

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

This Fifth Amendment to the Declaration for the Highway 24 Eastgate Business Park Condominium Association (“Fourth Amendment”) is made this 7th day of May, 2018, 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 Building (Number 3) previously identified as Future Phases V and VI 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 amend the schedule of Allocated Interests appurtenant to such new Unit due to the completion of this Individual Building Unit 3.

WHEREAS, pursuant to 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.”

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3. Section 22.5 of the Declaration (captioned "Permitted Amendment"), states that the Declarant may make administrative amendments to amend the Declaration 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.

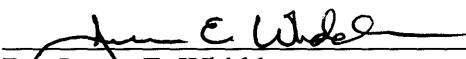
4. The Third Amended Map to which this Fifth Amendment applies, and which is being recorded herewith, sets forth the legal description for Building 3, Unit A. That legal description is incorporated herein by this reference. The Third Amended Map reflects the fact that Building 3, Unit A has now been constructed and includes 16,408 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 63 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 Fifth Amendment, which is being recorded herewith.

6. The portion of the Map relating to Building 4, Units H-M, and the Amended Map, are further amended and replaced in their entirety with the Third Amended Map attached as Exhibit 2 to this Fifth Amendment, which Third Amended Map is being recorded herewith. The Third Amended Map solely sets forth the legal description for Building 3, Unit A.

7. The terms and provisions of this Fifth Amendment are hereby incorporated into the Declaration. Except as provided in this Fifth Amendment and the Third Amended Map recorded herewith, all of the terms and conditions of the Declaration, all prior Amendments that are not expressly modified by this Fifth 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 Fifth Amendment and the terms of the Declaration and all prior Amendments, the terms of this Fifth Amendment shall prevail and control. However, in the event of any inconsistencies between this Fifth Amendment and the Declaration and all prior amendments to the Declaration, whenever possible, the terms of this Fifth 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 Third Amended Map recorded herewith, the Map, and any prior Amended Maps, the Third Amended Map recorded herewith shall prevail and control over the Map and any prior Amended Maps.

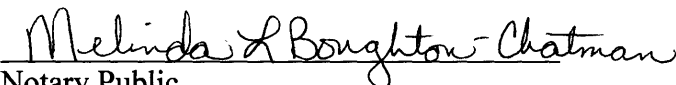
ASSOCIATION:
HIGHWAY 24 EASTGATE BUSINESS PARK
CONDOMINIUM ASSOCIATION, INC., a
Colorado nonprofit corporation


By: James E. Whidden
Its: President

STATE OF COLORADO)
) §
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me, a notary public, this 7th day of May, 2018, 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.


Notary Public
My commission expires: Feb. 12, 2019

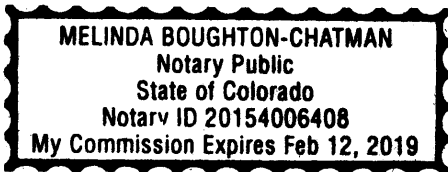


EXHIBIT 1 TO FIFTH AMENDMENT TO THE DECLARATION FOR THE
HIGHWAY 24 EASTGATE BUSINESS PARK CONDOMINIUM ASSOCIATION

REVISED EXHIBIT B – AS OF MAY 7, 2018

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>
Building 1	7,193	66,577	10.804%
Building 2	9,750	66,577	14.648%
Building 3	16,408	66,577	24.644%
Building 4	20,318	66,577	30.517%
Building 5	12,908	66,577	19.387%

Exhibit 1 – Page 1 of 2
 REVISED EXHIBIT B – as of May 7, 2018
 (Each Unit's Relative Unit Share and Overall Condominium Share)

	<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>	<u>Unit Allocated Interest and Overall Condo Share:</u>
Building 1						
Unit A	1,200	7,193	16.683%	1,200	66,577	1.802%
Unit B	1,199	7,193	16.669%	1,199	66,577	1.801%
Unit C	1,160	7,193	16.127%	1,160	66,577	1.742%
Unit D	3,634	7,193	50.521%	3,634	66,577	5.459%
Building 2						
Unit A	1,625	9,750	16.667%	1,625	66,577	2.441%
Unit B	1,625	9,750	16.667%	1,625	66,577	2.441%
Unit C	1,625	9,750	16.667%	1,625	66,577	2.441%
Unit D	1,625	9,750	16.667%	1,625	66,577	2.442%
Unit E	1,625	9,750	16.667%	1,625	66,577	2.442%
Unit F	1,625	9,750	16.665%	1,625	66,577	2.441%
Building 3						
Unit A	16,408	16,408	100.00%	16,408	66,577	24.644%
Building 4						
Unit A	1,570	20,318	7.727%	1,570	66,577	2.358%
Unit B	1,570	20,318	7.727%	1,570	66,577	2.358%
Unit C	1,546	20,318	7.609%	1,546	66,577	2.322%
Unit D	1,570	20,318	7.727%	1,570	66,577	2.358%
Unit E	1,570	20,318	7.727%	1,570	66,577	2.358%
Unit F	1,570	20,318	7.727%	1,570	66,577	2.358%
Unit G	1,580	20,318	7.776%	1,580	66,577	2.373%
Unit H	1,561	20,318	7.683%	1,561	66,577	2.345%
Unit I	1,561	20,318	7.683%	1,561	66,577	2.345%
Unit J	1,561	20,318	7.683%	1,561	66,577	2.344%
Unit K	1,561	20,318	7.683%	1,561	66,577	2.344%
Unit L	1,561	20,318	7.683%	1,561	66,577	2.345%
Unit M	1,537	20,318	7.565%	1,537	66,577	2.309%

Exhibit 1 – Page 2 of 2

REVISED EXHIBIT B – AS OF May 7, 2018 2018

(Each Unit's Relative Unit Share and Overall Condominium Share - Continued)

	<u>Unit 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>	<u>Unit Allocated Interest and Overall Condo Share:</u>
Building 5						
Unit A	1,480	12,908	11.466%	1,480	66,577	2.223%
Unit B	1,828	12,908	14.162%	1,828	66,577	2.746%
Unit C	2,113	12,908	16.370%	2,113	66,577	3.174%
Unit D	2,398	12,908	18.578%	2,398	66,577	3.602%
Unit E	1,710	12,908	13.248%	1,710	66,577	2.568%
Unit F	1,685	12,908	13.053%	1,685	66,577	2.531%
Unit G	1,694	12,908	13.123%	1,694	66,577	2.543%

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

SEE RECORDED MAP INCORPORATED HEREIN BY THIS REFERENCE