

THIS DOCUMENT PERTAINS TO THE COMMON ELEMENTS (AREAS) MAINTAINED BY THE PENINSULA AT PLUM CREEK HOMEOWNERS ASSOCIATION and the LIMITED COMMON ELEMENTS MAINTAINED BY ADJACENT HOMEOWNERS. Refer to [Map](#).

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**THE PENINSULA AT PLUM CREEK**  
**AMENDMENTS TO**  
**THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
**OF THE PENINSULA AT PLUM CREEK**  
**COUNTY OF DOUGLAS, STATE OF COLORADO**

**WHEREAS**, it is necessary and desirable to make certain amendments to the Declaration Creating Covenants, Conditions, Restrictions, and Easements of The Peninsula at Plum Creek, executed on January 15, 1998, and recorded on February 24, 1998, in Book 1515 at Page 427, Douglas County, Colorado, records (“Declaration”), amending Articles I, IV, V, VIII, IX, and XI; and

**WHEREAS**, Article XIII, Section 5 of the Declaration states that the Declaration may be amended by a vote or agreement of Owners of Units to which as least sixty-seven percent (67%) of the votes in The Peninsula at Plum Creek Homeowners Association (the “Association”) are allocated;

**NOW, THEREFORE**, the undersigned Owners of Units in The Peninsula at Plum Creek hereby approve the following amendments to the Declarations;

1. Section 9 of Article I shall be deleted in its entirety, and the following substituted in its stead:

**“Common Elements”** shall mean any real estate owned or leased by the Association other than a Unit, including any real estate allocated as Limited Common Elements.

2. A new Section 23.5 shall be added to Articles I, which read as follows;

**“Minimum Standard”** shall mean the minimum landscaping standards (as amended) applicable to the landscaping of the Limited Common Elements more fully discussed in Section 2 of Article V.

3. Section 29 of Article I shall be deleted in its entirety, and the following substituted in its stead:

**“Rules and Regulations”** shall mean any instruments, however denominated, which are adopted by the Association concerning and governing the Units and the Common Elements, including any amendments to those instruments.

4. Section 4 of Article IV shall be deleted in its entirety, and the following substituted in its stead:

**4. Rate of Assessment.** Annual and special assessments shall be sufficient to meet the expected needs of the Association and shall be apportioned among the Units in accordance with their Allocated Interests. The Common Expense assessments shall include an adequate reserve fund for the maintenance repair and replacement of those items that must be maintained, repaired or replaced on a periodic basis, and for the payments of insurance deductibles. Except for Common Expenses incurred by the Association for the benefit of Limited Common Elements, all Common Expenses shall be assessed against all the Units in accordance with the Allocated Interests set forth in this Declaration. Common Expenses incurred by the Association for the benefit of a Limited Common Element shall be assessed against the Unit to which such Limited Common element is allocated. If the Common Expense Liability is reallocated, Common Expense Assessments and any installment thereof not yet due shall be recalculated in accordance with the reallocated Common Expense Liability.

5. The first sentence of Section 2 of Articles V shall be deleted in its entirety, and the following substituted in its stead:

No Improvements shall be constructed, erected, placed, planted, applied or installed upon any Unit, unless complete plans and specifications therefore (said plans and specifications to show exterior design, height, materials, color, and location of the Improvements, plotted horizontally and vertically, location and size of driveways, locations, size, and type of landscaping, fencing, walls, windbreaks and grading plan, as well as such other materials and information as may be required by the Committee), shall have been first submitted to and approved in writing by the Architectural Review Committee; provided, however, that the Declarant shall be exempt from seeking or obtaining Architectural Review Committee approval during Declarant's development of, construction on, or sales of any Unit or residences on any Unit. No landscaping or sprinkler shall be installed or planted in any Limited Common Element, unless complete plans and specifications therefore, as required by the Architectural Review Committee, shall have been first submitted to and approved in writing by the Architectural Review Committee. With respect to the Limited Common elements, all such plans and specifications shall, at a minimum, confirm to the minimum landscaping standard ("Minimum Standard") specified in Exhibit 1, attached hereto and incorporated herein by this reference. The Minimum Standard shall not be interpreted as prohibiting the installation or planting of landscaping, or the installation of sprinklers, in a Limited Common Element that exceeds the Minimum Standard. The Executive Board may change the Minimum Standard only after receiving written approval of the proposed change from a majority of the Owners of Units to which Limited Common Elements are allocated.

6. Section 1(a) of Article VIII shall be deleted in its entirety, and the following substituted in its stead:

a. The Association is responsible for maintenance, repair and replacement of the Common Elements, except for the Limited Common Elements. The Owner(s) of the Units to which any Limited Common Element is allocated shall be responsible for all landscaping and sprinkler installation, maintenance, repair, and replacements said Limited Common elements ("Landscape Maintenance"). If an owner fails to perform Landscape Maintenance in accordance with the Minimum Standard identified in Section 2 of Article V (as amended), as determined by the Architectural Review Committee in its reasonable discretion, the Association shall have the right, but no the obligation, to perform such Landscape Maintenance itself, and assess the cost thereof against such Owner(s) Unit. Maintenance, repair or replacement of any drainage structure or facilities, or other public improvements required by the local governmental entity as a condition of development of the Common Interest Community or any part thereof shall be the responsibility of the Association unless such improvements have been dedicated to and accepted by the local governmental entity or by the Master Association for the purpose of maintenance, repair or replacement or unless such maintenance, repair or replacement has been authorized by law to be performed by a special district or other municipal or quasi-municipal entity.

7. Section 15 of Article IX shall be deleted in its entirety, and the following substituted in its stead:

15. **Rules and Regulations.** Rules and Regulations concerning and governing the Units and the Common Elements may be adopted, amended or repealed from time to time by the Executive Board, and the Executive Board may establish and enforce penalties for the infraction thereof, including, without limitation, the levying and collecting of fines for the violation of any such Rules and Regulations. No Improvements of any kind, except for landscaping and sprinklers, may be constructed, erected, placed, applied, or installed in the Limited Common Elements.

8. Section 1 of Article XI shall be deleted in its entirety, and the following substituted in its stead:

1. **Unit Owners Easements.** Subject to the provisions of Section 2 of this Article XI, every Unit Owners shall have a non-exclusive right and easement for the purpose of access to their Units and for use for all other purposes, in and to the Common Elements, but not to the Limited Common Elements, and such easement shall be allocated to and shall pass with the title to every Unit.

This amendment shall be effective upon its recordation, along with a certification of the vote obtained and disclosed below by the Association President, in the office of the Clerk and Recorder for Douglas County, Colorado.

**APPROVED** by the Owners of Units in the Peninsula at Plum Creek Homeowners Association, whose names and signatures are attached hereto, this 28<sup>th</sup> day of November, 2000 by a vote of 79 for and 0 against.

Recorded 2/8/01  
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