

**FIRST AMENDMENT
TO NINTH AMENDED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
SUMMER HILL SUBDIVISION**

This First Amendment to Ninth Amended Declaration of Covenants, Conditions and Restrictions for Summer Hill Subdivision ("First Amendment") is made and effective the 11th day of July, 2013.

RECITALS

A. The following documents were previously recorded in the Mesa County, Colorado real estate records: a Declaration of Covenants, Conditions and Restrictions of Summer Hill Subdivision (the "Original Declaration") in Book 2680 at page 271; a First Amendment to the Original Declaration in Book 3007 at page 901; a Second Amendment to the Original Declaration in Book 3086 at page 365; a Third Amendment to the Original Declaration in Book 3087 at page 355; a Fourth Amendment to the Original Declaration in Book 3113 at page 772; a Fifth Amendment to the Original Declaration in Book 3248 at page 49; a Sixth Amendment to the Original Declaration in Book 3410 at page 630; a Seventh Amendment to the Original Declaration in Book 3786 at page 946; and an Eighth Amendment to the Original Declaration in Book 4556 at page 857. The Original Declaration and the foregoing amendments were replaced and superseded by a Ninth Amended Declaration of Covenants, Conditions and Restrictions for Summer Hill Subdivision ("Ninth Amended Declaration") recorded in Book 4647 at page 110.

B. Capitalized terms in this First Amendment have the same meaning as in the Ninth Amended Declaration unless specifically otherwise defined in this First Amendment.

C. The Property subject to the Ninth Amended Declaration is legally described as:

Summer Hill Filing Nos. 1, 2, 2 First Replat, 3, 4, 5 and 6

D. Pursuant to Section 15.07 of the Ninth Amended Declaration, the same may be supplemented, changed or canceled in whole or in part at any time by the vote or agreement of the Owners of 67% of the Units in the Subdivision.

E. The Owners of not less than 67% of the Units in the Subdivision have approved the amendments described in this First Amendment.

THEREFORE, the undersigned President of the Association declares that:

TERMS

1. All of the above Recitals are true and are incorporated into the Terms of this First Amendment.

2. Pursuant to Section 1.22 of the Ninth Amended Declaration, a Map of the Property was to be attached to the same in accordance with CCIOA. Inadvertently, the Map was not attached. Such a Map is now attached to this document.

3. The last sentence of Section 7.01(a) of the Ninth Amended Declaration states: "Any accessory or storage building shall be a maximum of eight (8) feet in height [and] shall be subject to the review and approval of the Architectural Control Committee." This sentence is canceled in its entirety.

4. Section 7.01(g) of the Ninth Amended Declaration is canceled and superseded in its entirety by the following:

- (g) Antennas, Towers and Dishes. An antenna, satellite dish or similar device for radio, television or other electronic transmission or reception shall be allowed to be erected, installed or permitted to remain on any Lot; provided, however, that no such antenna, satellite dish or other similar device may extend above the peak of the roofline of the building to which it is attached, and shall be installed so that it is not seen from any street, when possible, or otherwise so that its visibility from streets is minimized. Satellite dishes may not exceed forty (40) inches in diameter.

5. Section 7.01(h) of the Ninth Amended Declaration is canceled and superseded in its entirety by the following:

- (h) Outbuildings. One outbuilding shall be permitted not to exceed 160 square feet in size which shall comply with the exterior finish and color and roof requirements of this Section. Any outbuilding shall be a maximum of eight (8) feet in height and shall be subject to review and approval of the Architectural Control Committee.

6. Section 7.01(k) of the Ninth Amended Declaration is canceled and superseded in its entirety by the following:

- (k) Driveways. All driveways between the garage (whether attached or detached) on a Lot and the street used to access such garage shall be paved in concrete.

7. The last sentence of Section 7.02(a) of the Ninth Amended Declaration states: "Any accessory or storage building shall be a maximum of eight (8) feet in height [and] shall be subject to the review and approval of the Architectural Control Committee." This sentence is canceled in its entirety.

8. Section 7.02(f) of the Ninth Amended Declaration is canceled and superseded in its entirety by the following:

- (f) Antennas, Towers and Dishes. An antenna, satellite dish or similar device for radio, television or other electronic transmission or reception shall be allowed to be erected, installed or permitted to remain on any Lot; provided, however, that no such antenna, satellite dish or other similar device may extend above the peak of the roofline of the building to which it is attached, and shall be installed so that it is not seen from any street, when possible, or otherwise so that its visibility from streets is minimized. Satellite dishes may not exceed forty (40) inches in diameter.

9. Section 7.02(j) of the Ninth Amended Declaration is canceled and superseded in its entirety by the following:

- (j) Driveways. All driveways between the garage (whether attached or detached) on a Lot and the street used to access such garage shall be paved in concrete.

10. Section 7.06 of the Ninth Amended Declaration is canceled and superseded in its entirety by the following:

Section 7.06. Climate Control. Visual screening and noise attenuation to neighboring Lots and Common Areas is required in the placement of heat pumps and condenser units on Lots. Window mounted units and through-the-wall units are not allowed.

11. A new Section 7.07 of the Ninth Amended Declaration is added as follows:

Section 7.07. Solar Energy Systems. Subject to approval by the Architectural Control Committee, solar energy systems shall be acceptable if the panels or collectors are integrated into the structure to which they are attached, taking into consideration the overall appearance and design of the structure.

12. Section 10.09 of the Ninth Amended Declaration is canceled and superseded in its entirety by the following:

Section 10.09. Vehicular Parking, Storage and Repairs.

