

RECEIVED FEB 13 2008

RECEPTION#: 20080006526, 01/31/2008 at
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1 OF 5, R \$26.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

SECOND AMENDMENT TO CONDOMINIUM DECLARATION
FOR
MULBERRY COMMERCIAL PARK CONDOMINIUMS

THIS SECOND AMENDMENT TO CONDOMINIUM DECLARATION FOR MULBERRY COMMERCIAL PARK CONDOMINIUMS is made by MULBERRY COMMERCIAL PARK CONDOMINIUM ASSOCIATION, a Colorado nonprofit corporation ("Association"), on behalf of the Owners holding in excess of sixty-seven percent (67%) of the votes entitled to be cast by all Owners of condominium Units within the Mulberry Commercial Park Condominiums.

WITNESSETH:

WHEREAS, the Condominium Declaration for Mulberry Commercial Park Condominiums was recorded on October 19, 1999, at Reception No. 0099090949 of the Larimer County, Colorado records ("Declaration"); and

WHEREAS, the Declaration was amended by First Amendment to Condominium Declaration for Mulberry Commercial Park Condominiums recorded on September 8, 2000, at Reception No. 2000062133 of the Larimer County, Colorado records ("First Amendment"); and

WHEREAS, for convenience of reference, the Declaration as amended by the First Amendment is hereinafter referred to as the "Amended Declaration;" and

WHEREAS, the Amended Declaration pertains to certain real property situate in the County of Larimer, State of Colorado, legally described on Exhibit "A" attached hereto and incorporated herein by reference ("Real Estate"); and

WHEREAS, Article XIV, Section 3, of the Declaration provides as follows with respect to amending the Declaration:

Section 3: Amendment. Except as otherwise provided in this Declaration, this Declaration may be altered or amended at any time by a vote of sixty-seven percent (67%) or more of the votes entitled to be cast by all Owners through a duly written and recorded instrument.

(HF&M 01/15/08)

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HASLER, FONFARA AND MAXWELL
125 SOUTH HOWES, 6TH FLOOR
POST OFFICE BOX 2267
FORT COLLINS, CO 80522

WHEREAS, by written ballot pursuant to C.R.S. 7-127-109, a vote of the Owners/Members of the Association entitled to vote was held with the Owners/Members holding in excess of sixty-seven percent (67%) of the votes entitled to be cast voting in favor of the amendment hereinafter set forth.

NOW, THEREFORE, the Association, on behalf of all Owners who own Units within the Mulberry Commercial Park Condominiums, does hereby publish and declare that the Amended Declaration is hereby further amended and modified as follows:

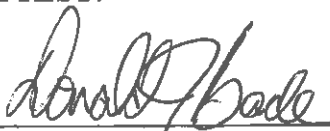
1. Addition of New Section 11 in Article XII. The following Section 11 is hereby added to Article XII of the Declaration:

Section 11: Permanent Prohibited Uses. Notwithstanding the foregoing, the following uses shall not be permitted within or upon the Real Estate: Adult bookstore or other facility selling pornographic materials, arcades or video game parlors, billiard halls, telemarketing or call centers, adult entertainment facilities of any kind, tattoo parlors, sale of drug paraphernalia, massage parlors, single or multi-family residential use and the sale of alcoholic beverages intended for onsite consumption, including liquor, beer and/or wine except that such prohibition against the sale of alcoholic beverages shall not be applicable to Unit Numbers 26 & 27 until the expiration or termination of the existing lease between the Owner of such units and Club Osiris.

2. Effective Date. The effective date for this Second Amendment to Condominium Declaration for Mulberry Commercial Park Condominiums shall be the date of the recording of this Second Amendment to Condominium Declaration for Mulberry Commercial Park Condominiums with the Clerk and Recorder of Larimer County, Colorado.

IN WITNESS WHEREOF, the undersigned has executed this Second Amendment to Condominium Declaration for Mulberry Commercial Park Condominiums on this 29th day of January, 2008.

