

AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS OF THE OAKS  
(Regarding Commercial Vehicles)

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF THE OAKS ("Amendment") is made as of \_\_\_\_\_, 20\_\_.

RECITALS

- A. That particular Declaration of Covenants, Conditions and Restrictions of The Oaks was recorded on November 13, 2002 at Reception No. 2002121333 in the office of the Clerk and Recorder of Douglas County, Colorado ("Declaration"); and
- B. Section 14.9 of the Declaration provides that the Declaration may be amended by the affirmative vote or agreement of Members holding at least sixty-seven percent (67%) of the Allocated Interests, except that, so long as Declarant owns any portion of the property described in Exhibits A or D of the Declaration, no amendment may be made to the Declaration except with the affirmative vote or agreement of Members holding at least ninety percent (90%) of the Allocated Interests.
- C. Colorado Revised Statutes, Section 38-33.3-217 provides that, any provision of a Declaration that purports to specify a percentage larger than sixty-seven percent is void as against public policy, and until amended, such provision shall be deemed to specify a percentage of sixty-seven percent.
- D. The Members holding at least sixty-seven percent (67%) of the Allocated Interests desire to amend the Declaration to modify the restriction on commercial vehicles in Section 11.7 of the Declaration, and have consented to this Amendment in writing.

Now therefore, the Declaration is hereby amended as follows:

1. Section 11.7 of the Declaration is hereby deleted, and the following is substituted therefor:

***Section 11.7. Vehicular Parking, Storage and Repairs.***

11.7.1. No house trailer, camping trailer, boat trailer, hauling trailer, boat, or accessories thereto, self-contained motorized recreational vehicle, jet ski, snow mobile, or other type of recreational vehicle or equipment, may be parked or stored on the Lots or the Community's streets, or parked or stored on any property visible from the ground level of any other Lots, unless such parking or storage is entirely within the garage area of any Lot, except that any such vehicle may be otherwise parked as a temporary expedient for loading, delivery, or emergency. This Section 11.7.1 shall not restrict the parking of trucks or other commercial vehicles except that the following vehicles may not be parked or stored on the Lots or the Community's streets: (a) trucks and vehicles that exceed 15,000 pounds gross vehicle weight, or seven (7) feet in height at their highest

point, or one hundred (100) inches in width at their widest point (excluding mirrors), or twenty-three (23) feet in length (including bumpers); (b) semi-trucks with trailers; (c) box trucks; (d) tanker trucks suitable for transporting gases or liquids, such as oil, or gasoline in bulk; (e) other commercial vehicles designed or equipped to transport other motor vehicles or equipment from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such commercial vehicle is used in commerce on the public highways of this state; (f) motor vehicles that are used on the public highways and transport materials determined by the Colorado secretary of transportation to be hazardous. Further, parking of allowed commercial vehicles are limited to one such commercial vehicle per Lot on the Community's streets.

This restriction, however, shall not restrict trucks or other commercial vehicles that are necessary for construction or maintenance of any portion of the Community or any Improvements located thereon. Further, this restriction shall not apply to the parking by the occupant of a residence in the Community on a street, driveway, or guest parking area in the Community if the vehicle is required to be available at designated periods at such occupant's residence as a condition of the occupant's employment and all of the following criteria are met: (a) the vehicle has a gross vehicle weight rating of 10,000 pounds or less; (b) the occupant is a bona fide member of a volunteer fire department or is employed by a primary provider of emergency fire-fighting, law enforcement, ambulance, or emergency medical services; (c) the vehicle bears an official emblem or other visible designation of the emergency service provider; and (d) 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 spaces within the Community.

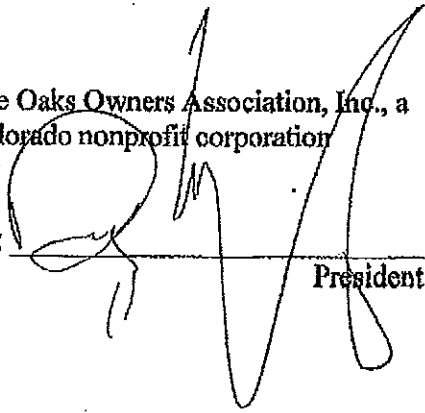
2. Except as amended herein, the Declaration shall remain in full force and effect.

The above and foregoing Amendment to the Declaration of Covenants, Conditions and Restrictions of the Oaks is executed by The Oaks Owners Association, Inc., and the undersigned hereby certifies that the above and foregoing Amendment to the Declaration of Covenants, Conditions and Restrictions of the Oaks was approved by the affirmative vote or agreement of Members holding at least sixty-seven percent (67%) of the Allocated Interests.

[Remainder of page intentionally left blank – signature on following page]

Dated this 12 day of December, 2018.

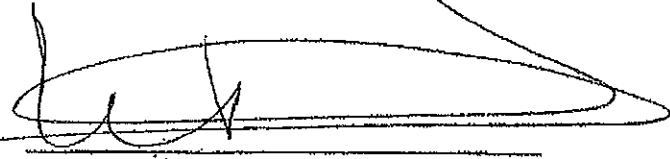
The Oaks Owners Association, Inc., a  
Colorado nonprofit corporation

By:  \_\_\_\_\_  
President

STATE OF COLORADO )  
COUNTY OF Douglas ) ss.

The foregoing instrument was acknowledged before me this 12 day of December, 2018  
by Darly Macknight as President of The Oaks Owners Association, Inc., a Colorado  
nonprofit corporation.

Witness my hand and official seal.  
My commission expires: 4/7/19

  
\_\_\_\_\_  
Notary Public

ERIN H. QUINN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20024084484  
MY COMMISSION EXPIRES 04/07/2019