- (a) The parking of automobiles and trucks no larger than one ton on driveways is permitted, subject to the restrictions in this Section 10.09. Any house trailer, camping trailer, boat trailer, hauling trailer, running gear, boat, or accessories to them, motor-driven cycle, truck (larger than one ton), self-contained motorized recreational vehicle, or other type of recreational vehicle or equipment, may be parked or stored on or within the Property only if such parking or storage is done wholly within the enclosed garage located on a Lot or is otherwise screened by a solid fence six (6) feet in height (even if the vehicle exceeds that height). Any such vehicle may be parked only on the driveway on the Lot, and only as a temporary expedient for up to forty-eight (48) hours in any seven (7) day period

for loading, delivery, or emergency. The parking of such a vehicle overnight on the street in front of the Lot shall be permitted for up to forty-eight (48) hours within a seven (7) day period only if it is not possible to park as a temporary expedient on the driveway. This restriction, however, shall not restrict trucks or other commercial vehicles within the Property which are necessary for construction or for the maintenance of the Common Area, Lots, or any improvements located on a Lot or the Common Area.

- (b) Except as provided in this Declaration, no abandoned or inoperable automobiles or vehicles of any kind shall be stored or parked on or within the Property. An “abandoned or inoperable vehicle” is defined as any automobile, truck, motorcycle, boat, trailer, camper, house trailer, self-contained motorized recreational vehicle, or other similar vehicle, which has not been driven under its own propulsion for a period of two (2) weeks or longer, or which is incapable of being driven under its own propulsion; provided, however, that otherwise permitted vehicles parked by Owners while on vacation, during a period of illness or other hardship, or due to infrequent use of the vehicle (if the vehicle otherwise complies with this Section 10.09), shall not constitute abandoned or inoperable vehicles. If the Association determines that a vehicle is an abandoned or inoperable vehicle, then a written notice describing such vehicle shall be personally delivered or mailed, postage prepaid, to the owner of the vehicle (if such owner can be reasonably ascertained) or shall be conspicuously placed upon the vehicle (if its owner cannot be reasonably ascertained), and if the abandoned or inoperable vehicle is not removed within seventy-two (72) hours after delivery of notice in accordance with this paragraph, or the Association does not receive a reasonable and acceptable reason for the existence of the vehicle in apparent violation of this paragraph, the Association may remove the vehicle at the sole expense of its owner.
- (c) No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting, or servicing of any kind of vehicles, trailers or boats, may be performed or conducted on or within the Property, unless it is done within a forty-eight (48) hour time period or within a completely enclosed structure which screens the sight and sound of the activity from streets, adjoining Lots and other property, and the Common Area. The foregoing restrictions shall not be deemed to prevent washing and polishing of any motor vehicle, boat, trailer, or motor-driven cycle, together with those activities normally incident and necessary to such washing and polishing.
- (d) No overnight on-street parking (excluding parking areas in cul-de-sacs shown on the Map, and excluding the limited exception described in Subsection 10.09(a), above) shall be permitted in the Subdivision. Notwithstanding the foregoing provisions, the parking of a motor vehicle by an occupant of a Unit on a street in the Subdivision shall be allowed if the vehicle is required to be available at designated periods at the occupant’s Unit as a condition of the occupant’s employment and all of the following criteria are met:
 - (i) The vehicle has a gross vehicle weight rating of ten (10) thousand pounds or less;

- (ii) The occupant is a *bona fide* member of a volunteer fire department or is employed by a primary provider of emergency fire, law enforcement, ambulance or emergency medical services;
- (iii) The vehicle bears an official emblem or other visible designation of the emergency service provider;
- (iv) Parking of the vehicle can be accomplished without obstructing emergency access or interfering with the reasonable needs of other Owners or occupants to use streets, driveways and guest parking areas within the Subdivision; and
- (v) The vehicle is not otherwise abandoned or inoperable and does not violate any local ordinances.

13. Section 10.15 of the Ninth Amended Declaration is canceled and superseded in its entirety by the following:

Section 10.15. Service Area. As provided in Section 7.02(g), outbuildings are not permitted on Patio Home Lots. Storage or accessory building (such as dog houses, tool sheds, firewood, garbage, barbeque type buildings or enclosures), nonportable or affixed outdoor furniture such as picnic tables, barbecues, and hot tubs shall be reasonably screened from public and neighboring view. In this Section 10.15, "reasonably screened" shall mean screened by a fence or shrub. A shrub used for screening must reach at least three (3) feet in height within five (5) years after planting. Any storage sheds or accessory buildings must be approved by the ACC prior to being constructed or placed on any Lot and shall be subject to the limitations stated in Article VII.

IN ALL OTHER RESPECTS the Ninth Amended Declaration shall remain as written.

SUMMER HILL SUBDIVISION HOMEOWNERS
ASSOCIATION

Mike Moran

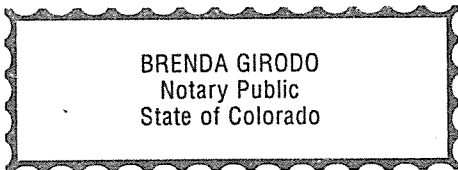
Mike Moran, President

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

Subscribed and sworn to before me the 11 day of July, 2013, by Mike Moran, President of Summer Hill Subdivision Homeowners Association

WITNESS my hand and official seal.
My commission expires: 05-08-2014

Brenda Girodo
Notary Public



CERTIFICATION

In accordance with C.R.S. § 38-33.3-217(5) I, Mike Moran, President of Summer Hill Subdivision Homeowners Association, certify that the Owners of not less than 67% of the units in Summer Hill Subdivision have approved the amendments described in this document.

SUMMER HILL SUBDIVISION HOMEOWNERS
ASSOCIATION

Mike Moran

Mike Moran, President

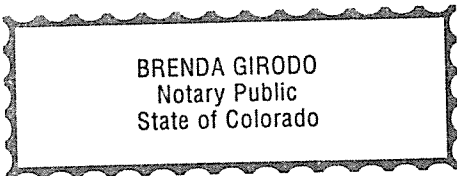
STATE OF COLORADO)
) ss.
COUNTY OF MESA)

Subscribed and sworn to before me the 11 day of July, 2013, by Mike Moran, President of Summer Hill Subdivision Homeowners Association.

