

**SEVENTH AMENDMENT TO THE DECLARATION FOR THE HIGHWAY 24  
EASTGATE BUSINESS PARK CONDOMINIUM ASSOCIATION**

This Seventh Amendment to the Declaration for the Highway 24 Eastgate Business Park Condominium Association (“Seventh Amendment”) is made this 16<sup>th</sup> day of April, 2021, by LACA-LOJA, LLC, a Colorado limited liability company (“Declarant” and “Owner”) and is agreed to by the HIGHWAY 24 EASTGATE BUSINESS PARK CONDOMINIUM ASSOCIATION, INC., a Colorado nonprofit corporation, (“Association”).

**Recitals**

WHEREAS, the undersigned Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions for the Highway 24 Eastgate Business Park Association recorded October 21, 2009, in the El Paso County, Colorado, real property records at reception number 209122752, (“Declaration”). For the purposes of this Amendment, the term Declaration shall include all amendments and supplements thereto.

WHEREAS, an additional Individual Building Unit (Building Number 5) previously identified as Future Phase IV of the project, has been completed and the Owner desires to confirm the Building’s inclusion in the Association, confirm that it is subject to the terms and conditions of the Declaration and the Map, document the size of the now finished area of the Building and its Units, and amend the schedule of Allocated Interests appurtenant to such new Units due to the completion of this Individual Building Unit 5.

WHEREAS, pursuant to the Declaration, the Declarant and the Association have agreed to amend the Declaration and the Map as described in more detail below.

NOW THEREFORE, in accordance with the foregoing, and the requirements of the Declaration, and the authority granted to them in the Declaration, Declarant and the Association hereby declare and state as follows:

1. The foregoing recitals are material and are incorporated herein by this reference.
2. Section 7.1 of the Declaration (captioned “Initial Allocated Interests”), states that The “Allocated Interests initially . . . assigned to particular Office Warehouse Units and Condominium Buildings will change due to changes in the Condominium Building and Unit sizes once the Buildings are actually constructed in the future and as built measurements are taken”. . . . As each Building is constructed, Exhibit B will be updated as an administrative change permitted by these Covenants and the updated Exhibit sent to owners.”
3. Section 22.5 of the Declaration (captioned “Permitted Amendment”), states that the Declarant may make administrative amendments to amend the Declaration

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or the Map “as needed to adjust Allocated Interests on Exhibit B to conform to the actual ‘as built’ future Building and Unit sizes” and such amendments need be signed and acknowledged only by the Declarant and need not be approved by the Association, Unit Owners or lienors, or mortgagees of Units or of the Project.

4. The Fifth Amended Map to which this Seventh Amendment applies, and which is being recorded herewith, sets forth the legal description for Building 5, Units A - G. That legal description is incorporated herein by this reference. The Fifth Amended Map reflects the fact that Building 5, Units A – G have now been constructed and Building 5 includes 12,953 square feet of area, more or less, rather than what was depicted on the Map and any prior Amended Maps. Therefore, the Allocated Interests shown on Page 64 of the Declaration (captioned “EXHIBIT B – Continued (Each Unit’s Relative Unit Share and Overall Condominium Share)”) are amended to read as shown on the Revised Exhibit B, attached hereto as Exhibit 1.

5. All Allocated Interests shown on Pages 63 and 64 of the Declarations (captioned “EXHIBIT B – Continued (Each Unit’s Relative Unit Share and Overall Condominium Share)”) for all of the Units in the Property are hereby revised as shown on Exhibit 1 to this Seventh Amendment, which is being recorded herewith.

6. The portion of the Map relating to Building 5, Units A-G, and all prior Amended Maps, are further amended and replaced in their entirety with the Fifth Amended Map attached as Exhibit 2 to this Seventh Amendment, which Fifth Amended Map is being recorded herewith. The Fifth Amended Map solely sets forth the legal description for Building 2, Units A - G.

