

Amendment to
Declaration of Protective Covenants
WALDEN PRESERVE FILING NO. 1
And
ADDITION OF WALDEN PRESERVE 2 FILING NO.5

State of Colorado
County of El Paso

- A. WHEREAS, Custom Castles, Inc., as “Declarant,” by Declaration of Protective Covenants dated August 2nd, 2005 and recorded August 9, 2005, at reception number 205122348 in the records of the Clerk and Recorder of El Paso County, Colorado, and “Amendment to Declaration of Protective Covenants Walden Preserve Filing No. 1 and Addition of Walden Preserve Filing No. 2” dated November 16, 2012 and recorded in the records of the Clerk and Recorder of El Paso County, Colorado at reception number 212137689 and “Amendment to Declaration of Protective Covenants Walden Preserve Filing No. 1 and Addition of Walden Preserve 2 Filing No. 1” recorded at reception number 212137689 and “Amendment to Declaration of Protective Covenants Walden Preserve Filing No. 1 And Addition of Walden Preserve 2 Filing No. 2” recorded at reception number 215068490; and “Amendment to Declaration of Protective Covenants Walden Preserve Filing No. 1 and Addition of Walden Preserve 2 Filing No. 3” recorded at reception number 215068494 “Amendment to Declaration of Protective Covenants Walden Preserve Filing No. 1 and Addition of Walden Preserve 2 Filing No. 4” recorded at reception number 220070553 (collectively the “Protective Covenants” which term shall also include any amendments thereto) submitted certain property described therein to such covenants and restrictions; and
- B. WHEREAS, in Section 22 of such Protective Covenants the Declarant reserved unto itself the right to amend such Protective Covenants; and
- C. WHEREAS, the Declarant has provided to the WHA a “Private Detention Basin / Stormwater Quality Best Management Practice Maintenance Agreement And Easement” a copy of which is recorded at Reception No. 205122350 in the records of the Clerk and Recorder of El Paso County, Colorado to enable the WHA to fulfill its obligations under the Detention Basin Agreement as to Tract B1 and as to the “Temporary Construction and Drainage Easement;” and
- D. WHEREAS, paragraphs (I) B and C of the Protective Covenants states as follows:

Two detention basins ("Detention Basins") are included in the subdivision. A "Private Detention Basin Maintenance Agreement and Easement" ("Detention Basin Agreement") between and among the Declarant, the Walden Property Owners Association, a Colorado nonprofit corporation ("WHA") and the Board of County Commissioners of El Paso County, Colorado, is recorded at Reception No. 205122349 in the records of the Clerk and Recorder El Paso County, Colorado. The provisions of the Detention Basin Agreement are incorporated herein by this reference. The Detention Basins shall be located on the property described as Tract B I and on the "Temporary Construction and Drainage Easement" as defined on the subdivision plat for Walden Preserve Filing No.1. The Declarant has provided to the WHA a Detention Basin Maintenance Easement Grant, a copy of which is recorded at Reception No. 205122350 in the records of the Clerk and Recorder of El Paso County, Colorado, to enable the WHA to fulfill its obligations under the Detention Basin Agreement as to Tract B I and as to the "Temporary Construction and Drainage Easement."

- E. WHEREAS, along with the approval of Walden Preserve 2 Filing No. 5, the Declarant provided to the WHA a "Private Detention Basin / Stormwater Quality Best Management Practice Maintenance Agreement And Easement" a copy of which is recorded at Reception No. _____ in the records of the Clerk and Recorder of El Paso County, Colorado to enable the WHA to fulfill its obligations under the Detention Basin Agreement as to subdivision improvements consisting of one retention pond (No.C8) and three "rain garden" water quality ponds (Nos C2, C4, & C12) (collectively, "detention basin/BMP's"); and
- F. WHEREAS, the Walden Preserve 2 Filing No. 5 is adjacent to land already covered by the Protective Covenants; and
- G. WHEREAS, Custom Building Company, Inc. is the contract owner of the land described as Walden Preserve 2 Filing No. 5, El Paso County, Colorado and is also the Declarant;

ADDITION OF WALDEN PRESERVE 2 FILING NO. 5

NOW THEREFORE, in consideration of the acceptance hereof by the several purchasers and grantees (his, her, their or its heirs, executors, administrators, personal representatives, successors and assigns, and all persons or concerns claiming by, through or under such grantees) of deeds to Lots, said Declarant hereby declares to and agrees with each and every person who shall be or shall become Owner of any of Lots 1 through 50, Walden Preserve 2 Filing No.5, in addition to the ordinances of the County of El Paso, Colorado, that they shall be and are hereby bound by the Protective Covenants and that the property described as Walden Preserve 2 Filing No.5, El Paso County, Colorado shall be held and enjoyed subject to and with the benefit and advantage of the Protective Covenants as if fully set forth herein.

With the addition of Walden Preserve 2 Filing No. 5, the WPA shall have the rights and obligations to carry out the maintenance of the detention basin/BMP's set forth in the Private Detention Basin / Stormwater Quality Best Management Practice Maintenance Agreement And Easement recorded in connection with the recording of Walden Preserve 2 Filing No. 5.

EXECUTION AND EFFECTIVENESS

Custom Castles Building Company, Inc. executes this Amendment as Declarant and Matthew W. Dunston executes this Amendment as representative of the Owner of the affected real estate.

This Amendment shall be effective upon recording in the real estate records of El Paso County, Colorado.

In Witness whereof, the Declarant has subscribed hereto.

Dated this 27th day of September, 2022.

Custom Castles Building Company, Inc.,

A Colorado corporation

By: Matthew W. Dunston
Matthew W. Dunston, President

Walden Holdings 1 LLC,
A Colorado limited liability company

By: Matthew W. Dunston
Matthew W. Dunston,
Manager