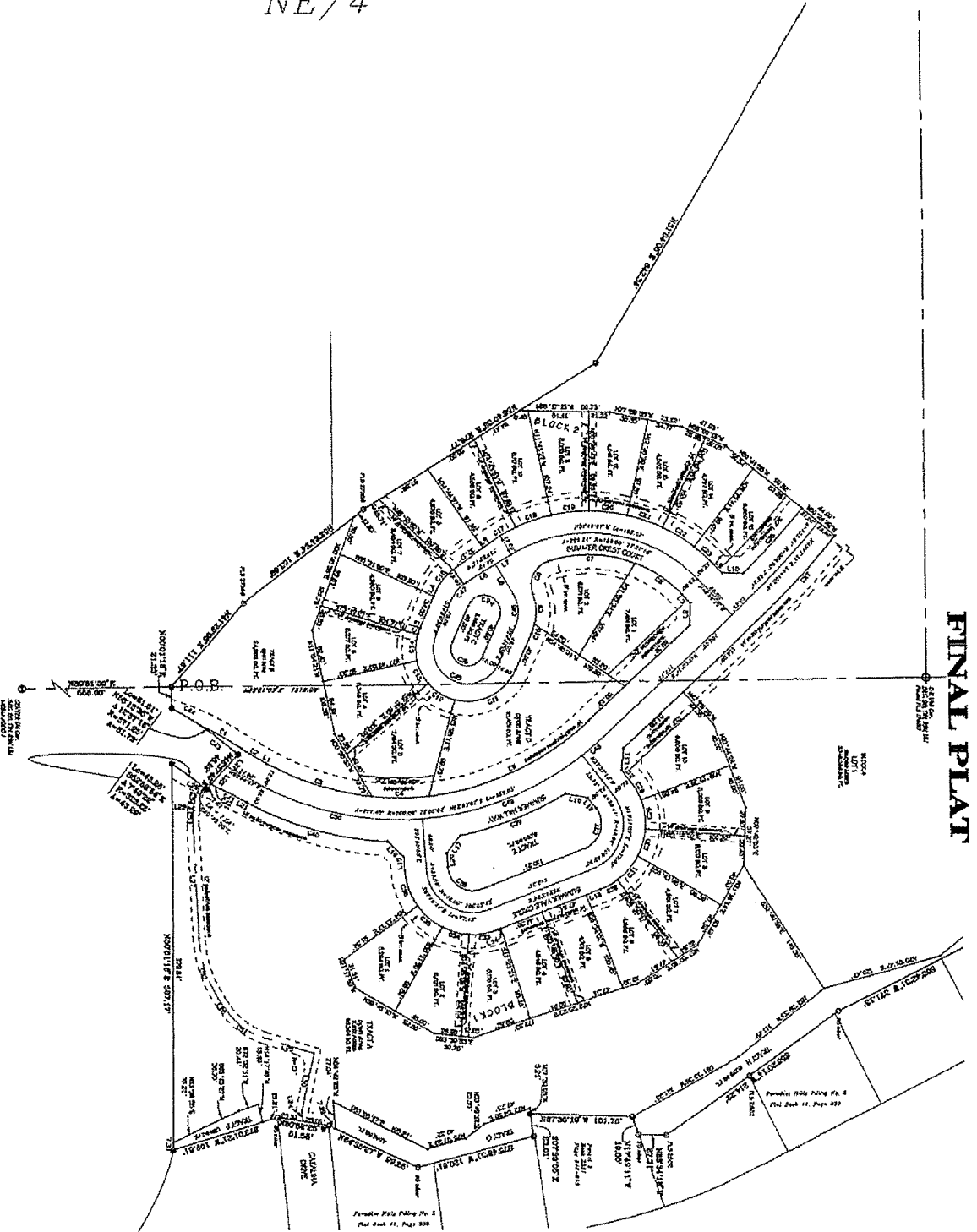
WITNESS my hand and official seal.
My commission expires: 05-05-2014

Brenda Girodo

Notary Public

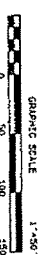


SUMMER HILL FILING NO. 1 FINAL PLAT



LEGEND

- ◆ POND AND SHROUD BOUNDS ON SURROUNDING LOTS
- ⊕ POND RENEWAL SURVEY'S SURVEY BOUNDARY
- POND MESH COLLATIVE SURVEY BOUNDARY
- POND FILL & CAP ON POND AS NOTED
- POND FILL & CAP AS 17/2007
- SET AS REBANDON P.S. 18/00
- LAKER SANDWICH BOUNDARY SET IN CONCRETE (TRAIL OVER STRUCTURES)



BOUNDARY NOTES
 The Summer Hill area and boundary of the site shown hereon is a subdivision of the Summer Hill area as shown on the previous filings of the Summer Hill area. The boundary of the site shown hereon is a subdivision of the Summer Hill area as shown on the previous filings of the Summer Hill area. The boundary of the site shown hereon is a subdivision of the Summer Hill area as shown on the previous filings of the Summer Hill area.

DATA REQUIREMENTS
 Minimum lot area - 4,000 sq. ft.
 Minimum lot width - 30 ft.
 Minimum lot depth - 30 ft.
 Minimum lot area (excluding area reserved for common use) - 10,000 sq. ft.
 Minimum lot area (including area reserved for common use) - 10,000 sq. ft.
 Minimum lot area (including area reserved for common use) - 10,000 sq. ft.
 Minimum lot area (including area reserved for common use) - 10,000 sq. ft.

