

**SECOND AMENDMENT TO DECLARATION OF AGREEMENT
ESTABLISHING BUILDING RESTRICTIONS IN
PLUM VALLEY, DOUGLAS COUNTY, STATE OF COLORADO**

THIS SECOND AMENDMENT TO DECLARATION OF AGREEMENT ESTABLISHING BUILDING RESTRICTIONS IN PLUM VALLEY, DOUGLAS COUNTY, STATE OF COLORADO (hereinafter referred to as the “**Second Amendment of Declaration**”) is made on the date set forth hereinbelow by the **CITY OF LITTLETON COLORADO**, a political subdivision of the State of Colorado located in Arapahoe County, Colorado, whose address is 2255 W. Berry Avenue, Littleton, CO 80120 (hereinafter referred to as the “**City of Littleton**”) and **THE ELIZABETH MARIE JONES CHARITABLE TRUST, UNDER TRUST AGREEMENT DATED AUGUST 10, 2013**, represented herein by Ethan A. Miller, Trustee, whose address is 202 E. High Street, P.O. Box 1285, Charlottesville, VA 22902 (hereinafter referred to as the “**Charitable Trust**”).

WHEREAS, a plat establishing Plum Valley Subdivision on certain lands located in Douglas County, Colorado was recorded in the Office of the County Clerk and Recorder of the County of Douglas, State of Colorado (the “**Douglas County Clerk’s Office**”) on April 7, 1956 in Plat Book Number 98341, Reception File; and

WHEREAS, by Declaration of Agreement Establishing Building Restrictions in Plum Valley, Douglas County, State of Colorado dated January 28, 1958, and recorded in the aforesaid Douglas County Clerk’s Office on January 31, 1958 in Book 123, Page 258, (hereinafter referred to as the “**Declaration of Building Restrictions**”) Maurice H. Fisher, Eleanor G. Fisher and Anthony F. Zarlengo, as the owners of all of the lots of Plum Valley Subdivision, excepting Lots 27, 28 and 30, established certain restrictions, covenants and conditions on the use of such lots in said Subdivision; and

WHEREAS, by Amendment to Declaration of Agreement Establishing Building Restrictions in Plum Valley, Douglas County, State of Colorado, recorded in the aforesaid Douglas County Clerk’s Office on August 10, 1960 in Book 133, Page 174, Maurice H. Fisher, Eleanor G. Fisher, Anthony F. Zarlengo, John Lindsey and Roy Hamilton Ott, Jr. and Elizabeth Marie Ott, the then owners in fee simple of all of the lots in Plum Valley Subdivision affected by the Declaration of Building Restrictions, removed all of the property in the Plum Valley Subdivision from the provisions of said Declaration of Building Restrictions **save and except Plots 1 to 6 inclusive, Plots 42 to 45 inclusive and Plots 7 to 16 inclusive**, leaving a total of twenty (20) lots remaining subject to the Declaration of Building Restrictions; and

WHEREAS, the Declaration of Building Restrictions provides that all of the restrictions and covenants contained therein shall continue and be binding upon the owners of the plots in Plum Valley Subdivision until January 1, 1960, at which time said restrictions and covenants shall be automatically extended for successive periods of ten (10) years unless by vote of a

majority of the then owners of the fee simple title to such plots it is agreed to release, change or amend said restrictions and covenants in whole or in part by executing and acknowledging an appropriate agreement in writing for such purpose and filing the same for record in the manner then required for the recording of land instruments; and

WHEREAS, the City of Littleton owns the fee simple title to Plots 1 to 6 inclusive of said Plum Valley Subdivision and the Charitable Trust owns the fee simple title to Plots 7 to 16 inclusive of said Plum Valley Subdivision, being a total of sixteen (16) of the twenty (20) lots remaining subject to the Declaration of Building Restrictions, and such parties desire to remove such lots from the provisions of the Declaration of Building Restrictions;

NOW, THEREFORE, pursuant to the above cited provision of the Declaration of Building Restrictions, the parties hereto, owning the fee simple title to a total of sixteen (16) of the twenty (20) lots remaining subject to said Declaration of Building Restrictions, being a majority of such lots, **do hereby agree to release Plots 1 to 6 inclusive of said Plum Valley Subdivision and Plots 7 to 16 inclusive of said Plum Valley Subdivision from the covenants and restrictions contained in the Declaration of Building Restrictions**, such release to be effective upon the recording of this Second Amendment to Declaration in the Douglas County Clerk's Office.

The persons whose names are signed below hereby represent and warrant that they have been duly authorized and directed to execute and deliver this Second Amendment to Declaration by the party whom they represent, and that the execution and delivery of this Second Amendment to Declaration was duly authorized and approved by such by all necessary actions duly taken.

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