7. The terms and provisions of this Seventh Amendment are hereby incorporated into the Declaration. Except as provided in this Seventh Amendment and the Fifth Amended Map recorded herewith, all of the terms and conditions of the Declaration, all prior Amendments that are not expressly modified by this Seventh Amendment and its Exhibits, any previous Amended Maps, and the Map, remain in full force and effect. To the extent of any inconsistencies between the terms of this Seventh Amendment and the terms of the Declaration and all prior Amendments, the terms of this Seventh Amendment shall prevail and control. However, in the event of any inconsistencies between this Seventh Amendment and the Declaration and all prior amendments to the Declaration, whenever possible, the terms of this Seventh Amendment are to be interpreted so as to be congruent with and in harmony with the Declaration and all prior amendments to the Declaration so as to carry out the overall intent of the Declaration. To the extent of any inconsistencies between the Fifth Amended Map recorded herewith, the Map, and any prior Amended Maps, the Fifth Amended Map recorded herewith shall prevail and control over the Map and any prior Amended Maps.

8. This Seventh Amendment shall be binding upon and inure to the benefit of the Declarant, the Association, all Owners, and each of their respective heirs, successors and assigns, as well as any other persons now or hereafter having any interest in any of

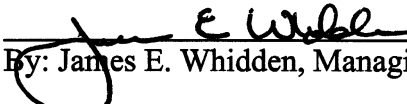
the property described herein. The terms and provisions of this Seventh Amendment shall be construed as covenants running with the land, and every person who now or hereafter owns or acquires any right, title, estate or interest in or to the Units is and shall be conclusively deemed to have consented and to have agreed to the terms and provisions contained in this Seventh Amendment whether or not any reference to the Seventh Amendment is contained in the instrument by which such person acquires an interest in a Unit.

9. All capitalized terms used in this Seventh Amendment that are not otherwise defined herein, but are defined in the Declaration, shall have the meanings ascribed to them in the Declaration. This Seventh Amendment shall be recorded in the real property records of El Paso County, Colorado.

Certification

The undersigned officers of the Declarant and the Association certify that this Seventh Amendment to the Declaration and the Fifth Amended Map recorded herewith, (a) have been properly authorized for execution and recording by the Declarant and the Association; and (b) do not affect any material rights specifically granted to the Owners in a manner inconsistent with the Declaration. The Declarant and the Association have executed this Seventh Amendment as of the dates shown below.

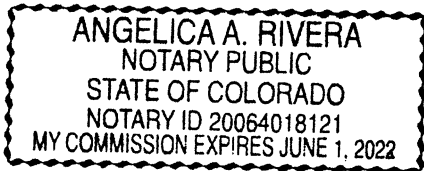
**DECLARANT:**  
LACA-LOJA, LLC, a Colorado limited liability company


  
By: James E. Whidden, Managing Member

STATE OF COLORADO    )  
  ) §  
COUNTY OF EL PASO    ).

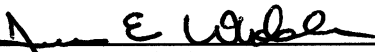
The foregoing instrument was acknowledged before me, a notary public, this 16 day of April 2021, by James E. Whidden, as the Managing Member, of LACA-LOJA, LLC a Colorado limited liability company.

WITNESS my hand and official seal.



  
Notary Public

**ASSOCIATION:**  
HIGHWAY 24 EASTGATE BUSINESS PARK  
CONDOMINIUM ASSOCIATION, INC., a  
Colorado nonprofit corporation

  
By: James E. Whidden  
Its: President

STATE OF COLORADO    )  
  ) §  
COUNTY OF EL PASO    ).

The foregoing instrument was acknowledged before me, a notary public, this 16 day of April, 2021, by James E. Whidden, as President of HIGHWAY 24 EASTGATE BUSINESS PARK CONDOMINIUM ASSOCIATION, INC., a Colorado nonprofit corporation.

WITNESS my hand and official seal.

ANGELICA A. RIVERA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20064018121  
MY COMMISSION EXPIRES JUNE 1, 2022

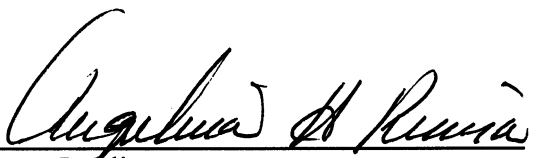
  
Notary Public  
My commission expires: 06/01/2022

EXHIBIT 1 TO SEVENTH AMENDMENT TO THE DECLARATION FOR THE  
HIGHWAY 24 EASTGATE BUSINESS PARK CONDOMINIUM ASSOCIATION

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REVISED EXHIBIT B – AS OF April 16, 2021

Each Building's Allocated Interest and Each IBU's Allocated Interest in the Association  
and Percentage Undivided Interest in Association:

	<u>Building Rentable Area:</u>	<u>Aggregate Building Rentable Area:</u>	<u>Relative Building Share and Building Allocated Interest:</u>		<u>Unit Allocated Interest and Overall Condo Share:</u>
	<u>Unit's Rentable Area:</u>	<u>Building Rentable Area:</u>	<u>Relative Unit Share:</u>	<u>Unit's Rentable Area:</u>	<u>Aggregate Rentable Area of All Units in All Buildings:</u>
Building 1	7,193	66,719	10.781%		
Building 2	9,847	66,719	14.759%		
Building 3	16,408	66,719	24.593%		
Building 4	20,318	66,719	30.453%		
Building 5	12,953	66,719	19.414%		
Building 1					
Unit A	1,200	7,193	16.683%	1,200	66,719
Unit B	1,199	7,193	16.669%	1,199	66,719
Unit C	1,160	7,193	16.127%	1,160	66,719
Unit D	3,634	7,193	50.521%	3,634	66,719
Building 2					
Unit A	0.0	LCE 9,847	0.00%	0	66,719
Unit B	0.0	LCE 9,847	0.00%	0	66,719
Unit C	6,577	9,847	66.792%	6577	66,719
Unit D	0.0	LCE 9,847	0.00%	0	66,719
Unit E	0.0	LCE 9,847	0.00%	0	66,719
Unit F	0.0	LCE 9,847	0.00%	0	66,719
Unit G	3,270	9,847	33.208%	3,270	66,719
Unit H	0.0	LCE 9,847	0.00%	0	66,719
Unit I	0.0	GCE 9,847	0.00%	0	66,719
Building 3					
Unit A	16,408	16,408	100.00%	16,408	66,719

Exhibit 1 – Page 2 of 2

REVISED EXHIBIT B – AS OF ~~Apr/16~~ 2021  
 (Each Unit's Relative Unit Share and Overall Condominium Share)

	Unit Rentable Area:	Building Rentable Area:	Relative Unit Share:	Unit's Rentable Area:	Aggregate Rentable Area of All Units in All Buildings:	Unit Allocated Interest and Overall Condo Share:
<b>Building 4</b>						
Unit A	1,570	20,318	7.727%	1,570	66,719	2.353%
Unit B	1,570	20,318	7.727%	1,570	66,719	2.353%
Unit C	1,546	20,318	7.609%	1,546	66,719	2.317%
Unit D	1,570	20,318	7.727%	1,570	66,719	2.353%
Unit E	1,570	20,318	7.727%	1,570	66,719	2.353%
Unit F	1,570	20,318	7.727%	1,570	66,719	2.353%
Unit G	1,580	20,318	7.776%	1,580	66,719	2.368%
Unit H	1,561	20,318	7.683%	1,561	66,719	2.340%
Unit I	1,561	20,318	7.683%	1,561	66,719	2.340%
Unit J	1,561	20,318	7.683%	1,561	66,719	2.340%
Unit K	1,561	20,318	7.683%	1,561	66,719	2.340%
Unit L	1,561	20,318	7.683%	1,561	66,719	2.340%
Unit M	1,537	20,318	7.565%	1,537	66,719	2.303%
<b>Building 5</b>						
Unit A	3,217	12,953	24.836%	3,217	66,719	4.822%
Unit B	0.0	LCE 12,953	0.00%	0.00	66,719	0.00%
Unit C	4,652	12,953	35.914%	4,652	66,719	6.973%
Unit D	0.0	LCE 12,953	0.00%	0.00	66,719	0.00%
Unit E	1,694	12,953	13.078%	1,694	66,719	2.539%
Unit F	1,694	12,953	13.078%	1,694	66,719	2.539%
Unit G	1,696	12,953	13.094%	1,696	66,719	2.541%

**EXHIBIT 2 TO SEVENTH AMENDMENT TO THE DECLARATION FOR THE HIGHWAY  
24 EASTGATE BUSINESS PARK CONDOMINIUM ASSOCIATION**

**(REVISED MAP FROM WATTS)**

EXHIBIT 3 TO SEVENTH AMENDMENT TO THE DECLARATION FOR THE HIGHWAY  
24 EASTGATE BUSINESS PARK CONDOMINIUM ASSOCIATION

EXHIBIT D  
(Expansion Property)

Not Applicable at the time of the initial recording of this Declaration. There is no  
Expansion Property