NOTES: Applicant is advised that the Summer Hill area is a subdivision of the Summer Hill area as shown on the previous filings of the Summer Hill area. The boundary of the site shown hereon is a subdivision of the Summer Hill area as shown on the previous filings of the Summer Hill area. The boundary of the site shown hereon is a subdivision of the Summer Hill area as shown on the previous filings of the Summer Hill area.

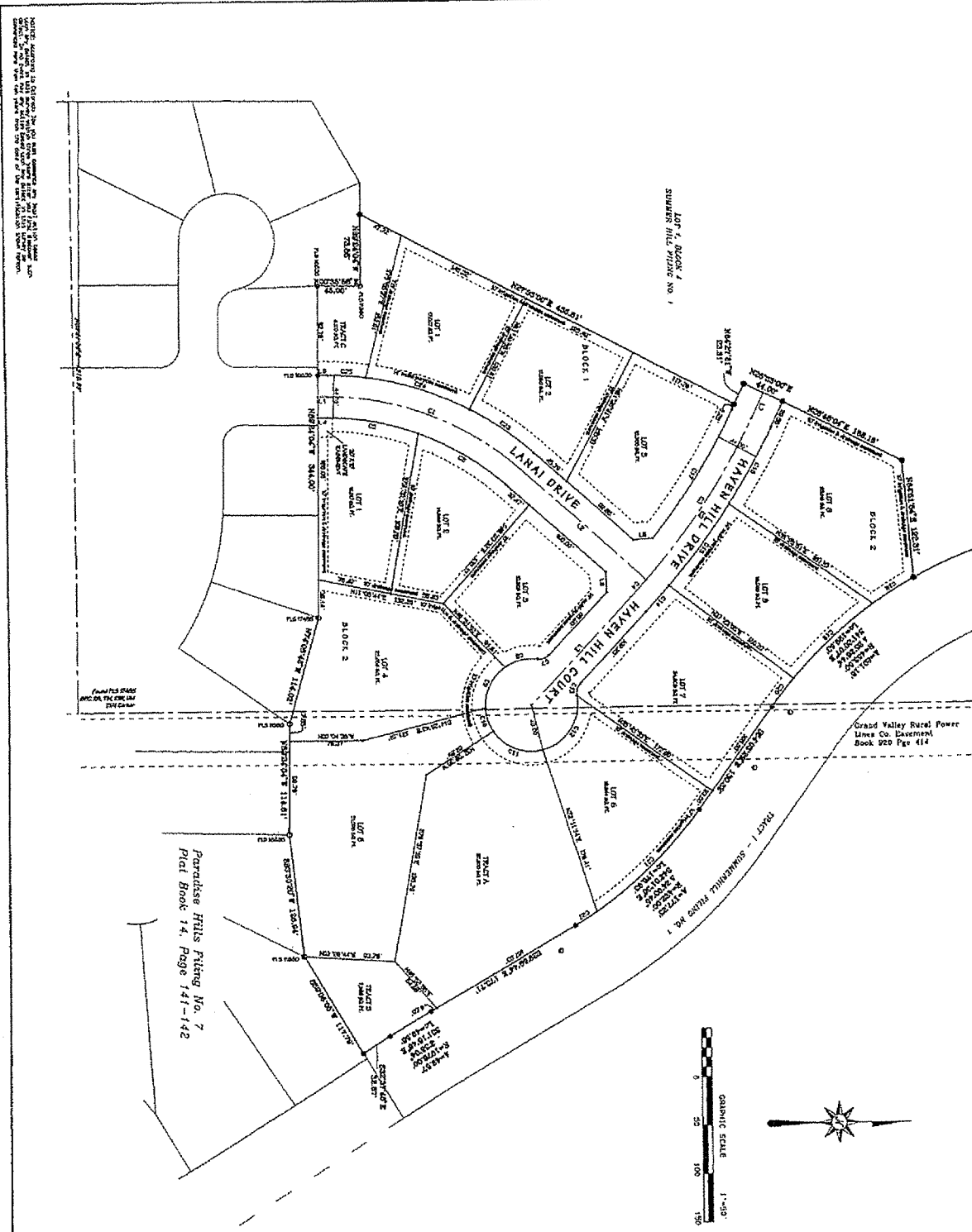
SUMMER HILL FILING NO. 1 FINAL PLAT

THOMPSON-LANGFORD CORPORATION
 8410 20 1/2 ROAD - # 3-810
 CLEVELAND, OHIO 44105
 (970) 845-0007
 (970) 845-0007

11/12/06 508 E. 11th Street, Cleveland, OH 44115
 11/12/06 508 E. 11th Street, Cleveland, OH 44115
 11/12/06 508 E. 11th Street, Cleveland, OH 44115

01246203.01

SUMMER HILL FILING NO. 2 FINAL PLAN



MIN. REQUIREMENTS

- Minimum lot area - 14,000 sq. ft.
- Minimum street frontage - 60'
- Minimum lot width (principal structure) - 10'
- Minimum side yard (principal structure) - 5'
- Minimum rear yard (principal structure) - 10'
- Minimum front yard - 20' - 30'
- Minimum building coverage - 20%

LEGEND

- ◆ FOUND FOR STAKING BASE ON ALUMINUM CAP
- ⊕ FOUND PRIVATE SURVEYORS FOR STAKING CAP
- FOUND NEVA (NONY) STAKING ALUMINUM
- FOUND PIN & CAP OR REBAR AS NOTED
- FOUND PIN & CAP PLS. 17285
- SET *9 REBAR/CAP A.C. 18883 IN
- FOUND SURVEY POINTS SET IN
- FOUND SURVEY POINTS (NON) SET IN 17285