ATTEST:



Name: Don Bade
Title: Secretary

MULBERRY COMMERCIAL PARK
CONDOMINIUM ASSOCIATION, a
Colorado nonprofit corporation

By 

Name: Larry Smith
Title: President

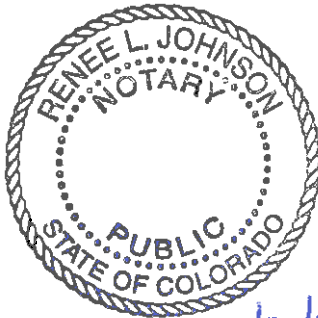
STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 29th day of January, 2008, by Larry Smith, as President, and Don Bade, as Secretary, of MULBERRY COMMERCIAL PARK CONDOMINIUM ASSOCIATION, a Colorado nonprofit corporation.

WITNESS my hand and official seal.

My commission expires: 3/31/2010.

Renée Johnson
Notary Public



My Commission Expires 3/31/2010

OFFICER'S CERTIFICATE

Larry Smith, the duly appointed and acting President, and Don Bade, the duly appointed and acting Secretary, of MULBERRY COMMERCIAL PARK CONDOMINIUM ASSOCIATION, a Colorado nonprofit corporation, do hereby certify that the foregoing Second Amendment to Condominium Declaration for Mulberry Commercial Park Condominiums has been approved by vote of the Owners of Units within the Mulberry Commercial Park Condominiums holding sixty-seven percent (67%) or more of the votes entitled to be cast by all Owners.

DATED this 29th day of January, 2008.

MULBERRY COMMERCIAL PARK
CONDOMINIUM ASSOCIATION, a
Colorado nonprofit corporation

ATTEST:

Don Bade

Name: Don Bade
Title: Secretary

Larry Smith

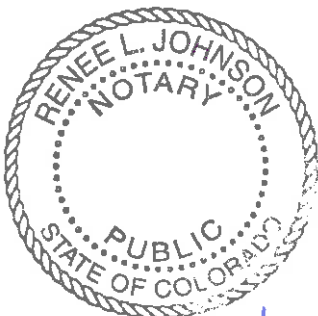
By _____
Name: Larry Smith
Title: President

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 29th day of January, 2008, by Larry Smith, as President, and Don Bade, as Secretary, of MULBERRY COMMERCIAL PARK CONDOMINIUM ASSOCIATION, a Colorado nonprofit corporation.

WITNESS my hand and official seal.

My commission expires: 3/31/2010.



Renee Johnson

Notary Public

My Commission Expires 3/31/2010

EXHIBIT "A" ATTACHED TO AND MADE A PART OF SECOND AMENDMENT TO
CONDOMINIUM DECLARATION FOR MULBERRY COMMERCIAL PARK
CONDOMINIUMS

Legal Description of Real Estate

A portion of the NE 1/4 of Section 17, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado, contained within boundary lines which considering the West line of the NW 1/4 of said Section 17 as bearing North 00°24'30" East and with all bearings herein relative thereto, begins at a point on the Southerly line of the right of way for State Highway No. 14 South 84°09'15" East 2646.41 feet from the NW corner of said Section 17 and run thence Easterly along the Southerly line of said right of way which is an 11,335 foot radius curve to the right to a point which is North 87°22' East 497.08 feet from the point of beginning to a point on the Westerly line of the right of way of the Cache La Poudre Reservoir Ditch No. 2 as now established and used, thence along the Westerly line of said ditch right of way by courses and distances and as follows: South 47°58' East 130.26 feet, thence South 20°28' East 286.62 feet, thence South 15°45' East 362.81 feet, thence South 34°25' East 90.91 feet, thence North 88°43'30" West 475.43 feet, thence North 40°38' West 317.78 feet, thence South 79°20' West 10.80 feet, thence North 40°24' West 293.06 feet; thence North 0°24'30" East 285.44 feet to a point on the Southerly line of the right of way for State Highway 14; thence Easterly along said Southerly right of way 34.34 feet more or less to the point of beginning.