

**ELEVENTH AMENDMENT AND SUPPLEMENTAL DECLARATION  
TO THE DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS  
FOR SUMMER HILL SUBDIVISION ADDING FILING 7b**

This Eleventh Amendment and Supplemental Declaration ("Eleventh Amendment") is made at Grand Junction, Colorado, as of Aug 1, 2016, by Paradise Hills Properties, LLC ("Declarant"), a Colorado limited liability company.

RECITALS

A. Declarant or its predecessor has previously caused to be recorded the Declaration of Covenants, Conditions and Restrictions of Summer Hill Subdivision (the "Original Declaration") in Book 2680 at page 271 of the Mesa County, Colorado, real estate records; a First Amendment to the Original Declaration ("First Amendment") in Book 3007 at page 901; a Second Amendment to the Original Declaration ("Second Amendment") in Book 3086 at page 365; a Third Amendment to the Original Declaration ("Third Amendment") in Book 3087 at page 355; a Fourth Amendment to the Original Declaration ("Fourth Amendment") in Book 3113 at page 772; a Fifth Amendment to the Original Declaration ("Fifth Amendment") in Book 3248 at page 48; a Sixth Amendment to the Original Declaration ("Sixth Amendment") in Book 3410 at page 630; and a Seventh Amendment to the Original Declaration ("Seventh Amendment") in Book 3786 at page 946; an Eighth Amendment to the Original Declaration in Book 4556 at page 857 ("Eighth Amendment"); a Ninth Amendment to the Original Declaration in Book 4647 at page 110 ("Ninth Amendment"); a First Supplement to the Ninth Amendment to the Original Declaration was also recorded in Book 5500 at page 457 ("First Supplement to Ninth Amendment") and a Tenth Amendment to the Original Declaration was recorded in Book 5706 at Page 249, Reception No. 2719248 ("Tenth Amendment"). The Original Declaration, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment Seventh Amendment, Eighth Amendment, Ninth Amendment and First Supplement to Ninth Amendment and Tenth Amendment are referred to together in this Eleventh Amendment as the "Declaration." Capitalized terms in this Eleventh Amendment have the same meaning as in the Declaration unless specifically otherwise defined in this Eleventh Amendment.

B. Under Section 14.05 of the Declaration and Section 15.05 of the Ninth Amendment, the original Declarant and any successor Declarant has the right to expand the lands covered by the Declaration by adding additional Units, Lots and Common Area within certain described area(s) by one or more duly recorded Supplemental Declarations.

C. Declarant wishes to further expand the lands covered by the Declaration to include real property ("Filing 7b") in Mesa County, Colorado, legally described as follows:

All of Summer Hill Filing No. 7b, Except Tract X and Except that portion which is being replatted as part of Lot 5 Block 10f Grand Vista Subdivision, Filing No. 1.

Filing 7b is within the area of lands to which expansion of the Property is permitted by Section 14.05 of the Declaration and Section 15.05 of the Ninth Amendment.

D. Declarant, for itself and any successor declarant, reserves the continuing right to further expand the coverage of the Declaration in accordance with the provisions of Section 14.05 of the Declaration and Section 15.05 of the Ninth Amendment.

THEREFORE, Declarant declares that:

**TERMS**

1. **General.** All of the above Recitals are true and are incorporated into the Terms of this Eleventh Amendment. All of Filing 7b shall be held, sold and conveyed subject to the Declaration, which covenants shall run with the land and be binding on Declarant and its successors and assigns, the Association and its successors and assigns, and all persons and entities now or later having any right, title or interest in all or any part of Filing 7b. Each of the Lots in Filing 7b is a Patio Home Lot as defined in Section 1.26 of the Declaration and Section 1.31 of the Ninth Amendment and shall be subject to the Declaration, including but not limited to provisions relating to Noise Mitigation Disclosure and Party Walls.

2. **Plat Map.** A map or plat of Summer Hill Filing 7b, a Replat of Tract A of Summer Hill Filing No. 7a, Reception Number 2719246 and Lot 5 Block 1, Grand Vista Filing No. 2, Reception Number 2094236, City of Grand Junction, Mesa County, Colorado is being recorded concurrently with this Eleventh Amendment and incorporated herein by this reference. That map shall constitute a supplemental parcel map under Section 14.05(d) of the Declaration. This Eleventh Amendment is recorded to make the Declaration operative to Filing 7b as provided in Section 14.05(d) of the Declaration and Section 15.05(d) of the Ninth Amendment and applicable law.

3. **Effect of Expansion on Assessments.** Assessments levied by the Association as provided in the Declaration after the recording of this Eleventh Amendment shall reflect the increase in the number of Units caused by the expansion of the lands covered by the Declaration to include Filing 7b and shall be levied against all Units, including Units on Lots which are part of Filing 7b. The recording of this Eleventh Amendment shall not alter the amount of, or liability for, the Assessments assessed to a Unit prior to its recording. Despite inclusion of additional Units under the Declaration by this Eleventh Amendment, each Owner shall remain fully liable with respect to their obligation for the payment of all prior Assessments of the Association, including without limitation, those relating to the expenses for all Common Area and any related costs and fees.

4. **Additional Common Area.** Tracts 7-5 and 7-6 in Summer Hill Filing No. 7b shall be held and maintained by the Summer Hill Subdivision Homeowners Association as Common Area in accordance with the Original Declaration, as amended.

5. **Fences.** Supplementing existing restrictions contained in the Original Declaration, as amended, all fences shall be constructed of wood, brick, stone stucco, wrought iron, or a combination of those materials. Wrought iron fencing shall include aluminum and steel fencing mimicking the wrought iron fence styles.


6. **Exterior Finishes.** Supplementing existing restrictions contained in the Original Declaration, as amended, architectural tin siding may be included as a feature of the exterior walls or fences of a home, subject to ACC review per existing covenants.

7. **Severability.** Invalidation of any covenant, restriction or provision contained in this document by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

8. Conflicts Between Documents. In case of conflict between the Declaration (as supplemented by this Eleventh Amendment) and the Articles or the Bylaws of the Association, the Declaration as amended and supplemented shall control.

DECLARANT:

PARADISE HILLS PROPERTIES, LLC  
a Colorado limited liability company

  
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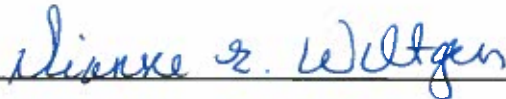
By: Kevin Bray, Manager

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF MESA        )

The foregoing instrument was acknowledged before me this day of 1st of August 2016 by Kevin Bray as Manager of Paradise Hills Properties, LLC, a Colorado limited liability company.

WITNESS my hand and official seal.

My commission expires: 10-18-18



Notary Public