LINE	NO.	BEARING	DI. IN FEET	POI. BEARING	DI. IN FEET
1	1	N 89° 51' 00" W	113.75	S 89° 51' 00" E	113.75
2	2	N 89° 51' 00" W	113.75	S 89° 51' 00" E	113.75
3	3	N 89° 51' 00" W	113.75	S 89° 51' 00" E	113.75
4	4	N 89° 51' 00" W	113.75	S 89° 51' 00" E	113.75
5	5	N 89° 51' 00" W	113.75	S 89° 51' 00" E	113.75
6	6	N 89° 51' 00" W	113.75	S 89° 51' 00" E	113.75
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14	14	N 89° 51' 00" W	113.75	S 89° 51' 00" E	113.75
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100	100	N 89° 51' 00" W	113.75	S 89° 51' 00" E	113.75

SUMMER HILL FILING NO. 2 FINAL PLAN

THOMPSON-LANGFORD CORPORATION
 1849 53 1/2 ROAD - # 8-810
 Grand Junction, CO 81502
 (970) 845-0087

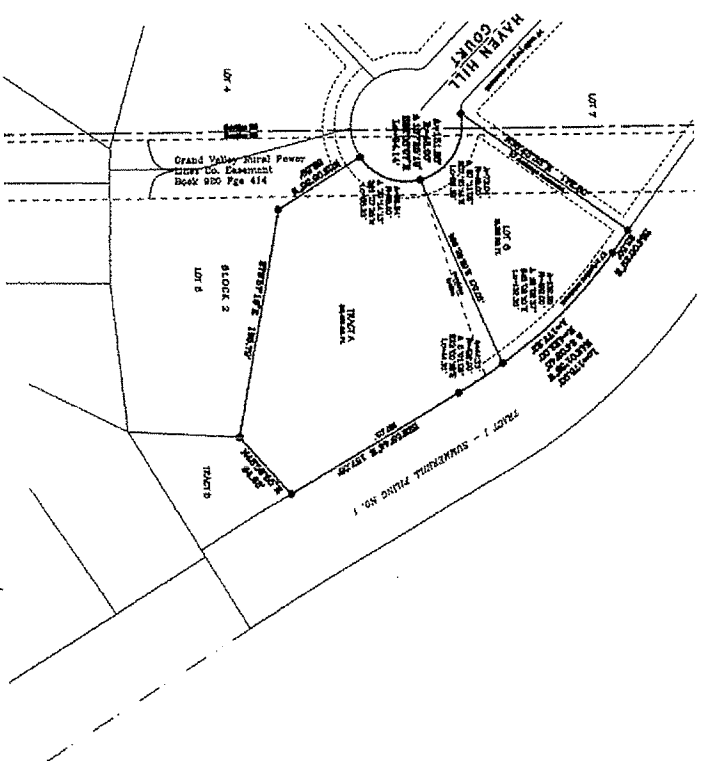
Paradise Hills Filing No. 7
 Plat Book 14, Page 141-142

01245302.HIF

SUMMER HILL FILING NO. 2

FIRST REPLAT

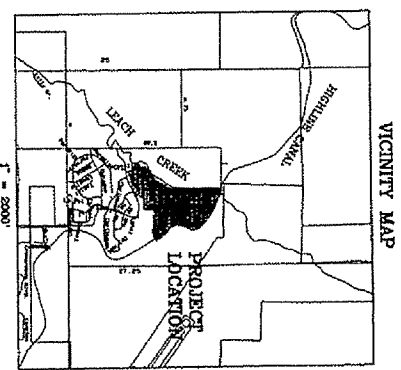
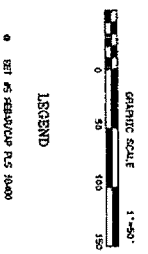
A BOUNDARY LINE ADJUSTMENT BETWEEN LOT 6, BLOCK 2 AND TRACT A



AREA SUMMARY		
LOT 6	0.418 ACRES	31.52
TRACT A	0.001 ACRES	62.56
TOTAL	1.420 acres	100%

BASES OF MEASURES
 This plat and the original plat of the Hayden Hill Addition are based on a survey conducted by G. W. S. Johnson, a Licensed Surveyor at the corner of the Hayden Hill Addition, Section 28, Township 1 North, Range 1 West of the 10th Meridian. The bearing of this line is North 89° 00' 00" East.

NOTICE According to Chapter 124, you may commence any 1001 action against a person by filing a writ of habeas corpus three years after you have obtained a writ of habeas corpus. In this writ, you must state the date of the writ of habeas corpus and the date of the writ of habeas corpus.



DESCRIPTION
 THIS PLAT AND THE ORIGINAL PLAT OF THE HAYDEN HILL ADDITION are based on a survey conducted by G. W. S. Johnson, a Licensed Surveyor at the corner of the Hayden Hill Addition, Section 28, Township 1 North, Range 1 West of the 10th Meridian. The bearing of this line is North 89° 00' 00" East. The plat contains a field survey of the Hayden Hill Addition, Section 28, Township 1 North, Range 1 West of the 10th Meridian. The bearing of this line is North 89° 00' 00" East. The plat contains a field survey of the Hayden Hill Addition, Section 28, Township 1 North, Range 1 West of the 10th Meridian. The bearing of this line is North 89° 00' 00" East.

That said owner has caused this plat to be prepared and approved as shown on this plat, and a copy of this plat to be filed in the office of the City of Grand Junction, Colorado.
 That said owner certifies that all information is true and correct.

