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Book/page number or reception number: 93108516

Date: 7/22/1993

**SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
MILLER PROPERTY**

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MILLER PROPERTY (Supplementary Declaration) is made and entered into this 3rd day of June, 1993, by A.J. MILLER and LOYOLA E. MILLER (referred to as Miller) and GENESEE FOUNDATION, a Colorado nonprofit corporation (referred to as the Foundation).

RECITALS:

A. There has heretofore been recorded a Declaration of Covenants, Conditions and Restrictions for certain real property located in Jefferson County, Colorado (the Declaration) which Declaration was recorded in Book 2714 at Page 901 of the Jefferson County records.

B. Pursuant to Article II, Section 1 (e) of the Declaration, upon approval in writing of Genesee Foundation pursuant to a vote of its members, the owner of any property who desires to add it to the scheme of the Declaration and to subject it to the jurisdiction of the Foundation may file of record a Supplementary Declaration of Covenants, Conditions and Restrictions.

C. Miller is the owner of certain property situate in Jefferson County, Colorado, immediately adjacent to property within the Genesee development and subject to the provisions of the Declaration. The property owned by Miller is described as: Tract No .2, Genesee Reservation Subdivision Amended Map Exemption Survey No. 2 recorded November 27, 1991 in Book P-107 at Page 48, Reception No. 91110512 of the Jefferson County records (referred to as the Miller Property).

D. There has also heretofore been recorded a Supplementary Declaration of Covenants, Conditions and Restrictions for Genesee Filing No. 9 (the Filing Nine Declaration) which Filing Nine Declaration was recorded in Book 3124 at Page 778 of the Jefferson County records.

E. Miller desires to make the Declaration and the Filing Nine Declaration applicable to the Miller Property and to submit the property to the jurisdiction of the Foundation.

F. The Foundation has approved the addition of the Miller Property to the Declaration and the Filing Nine Declaration and has secured the assent of two-thirds of the members of the Foundation to the annexation of the Miller Property, all as required by the Articles of Incorporation of Genesee Foundation.

NOW, THEREFORE, Miller and the Foundation declare and agree as follows:

1. The Miller Property is and shall be held, transferred, sold, conveyed, leased and occupied subject to the protective covenants, conditions and restrictions set forth in the Declaration and in the Filing Nine Declaration, all of which shall run with the land.

2. Pursuant to Article II of the Declaration, the coverage of the Declaration shall be and is hereby extended to the Miller Property and the Miller Property is and shall be held, transferred, sold, leased and occupied subject to the covenants, conditions, restrictions, easements, charges, liens and rights set forth in the Declaration, including, but not limited to, the obligation to pay assessments to the Foundation, as provided in the Declaration, all of which shall run with the land.

3. The Miller Property shall further be held, transferred, sold, conveyed, leased, and occupied subject to the covenants, conditions, restrictions, easements, charges, liens and rights set forth in the Filing Nine Declaration, all of which shall run with the land.

4. Miller and their successors and assigns in ownership of the Miller Property shall be members of Foundation and entitled to all benefits and subject to all obligations of members of the Foundation as provided in the Declaration and the Filing Nine Declaration.

5. Miller, by execution hereof, and the Foundation by its ratification hereof, acknowledge and agree that all of the improvements presently in place on the Miller Property are deemed to be accepted by the Foundation as constructed and located and shall not be subject to Genesee Foundation Architectural Review Committee approval. Exhibit A attached to this Supplementary Declaration and made a part hereof by this reference is an Improvement Location Certificate dated August 5, 1992 prepared by Contract Surveyors, Ltd., showing the location of improvements on the Miller Property as they exist on the date of execution of this Supplementary Declaration. Exhibit B attached to this Supplementary Declaration and made a part hereof by this reference is a listing of the improvements located on/in the Miller Property as they exist on the date of execution of this Supplementary Declaration. It is further recognized that the total Miller ownership, originally consisting of four (4) lots, was replatted and approved as two (2) separate residential sites by Jefferson

County and that only the Miller Property is being annexed to the Declaration, the Filing Nine Declaration, and the Foundation.

6. This Supplementary Declaration shall be effective upon execution and recordation in the Jefferson County records and Miller shall commence paying assessments to the Foundation prorated to the date of recordation.

IN WITNESS WHEREOF, A. J. Miller and Loyola E. Miller has executed this Supplementary Declaration the date and year first above.

A. J. MILLER

LOYOLA E. MILLER

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

Subscribed and sworn to before me this 3rd day of June 1993, by A.J. Miller and Loyola E. Miller.

My commission expires August 16, 1994.

WITNESS my hand and official seal:

Notary Public

RATIFICATION

Genesee Foundation hereby ratifies the foregoing Supplementary Declaration and by executing this ratification states and represents that the members of Genesee Foundation have approved the inclusion of the Miller Property within Genesee, as

required by the Declaration and the Articles of Incorporation of Genesee Foundation.

GENESEE FOUNDATION

(SEAL)
ATTEST:

BY: Nancy McNab
President

Peter Wingle
Secretary

STATE OF COLORADO)
) SS.
COUNTY OF JEFFERSON)

Subscribed and sworn to before me this 14th day of July, 1993, by Peter Wingle as Secretary and Nancy McNab as President of Genesee Foundation.

My commission expires 6/1/1994.

WITNESS my hand and official seal.

Lisa M. Glaspy
Notary Public

Exhibit A

IMPROVEMENT LOCATION CERTIFICATE

Lot 5, Block 20, and Lots 8, 9, 10, and 16, Block 21,
Genesee Reservation Subdivision Amended Map
and Lot 5, Block 20, Genesee Reservation Subdivision

 south ½ section 19
township 4 south, range 70 west, of the 6th P.M.
County of Jefferson, State of Colorado

EXHIBIT B

IMPROVEMENTS LOCATED ON/IN TRACT #2:

- asphalt drive
- concrete drive
- 2-story frame structure
- flagstone walks
- barbeque pit
- 6' chain link fence, 227.16' in length
- 11 rock retaining walls
- spa
- flagstone patio
- pond
- landscaped waterfall

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