------------|--|
| Building No. 6<br>1 <sup>st</sup> Floor<br>2662 S. Cathay Way | 101             | 1/48   |
|   | 102             | 1/48   |
|   | 103             | 1/48   |
|   | 104             | 1/48   |
|   | 105             | 1/48   |
|   | 106             | 1/48   |
|   | 107             | 1/48   |
|   | 108             | 1/48   |
|   | 109             | 1/48   |
|   | 110             | 1/48   |
|   | 111             | 1/48   |
|   | 112             | 1/48   |
| Building No. 6<br>2 <sup>nd</sup> Floor<br>2662 S. Cathay Way | 201             | 1/48   |
|   | 202             | 1/48   |
|   | 203             | 1/48   |
|   | 204             | 1/48   |
|   | 205             | 1/48   |
|   | 206             | 1/48   |
|   | 207             | 1/48   |
|   | 208             | 1/48   |
|   | 209             | 1/48   |
|   | 210             | 1/48   |
|   | 211             | 1/48   |
|   | 212             | 1/48   |
| Building No. 6<br>3 <sup>rd</sup> Floor<br>2662 S. Cathay Way | 301             | 1/48   |
|   | 302             | 1/48   |
|   | 303             | 1/48   |
|   | 304             | 1/48   |
|   | 305             | 1/48   |
|   | 306             | 1/48   |
|   | 307             | 1/48   |
|   | 308             | 1/48   |

**UNITS**

| <u>Building No.</u>   | <u>Unit No.</u> | <u>Allocated Interests and Undivided Interest in the Common Elements Attributable to the Unit*</u> |
|---|-----------------|--|
| Building No. 7<br>1 <sup>st</sup> Floor<br>2672 S. Cathay Way | 101             | 1/48   |
|   | 102             | 1/48   |
|   | 103             | 1/48   |
|   | 104             | 1/48   |
|   | 105             | 1/48   |
|   | 106             | 1/48   |
|   | 107             | 1/48   |
|   | 108             | 1/48   |
| Building No. 7<br>2 <sup>nd</sup> Floor<br>2672 S. Cathay Way | 201             | 1/48   |
|   | 202             | 1/48   |
|   | 203             | 1/48   |
|   | 204             | 1/48   |
|   | 205             | 1/48   |
|   | 206             | 1/48   |
|   | 207             | 1/48   |
|   | 208             | 1/48   |
|   |                 | 100%   |

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**GARAGE UNITS**

| <u>Garage Building No.</u>                  | <u>Garage Unit No.</u> | <u>Allocated Interests and Undivided Interest in the Common Elements Attributable to the Garage</u><br><u>Unit*</u> |
|---|------------------------|---|
| Garage Building 1<br>2611 S. Cathay Way     | A                      | 1/28  |
|   | B                      | 1/28  |
|   | C                      | 1/28  |
|   | D                      | 1/28  |
|   | E                      | 1/28  |
|   | F                      | 1/28  |
|   | G                      | 1/28  |
|   | H                      | 1/28  |
|   | I                      | 1/28  |
| Garage Building No. 2<br>2621 S. Cathay Way | A                      | 1/28  |
|   | B                      | 1/28  |
|   | C                      | 1/28  |
|   | D                      | 1/28  |
|   | E                      | 1/28  |
|   | F                      | 1/28  |
|   | G                      | 1/28  |
|   | H                      | 1/28  |
|   | I                      | 1/28  |
| Garage Building No. 5<br>2665 S. Cathay Way | A                      | 1/28  |
|   | B                      | 1/28  |
|   | C                      | 1/28  |
|   | D                      | 1/28  |
|   | E                      | 1/28  |
| Garage Building No. 6<br>2655 S. Danube Way | A                      | 1/28  |
|   | B                      | 1/28  |
|   | C                      | 1/28  |
|   | D                      | 1/28  |
|   | E                      | 1/28  |
|   |                        | 100%  |

\*The Allocated Interest, and undivided interest in the Common Elements and Garage Common Elements, that are attributable to each Unit and Garage Unit are subject to change as more fully provided in the Declaration, including without limitation Article XIV, Section 5 thereof.