PREPARED BY:
 Robert E. Taylor, Clerk
 State of Colorado
 County of Mesa

APPROVED BY:
 Robert E. Taylor, Clerk
 State of Colorado
 County of Mesa



CONSENT OF APPLICANT
 I, the undersigned, hereby certify that the subject property does hereby fully and completely conform to the requirements of the City of Grand Junction, Colorado, and that I have no objection to the filing of this plat in the office of the City of Grand Junction, Colorado.
 Witness my hand and official seal this 12th day of September, 2001.
 Address: Grand Junction, Colorado

CITY APPROVAL
 This plat of SUMMER HILL FILING NO. 2, FIRST REPLAT, a plat of a portion of the City of Grand Junction, Colorado, was approved by the City of Grand Junction, Colorado, on this 12th day of September, 2001.
 By: Robert E. Taylor Clerk
 City Manager

REGISTER'S STATEMENT
 I, Kenneth Scott Thompson, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the accompanying plat of the City of Grand Junction, Colorado, is a true and correct copy of the original plat of the City of Grand Junction, Colorado, and that I have no objection to the filing of this plat in the office of the City of Grand Junction, Colorado.
 Witness my hand and official seal this 12th day of September, 2001.
 Kenneth Scott Thompson
 Colorado PLS 10480



CORREY CLERK AND RECORDING COMMISSIONER
 I hereby certify that this instrument was filed in the office of the Clerk and Recorder of Mesa County, Colorado, at 12:31 o'clock P. M. this 12th day of September, 2001, and is duly recorded in Plat Book No. 18, Page 19, as recorded in the office of the Clerk and Recorder of Mesa County, Colorado, at 12:31 o'clock P. M. this 12th day of September, 2001.
 By: Robert E. Taylor Clerk
 County of Mesa

SUMMER HILL FILING NO. 2

FIRST REPLAT

THOMPSON-LANGFORD CORPORATION

1128 W. 1/2 SECTION 18, T. 1 N., R. 1 W., S. 10 E., CO. 63

2001 20 1/2 ROAD - # B-410

GRAND JUNCTION, CO 81501

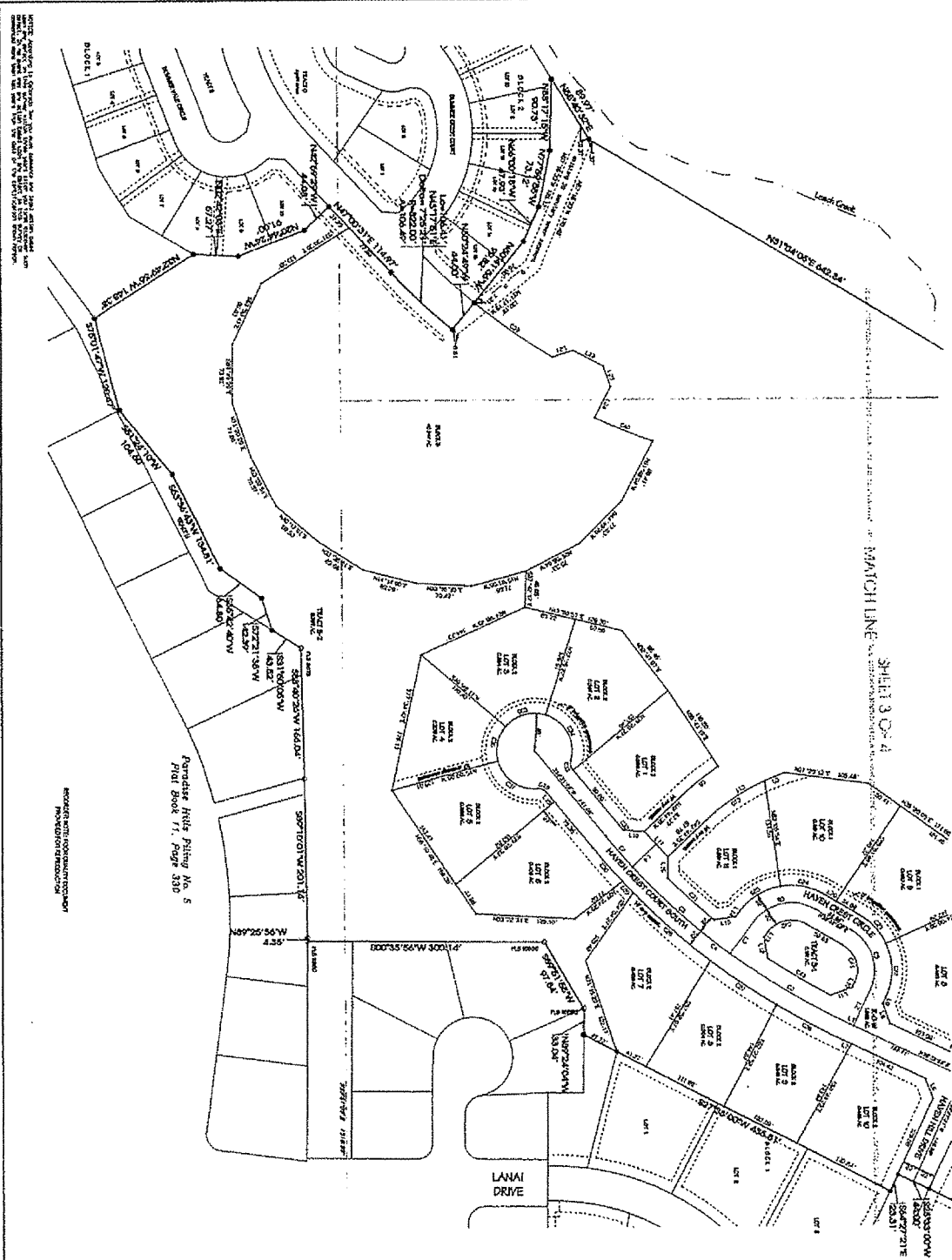
(970) 748-0007

Filing Date: 2001-09-12

Recording Date: 2001-09-12

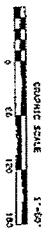
Page: 1 of 8

SUMMER HILL FILING NO. 3 FINAL PLAT



SHEET 3 OF 4
MATCHLINE

- ### LEGEND
- ✦ TRAIL AND STANDARD MARKS ON COLUMBIAN CAP
 - ⊕ FOUND METAL SURVEYORS' BULLY STATION OR PEG
 - ⊙ FOUND METAL SURVEYORS' STATION MARKS
 - FOUND PIN & CAP OR TIE-IN AS MARKED
 - FOUND PIN & CAP AS 17295
 - ⊕ REBAR OR N.S. 1840 SET FOR THIS DATE OR OTHER DATE OF FOUND SURVEYORS' RECORDS ARE REFERRED TO



NOTES OF RECORD

The Surveyor is hereby notified that the plat is subject to the provisions of the Colorado Surveyors' Act and the Colorado Surveyors' Board. The Surveyor is hereby notified that the plat is subject to the provisions of the Colorado Surveyors' Act and the Colorado Surveyors' Board. The Surveyor is hereby notified that the plat is subject to the provisions of the Colorado Surveyors' Act and the Colorado Surveyors' Board.



