

DISTRICT COURT, COUNTY OF  
JEFFERSON, STATE OF COLORADO

Court Address: 100 Jefferson County Parkway  
Golden, CO 80401-6002

Phone Number: (303) 271-6215

**Petitioner:**

**The Dutch Creek Village Homeowners &  
Recreational Association,**  
a Colorado nonprofit corporation

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**SIGNED ORDER**

E-Filed  
 Mailed  
 Faxed

**▲ COURT USE ONLY ▲**

Case Number: 05 CV 1711  
Div.: 2 Ctrm.:

**ORDER APPROVING AMENDMENT TO THE DECLARATION, PURSUANT TO  
C.R.S. §38-33.3-217(7)**

**THIS MATTER** comes before the Court for hearing on July 8, 2005.  
After reviewing the pleadings filed in the matter and considering the statements of  
Counsel, the Court makes the following Findings of Fact and Conclusions of Law and  
Orders:

Findings of Fact and Conclusions of Law

1. The Dutch Creek Village Homeowners & Recreational Association ("Association") seeks to amend the Declaration of Covenants, Conditions and Restrictions of The Dutch Creek Village Homeowners & Recreational Association recorded in the real property records of Jefferson County, Colorado at Reception No. 928662, in Book 3088, Page 35 ("Declaration") by means of a proposed Amendment to the Declaration of Covenants, Conditions and Restrictions of The Dutch Creek Village Homeowners & Recreational Association (the "Proposed Declaration Amendment").

2. The Association notified its Owners of the Proposed Declaration Amendment on February 7, 2005, February 21, 2005, and February 24, 2005.

3. The Members of the Association discussed the Proposed Declaration Amendment (as submitted to the Court in the Petition filed herein) at meetings of the Association held on March 30, 2005, and April 4, 2005.

4. Based on the foregoing, the Association has complied with the notice and meeting requirements set forth in Section 38-33.3-217(7)(a)(I) and (II).

5. At least half of the Members required by the Declaration to approve the Proposed Declaration Amendment have voted for the Proposed Declaration Amendment, pursuant to C.R.S. §38-33.3-217(7)(a)(III). In fact, all necessary consents of Members/Owners to approve the Proposed Declaration Amendment have been obtained.

6. Based on the Certificate of Mailing filed in this case, a Notice of the Petition was mailed to all of the Owners within the Association, to lenders with a security interest in Lots within the community, and to the others indicated in a Certificate of Mailing filed in this case. To the best of our knowledge and belief, the Declarant no longer exists.

7. A hearing regarding the petition was held, as referred to above, on July 8, 2005, before this Court.

8. The Association has satisfied all of the requirements of C.R.S. §38-33.3-217(7).

9. Not more than 33% of the Owners, 33% of the lenders with security interests in one or more Lots or the declarant have filed written objections with the Court prior to the hearing.

10. Neither the Federal Housing Administration nor the Veterans Administration is entitled to vote on the Proposed Declaration Amendment.

11. The Proposed Declaration Amendment presented to the Court does not terminate the Declaration. The preponderance of the evidence and application of plain language of the Declaration indicates that the Proposed Declaration Amendment is an amendment, and not a termination.

12. The Proposed Declaration Amendment presented to the Court does not change the allocated interests of the Owners.

13. Based upon these Findings of Fact and Conclusions of Law and pursuant to the requirements of C.R.S. §38-33.3-217(7)(e) and (f), it is hereby:

**ORDERED** that the Proposed Declaration Amendment<sup>\*</sup> is approved by this Court and shall be binding upon all Owners in the Dutch Creek Village community and shall have the same legal effect as if were adopted pursuant to the amendment requirements set forth in the Declaration upon the recording of the Amendment to the Declaration, with this Order attached, with the Clerk and Recorders' office for Jefferson County.

**IT IS FURTHER ORDERED** that the Association record a copy of the approved Amendment to the Declaration together with a copy of this Order with the Clerk and Recorder's office for Jefferson County, Colorado.

DONE this 8th day of July, 2005.

BY THE COURT:

\* in the form of  
Exhibit B to the  
petition filed in  
this Court on  
May 19, 2005

  
DISTRICT COURT JUDGE

Jack W. Berryhill

COMBINED COURT  
County of Jefferson Colorado  
Certified to be full, true and correct copy  
of the original in my custody.

Clerk of the Combined Court

By   
Deputy Clerk

Dated July 1, 2005

