

16  
Ref'n to:  
mngmt spec.  
5855 Wadsworth By Pass # B100  
Aracada, CO 80003

B3069602  
4/03/2003 14:59:28  
PG: 0001-003  
16.00 DOC FEE: 0.00  
TRACY K. BAKER  
ARAPAHOE COUNTY

## DECLARATION OF ANNEXATION AND AMENDMENT TO THE DECLARATION

This Declaration of Annexation and Amendment to the Declaration and Map is executed this 25<sup>th</sup> day of February, 2003, by Sugarbush Home Building Co., LLC, a Colorado limited liability company whose address is 7475 Dakin Street, Suite 330, Denver, Colorado 80221 (hereinafter referred to as "Declarant").

Dec #20  
Annexations

### RECITALS

A. Sugarbush Home Building Co., LLC, a Delaware limited liability company as "Declarant" executed that certain Declaration of Covenants, Conditions and Restrictions of Overlook at Cherry Creek (hereinafter referred to as the "Declaration"), which Declaration was recorded on October 9, 2001, at Reception No. B1172388, Book N/A, Page N/A in the records of the Clerk and Recorder of Arapahoe County, Colorado. Such Declaration created a Common Interest Community on the real estate described in the Declaration (the "Community").

B. Declarant is the owner of that certain real property described on Exhibit A attached hereto and incorporated herein by this reference, consisting of One (1) platted lots (collectively referred to as the "Lots").

C. Article V of the Declaration provides for enlargement, expansion and other reserved rights of the Declarant, including the right to annex the Lots to the Common Interest Community and to subject the same to the Declaration

D. Exhibit C of the Declaration provides the legal description of the real property which Declarant may annex into the Common Interest Community and be subject to the Declaration (the "Development Property").

E. The undersigned Declarant desires to include the Lots in the Community and subject them to the Declaration.

Now Therefore, the undersigned Declarant hereby declares as follows:

1. Annexation of Property. The Lots, being a portion of the Development Property, are hereby annexed into the Common Interest Community and the Lots shall be included within the "Property," as defined in the Declaration. The Lots shall hereafter be held, sold, conveyed, encumbered, leased, rented, occupied and improved subject to the terms and provisions of the Declaration. This Declaration of Annexation and Amendment to the Declaration shall constitute an amendment to the Declaration.

2. Additional Units. The undersigned Declarant hereby establishes One (1) additional Lots within the Common Interest Community, as identified on Exhibit A.

3. Number of Lots/Allocated Interests. Effective as of the date of the recording of

Rec  
16-  
stgc  
2020987A03

SE

RECEIVED IN THIS CONDITION

this Declaration of Annexation and Amendment to the Declaration and Map, the total number of Lots in the Common Interest Community and their allocated interests shall be computed as provided for in the Declaration. The Allocated Interests will be a fraction, the numerator of which is 1 and the denominator is the then total number of Lots within the Common Interest Community, changing with each addition of a Lot into the Common Interest Community.

4. Definitions. Unless otherwise defined herein, capitalized terms defined in the Declaration shall have the same meaning herein.

This Declaration of Annexation and Amendment to the Declaration and Map is made and effective as of the date first above written.

In Witness Whereof, the undersigned Declarant has hereunto set its hand and seal as of the day and year first above written.

Declarant:

Sugarbush Home Building Co., LLC, a Colorado limited liability company

By:

[Signature]  
title

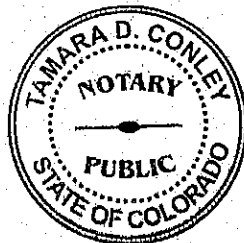
STATE OF COLORADO )  
                                  ) ss.  
COUNTY OF Map )

The foregoing instrument was acknowledged before me this 21 day of Feb, 2003, by Gale Schrag as manager of Sugarbush Home Building Co., LLC a Colorado limited liability company.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

[SEAL]

[Signature]  
Notary Public



My Commission Expires 9-14-05

3-3

Exhibit A

Lot 25,  
Block 1,  
Cherry Creek Overlook Subdivision  
Filing No. 1,  
County of Arapahoe,  
State of Colorado.

(for informational purposes only) 4839 South Billings Court

APR 20 2003

Assoc.	Unit	Filing	Block	Lot	Address	Annex	Date
OC-C	3800	Chery Crk Ovlook		8	13800 E. Saratoga Dr.		
OC-C	3820	Chery Crk Ovlook		9	13820 E. Saratoga Dr.		
OC-C	3829	Chery Crk Ovlook		13	13829 E. Saratoga Dr.		
OC-C	3840	Chery Crk Ovlook		10	13840 E. Saratoga Dr.		
OC-C	3849	Chery Crk Ovlook		14	13849 E. Saratoga Dr.		
OC-C	3860	Chery Crk Ovlook		11	13860 E. Saratoga Dr.		
OC-C	3869	Chery Crk Ovlook		15	13869 E. Saratoga Dr.		
OC-C	3879	Chery Crk Ovlook		16	13879 E. Saratoga Dr.		
OC-C	3880	Chery Crk Ovlook		12	13880 E. Saratoga Dr.		
OC-C	3883	Chery Crk Ovlook		7	13883 E. Chenango Ave.		
OC-C	3889	Chery Crk Ovlook		17	13889 E. Saratoga Dr.		
OC-C	3901	Chery Crk Ovlook		18	13901 E. Saratoga Pl.		
OC-C	3921	Chery Crk Ovlook		19	13921 E. Saratoga Pl.		
OC-C	3933	Chery Crk Ovlook		6	13933 E. Chenango Ave.		
OC-C	3941	Chery Crk Ovlook		20	13941 E. Saratoga Pl.		
OC-C	3955	Chery Crk Ovlook		5	13955 E. Chenango Ave.		
OC-C	3961	Chery Crk Ovlook		21	13961 E. Saratoga Pl.		
OC-C	3965	Chery Crk Ovlook		4	13965 E. Chenango Ave.		
OC-C	3975	Chery Crk Ovlook		3	13975 E. Chenango Ave.		
OC-C	3981	Chery Crk Ovlook		22	13981 E. Saratoga Pl.		
OC-C	3985	Chery Crk Ovlook		2	13985 E. Chenango Ave.		
OC-C	3995	Chery Crk Ovlook		1	13995 E. Chenango Ave.		
OC-C	4741	Chery Crk Ovlook		48	4741 S. Atchinson Ct.		
OC-C	4751	Chery Crk Ovlook		47	4751 S. Atchinson Ct.		
OC-C	4761	Chery Crk Ovlook		46	4761 S. Atchinson Ct.		
OC-C	4771	Chery Crk Ovlook		45	4771 S. Atchinson Ct.		
OC-C	4775	Chery Crk Ovlook		30	4775 S. Anaheim Ct.		
OC-C	4781	Chery Crk Ovlook		44	4781 S. Atchinson Ct.		
OC-C	4785	Chery Crk Ovlook		31	4785 S. Anaheim Ct.		
OC-C	4791	Chery Crk Ovlook		43	4791 S. Atchinson Ct.		
OC-C	4795	Chery Crk Ovlook		32	4795 S. Anaheim Ct.		
OC-C	4803	Chery Crk Ovlook		42	4803 S. Atchinson Ct.		
OC-C	4807	Chery Crk Ovlook		33	4807 S. Anaheim Ct.		
OC-C	4813	Chery Crk Ovlook		41	4813 S. Atchinson Ct.		
OC-C	4817	Chery Crk Ovlook		34	4817 S. Anaheim Ct.		
OC-C	4819	Chery Crk Ovlook		29	4819 S. Billings Ct.		
OC-C	4821	Chery Crk Ovlook		28	4821 S. Billings Ct.		
OC-C	4823	Chery Crk Ovlook		40	4823 S. Atchinson Ct.		
OC-C	4827	Chery Crk Ovlook		35	4827 S. Anaheim Ct.		
OC-C	4829	Chery Crk Ovlook		27	4829 S. Billings Ct.		
OC-C	4831	Chery Crk Ovlook		26	4831 S. Billings Ct.		
OC-C	4833	Chery Crk Ovlook		39	4833 S. Atchinson Ct.		
OC-C	4837	Chery Crk Ovlook		36	4837 S. Anaheim Ct.		
OC-C	4839	Chery Crk Ovlook		25	4839 S. Billings Ct.		
OC-C	4841	Chery Crk Ovlook		24	4841 S. Billings Ct.		
OC-C	4843	Chery Crk Ovlook		38	4843 S. Atchinson Ct.		
OC-C	4847	Chery Crk Ovlook		37	4847 S. Anaheim Ct.		
OC-C	4849	Chery Crk Ovlook		23	4849 S. Billings Ct.		
OC-C	B						

04/30/2003  
Closed 2/25/03