SEE SHEET 1 OF 4 FOR SURVEYOR'S STATEMENT

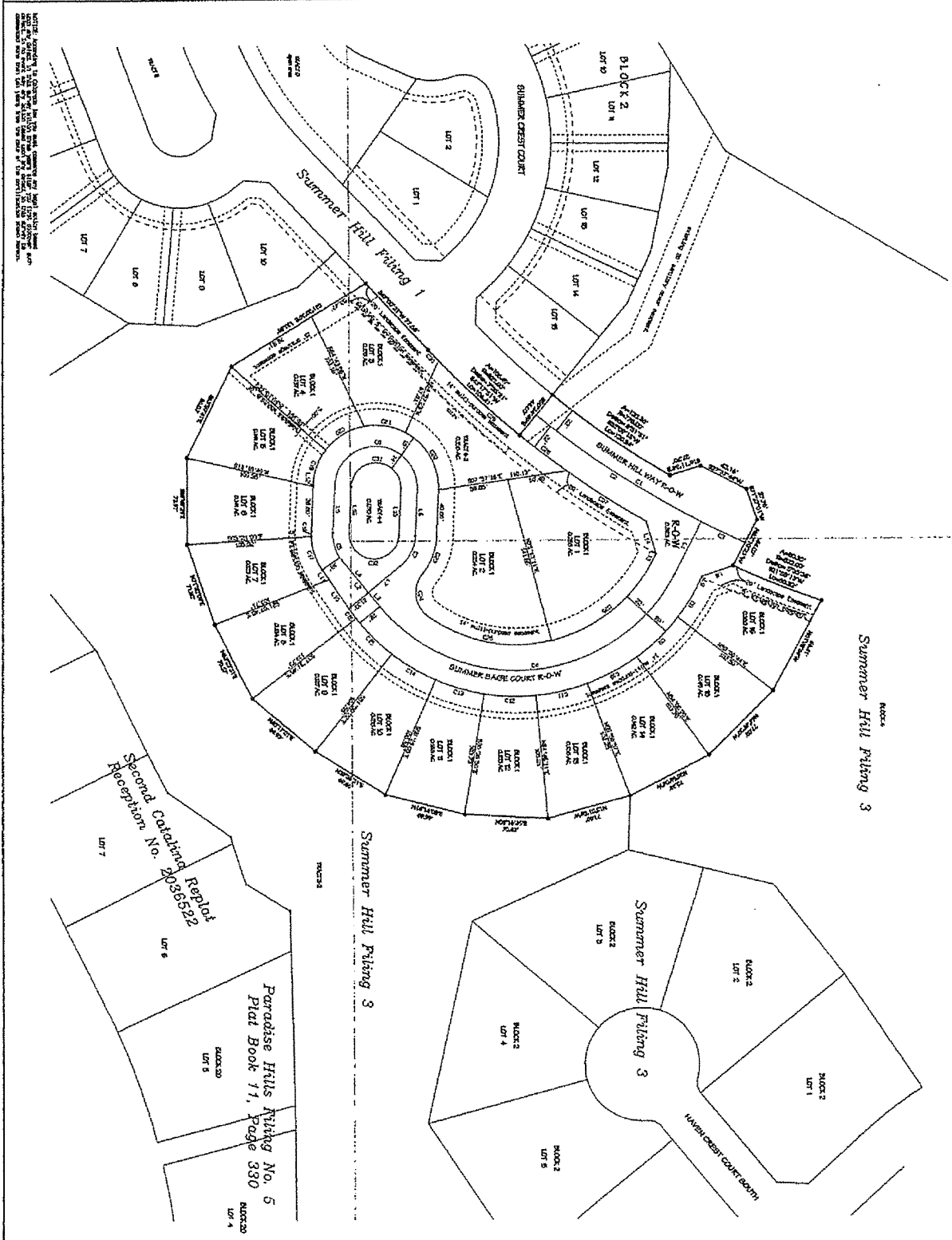
SUMMER HILL FILING NO. 3

FINAL PLAT

THOMPSON-LANGFORD CORPORATION
 830 SE 1/8 ROAD - # 3-210
 GRAND AVENUE, CO 81105
 (970) 848-0097

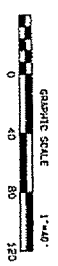
DATE OF RECORD: 12/12/12
 SURVEYOR: L. S. LANGFORD
 DRAWN BY: J. L. THOMPSON

SUMMER HILL FILING NO. 4 FINAL PLAT



LEGEND

- AS SHOWN ON THIS SET FOR THE DISTRICT OF COLUMBIA
- AS SHOWN ON THIS SET FOR THE DISTRICT OF COLUMBIA



NOTICE OF PUBLIC SALE
 The undersigned, the duly authorized agent of the State of Colorado, will sell at public auction on the 15th day of August, 2010, at 10:00 a.m., at the County Clerk's Office, the following described property, to-wit:



