

## SECOND AMENDMENT TO THE FARMER=S GROVE GOVERNMENTAL COVENANTS AND AGREEMENTS

This Second Amendment to the Farmer=s Grove Governmental Covenants and Agreements (ASecond Amendment@) is made and entered into at Breckenridge, Colorado, as of the 22<sup>nd</sup> day of July, 2009, by and among the Farmer=s Grove Association, Inc., a Colorado non-profit corporation (AAssociation@), the Town of Breckenridge, a Colorado municipal corporation (ATown@), and the Board of County Commissioners, Summit County, Colorado (ACounty@).

### RECITALS

WHEREAS, the Farmer=s Grove Governmental Covenants and Agreements were recorded in the records of Summit County on April 19, 2001, at Reception No. 650382, and a First Amendment to the Farmer's Grove Governmental Covenants and Agreements was recorded on October 3, 2006 at Reception No. 834799 (collectively referred to herein as the "Governmental Covenants");

WHEREAS, the Governmental Covenants provide, in paragraph 16, that such Covenants may be modified with the written consent of the Association, the Town, and the County; and

WHEREAS, the Association, the Town and the County wish to modify paragraph 7 of the Governmental Covenants by adding a provision allowing an 8 foot fence, as more particularly set forth herein.

NOW, THEREFORE, the Association, the Town and the County hereby amend and modify the Governmental Covenants as follows:

1. Paragraph 7 of the Governmental Covenants is amended and restated in its entirety as follows:

A7. Fencing Restrictions. Owner hereby covenants and agrees with the Governmental Entities that no fence or other similar structure shall be installed, constructed or maintained upon any portion of the Property, except for those decks and patios meeting the following criteria:

- (a) All fences shall be 36" or less in height;
- (b) All fences shall be white picket fences of a common style and design as approved by the Farmers Grove Association Design Review Committee;
- (c) The area enclosed by a fence on any given Lot shall not exceed 250 square feet; and

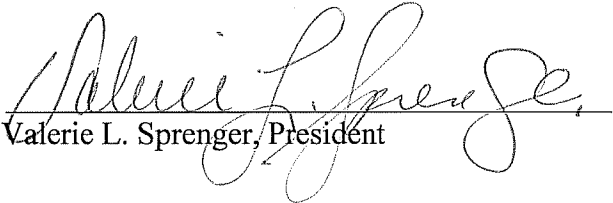
(d) No fence or any portion thereof shall extend outside of the Building Envelope for such Lot as depicted and shown on the Subdivision Plat of Farmers Grove as recorded in the records of Summit County, Colorado.

Notwithstanding the above, a fence not exceeding eight (8) feet in height, constructed of wood, may be built along the property line between the Property and the parcel of property to the north of the Property, which parcel is identified at Reception No. 531993 in the Summit County Clerk and Recorder's Office. Such fence shall be contiguous along a minimum of two (2) properties, and will need to be approved by the Farmers Grove Design Review Committee prior to construction."

All other terms and provisions of the Governmental Covenants remain in full force and effect.

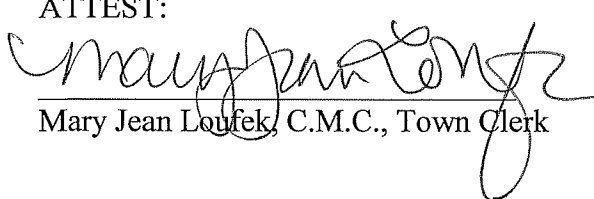
IN WITNESS WHEREOF, the parties have executed this Second Amendment to the Farmer=s Grove Governmental Covenants and Agreements as of the day and year first written above.

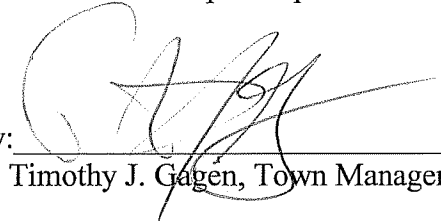
FARMER=S GROVE ASSOCIATION, INC.  
a Colorado non-profit corporation

By:   
Valerie L. Sprenger, President

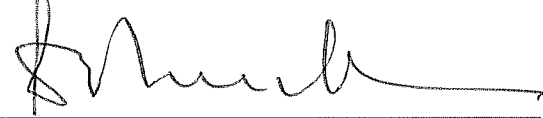
TOWN OF BRECKENRIDGE  
a Colorado municipal corporation

ATTEST:

  
Mary Jean Loufek, C.M.C., Town Clerk

By:   
Timothy J. Gagen, Town Manager

SUMMIT COUNTY BOARD OF COUNTY  
COMMISSIONERS

By:   
Robert H.S. French, Chairman

Approved as  
to form

  
Legal

[illegible]

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of July, 2009, by Valerie L. Sprenger, as President of the Farmer=s Grove Association, a Colorado non-profit corporation.

WITNESS my hand and official seal.

My commission expires: November 28, 2011

Mary M. Sutton  
Notary Public

STATE OF COLORADO )  
 ) ss.  
COUNTY OF SUMMIT )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of August, 2009, by Timothy J. Gagen, Town Manager, and Mary Jean Loufek, CMC, as Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: 5/3/2011

Lee R. Blewett  
Notary Public

[illegible]

**My commission expires:**  
**May 3, 2011**

The foregoing instrument was acknowledged before me this 9th day of September, 2009, by Robert H.S. French, as Chairman of the Board of County Commissioners for Summit County, Colorado.

WITNESS my hand and official seal.

My commission expires: 8/20/13

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Glenice K. Brown  
Notary Public