SEE SHEET 1 OF 2 FOR SURVEYOR'S STANDARD

SUMMER HILL FILING NO. 4 FINAL PLAT

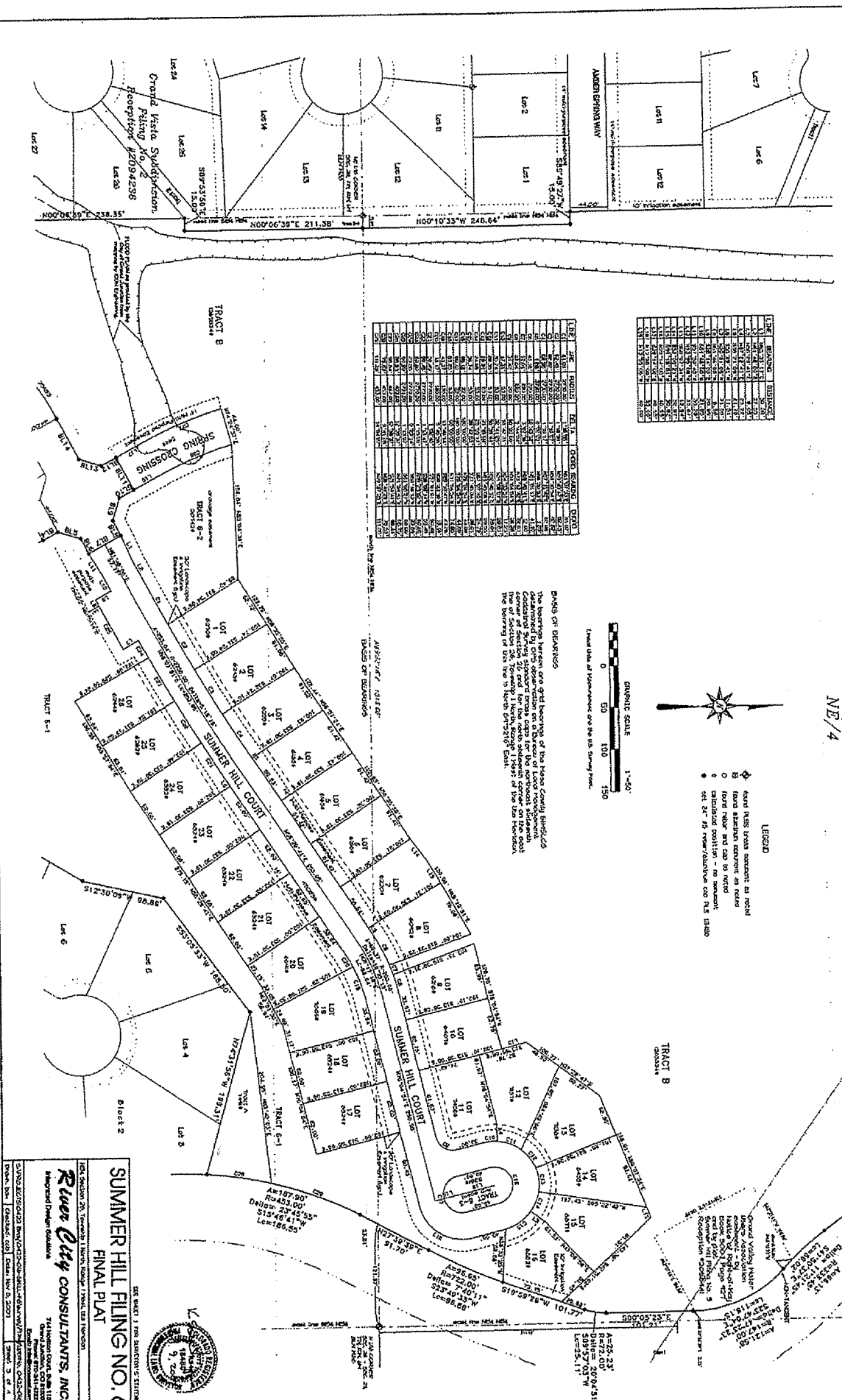
THOMPSON-LANGFORD CORPORATION
 4800 E. 1/8 ROAD - # B-810
 Grand Junction, CO 81501
 (970) 845-0087
 www.tlcorp.com

DATE: 08/02/10
 SHEET: 2 OF 2

01280802.dwg

SUMMER HILL FILING NO. 6

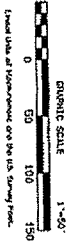
NE 1/4 Section 26, Township 1 North, Range 1 West, Ute Meridian
 A Replat of Block 3 of Summer Hill Filing No. 5, Reception Number 2255933
 NE 1/4
 NE 1/4



LOT	ACREAGE	REMARKS
1	0.10	
2	0.10	
3	0.10	
4	0.10	
5	0.10	
6	0.10	
7	0.10	
8	0.10	
9	0.10	
10	0.10	
11	0.10	
12	0.10	
13	0.10	
14	0.10	
15	0.10	
16	0.10	
17	0.10	
18	0.10	
19	0.10	
20	0.10	
21	0.10	
22	0.10	



- LEGEND**
- ◆ Found R/W's based on record
 - from station monument on record
 - from river and cap in record
 - calculated position - no monument
 - set 24" x 15" rebar/valveless cap NE 1/4 S260



BANDS OF BOUNDARIES
 The boundary between one and another of the above described parcels of land is shown by a solid line. The boundary between one and another of the above described parcels of land is shown by a dashed line. The boundary between one and another of the above described parcels of land is shown by a dotted line. The boundary between one and another of the above described parcels of land is shown by a dash-dot line.

SUMMER HILL FILING NO. 6
FINAL PLAT

SEE SHEET 1 FOR SCHEDULE OF EASEMENTS

River City CONSULTANTS, INC.
 Registered Professional Engineer
 744 Mountain View Drive, Suite 112
 Golden, Colorado 80401
 Phone: 303.441.4122
 Fax: 303.441.4122
 E-mail: rcc@rivercityinc.com

DATE: 08/15/2007
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN

