



01/29/2016 12:11 PM
City & County of Denver
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R \$61.00

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After Recording Return To:
DIBC Commercial, LLC
c/o L.C. Fulenwider, Inc.
1125 17th Street, Suite 2500
Denver, Colorado 80202

**FIRST AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF
PROTECTIVE COVENANTS OF
DENVER INTERNATIONAL BUSINESS CENTER**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS OF DENVER INTERNATIONAL BUSINESS CENTER (this "First Amendment") is made as of January 27, 2016 (the "Effective Date"), by and among the parties set forth below.

RECITALS

A. The Amended and Restated Declaration of Protective Covenants of Denver International Business Center were recorded in the real property records of the City and County of Denver, State of Colorado (the "Records") on April 9, 2002 at Reception No. 2002066268 (the "Covenants").

B. The Covenants were supplemented to subject certain additional lands thereto by that certain Application, which was recorded in the Records on April 9, 2002 at Reception No. 2002066269 (the "Application").

C. The real property more particularly described in Exhibit A attached hereto and incorporated herein (the "Existing Property") constitutes all of the real property subject to the terms of the Covenants as of the Effective Date.

D. Pursuant to Section 13.02 of the Covenants, the Covenants may be amended by an instrument in writing (1) executed and acknowledged by Owners (as defined in the Covenants) having fifty-five percent (55%) or more of the Amendment/Termination Voting Rights (as defined in the Covenants) and (2) placed of record in the Records, and any other county in which at the time of recordation any real property subject to the Covenants is located.

E. The undersigned parties (1) together constitute the Declarant under the Covenants, (2) together hold more than fifty-five percent (55%) of the Amendment/Termination Voting Rights (as defined in the Covenants), and (3) desire to remove and exclude certain real property, which is more particularly described in Exhibit B attached hereto and incorporated herein by this reference (the "Excluded Property"), from the real property subject to the terms of the Covenants from and after the Effective Date, all as more particularly set forth below.

AMENDMENT

NOW, THEREFORE, for and in consideration of the foregoing recitals, which are incorporated herein by this reference, the covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, the undersigned, in their capacity as Declarant and holders of more than fifty-five percent (55%) of the Amendment/Termination Votes (as defined in the Covenants), hereby amend the Covenants as follows:

1. **Removal of Excluded Property; Restatement of Covenant Property.** As of the Effective Date, the Excluded Property (which is legally described in Exhibit B attached hereto and incorporated herein by reference) is hereby removed and excluded from the real property subject to the terms of the Covenants. From and after the Effective Date, the real property subject to the terms of the Covenants shall consist of the Existing Property, excluding the Excluded Property, which real property is legally described in Exhibit C attached hereto and incorporated herein by this reference (such real property, the "Covenant Property").

2. **Conflict; Reaffirmation of Covenants.** Declarant hereby affirms that the terms, covenants and conditions of the Covenants shall remain and continue in full force and effect as amended herein. If there is any conflict between the terms and provisions of this First Amendment and the terms and provisions of the Covenants, the terms and provisions of this First Amendment shall govern.

3. **Definitions.** All capitalized terms used herein, but not defined herein, shall have the same meanings given to such terms in the Covenants unless otherwise indicated.

4. **Governing Law.** The governing law of this First Amendment and all provisions hereunder shall be governed by and construed in accordance with the laws of the State of Colorado.

5. **Binding Effect.** The benefits, burdens and all other provisions contained in this First Amendment shall be binding upon, and inure to the benefit of, Declarant, the Owners' Association and all Owners, together with their respective heirs, executors, administrators, personal representatives, successors and assigns.

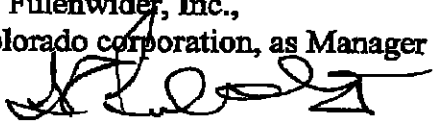
6. **Recording.** This First Amendment shall be recorded in the Records.

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IN WITNESS WHEREOF, Declarant has executed this First Amendment as of the Effective Date.

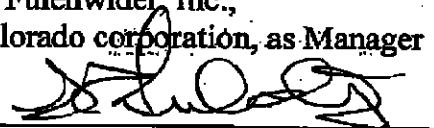
DIBC HOTEL CONFERENCE, LLC,
a Colorado limited liability company

By: L.C. Fulenwider, Inc.,
a Colorado corporation, as Manager

By: 
L.C. Fulenwider III, President

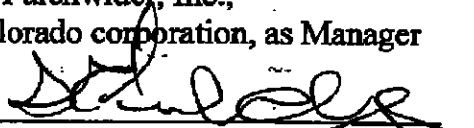
DIBC RETAIL, LLC,
a Colorado limited liability company

By: L.C. Fulenwider, Inc.,
a Colorado corporation, as Manager

By: 
L.C. Fulenwider III, President

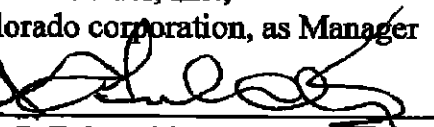
DIBC COMMERCIAL, LLC,
a Colorado limited liability company

By: L.C. Fulenwider, Inc.,
a Colorado corporation, as Manager

By: 
L.C. Fulenwider III, President

DIBC RESIDENTIAL, LLC,
a Colorado limited liability company

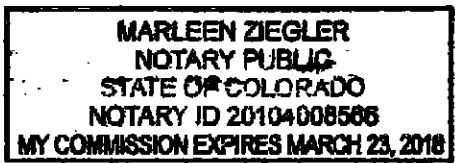
By: L.C. Fulenwider, Inc.,
a Colorado corporation, as Manager

By: 
L.C. Fulenwider III, President

STATE OF COLORADO)
)
 CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 28 day of January, 2016, by L.C. Fulenwider III, as President of L.C. Fulenwider, Inc., a Colorado corporation, as Manager of DIBC Hotel Conference, LLC, a Colorado limited liability company; DIBC Retail, LLC, a Colorado limited liability company; DIBC Commercial, LLC, a Colorado limited liability company; and DIBC Residential, LLC, a Colorado limited liability company.

WITNESS my hand and official seal.



Marleen Ziegler
 Notary Public

My commission expires: 3/23/2018

EXHIBIT A**Legal Description of Existing Property**

NINE (9) PARCELS OF LAND LOCATED IN THE EAST ONE-HALF OF SECTION 4 AND THE NORTHEAST QUARTER OF SECTION 9, ALL IN TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN. BEING MONUMENTED BY A #5 REBAR AT THE CENTER ¼ CORNER AND A 3-1/4" ALUMINUM CAP STAMPED "LS 27278" AT THE EAST ¼ CORNER, BEARING S89°57'53"E AS REFERENCED TO UTM ZONE 13.

PARCEL 1

ALL OF THE EAST ONE-HALF OF SECTION 4 AND ALL OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN EXCEPTING THEREFROM THE FOLLOWING

PARCELS.

EXCEPTION TO**PARCEL 1**

BEGINNING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 4;

THENCE ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4, N89°47'21"E A DISTANCE OF 1962.02 FEET;

THENCE S56°21'08"W A DISTANCE OF 2376.81 FEET, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4;

THENCE ON SAID WEST LINE, N00°43'33"E A DISTANCE OF 1309.85 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH,

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 1 RECORDED UNDER RECEPTION NO. 9500058523 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 2 RECORDED UNDER RECEPTION NO. 9700021511 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 3 RECORDED UNDER RECEPTION NO. 9800128959 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 4 RECORDED UNDER RECEPTION NO. 2005114056 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 5 RECORDED UNDER RECEPTION NO. 2015112451 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 6 RECORDED UNDER RECEPTION NO. 2006114375 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 8 RECORDED UNDER RECEPTION NO. 2000036321 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 9 RECORDED UNDER RECEPTION NO. 2001043013 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 2

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 1 RECORDED UNDER RECEPTION NO. 9500058523 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 3

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 2 RECORDED UNDER RECEPTION NO. 9700021511 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 4

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 3 RECORDED UNDER RECEPTION NO. 9800128959 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 5

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 4 RECORDED UNDER RECEPTION NO. 2005114056 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 6

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 5 RECORDED UNDER RECEPTION NO. 2015112451 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 7

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 6 RECORDED UNDER RECEPTION NO. 2006114375 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 8

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 8 RECORDED UNDER RECEPTION NO. 2000036321 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 9

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 9 RECORDED UNDER RECEPTION NO. 2001043013 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

SAID PARCELS CONTAINING A CALCULATED AREA OF 19,665,117 SQUARE FEET OR 451.4490 ACRES.

EXHIBIT B**Legal Description of Excluded Property**

ALL OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN.

CONTAINING A CALCULATED AREA OF 7,005,306 SQUARE FEET OR 160.8197 ACRES.

EXHIBIT C**Legal Description of Covenant Property**

NINE (9) PARCELS OF LAND LOCATED IN THE EAST ONE-HALF OF SECTION 4,
TOWNSHIP 3 SOUTH,
RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,
STATE OF COLORADO

BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION
4, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN. BEING
MONUMENTED BY A #5 REBAR AT THE CENTER ¼ CORNER AND A 3-1/4"
ALUMINUM CAP STAMPED "LS 27278" AT THE EAST ¼ CORNER, BEARING
S89°57'53"E AS REFERENCED TO UTM ZONE 13.

PARCEL 1

ALL OF THE EAST ONE-HALF OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 66
WEST OF THE 6TH PRINCIPAL MERIDIAN EXCEPTING THEREFROM THE
FOLLOWING PARCELS.

EXCEPTION TO PARCEL 1

BEGINNING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 4;
THENCE ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4,
N89°47'21"E A DISTANCE OF 1962.02 FEET;

THENCE S56°21'08"W A DISTANCE OF 2376.81 FEET, TO A POINT ON THE WEST
LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4;

THENCE ON SAID WEST LINE, N00°43'33"E A DISTANCE OF 1309.85 FEET, TO THE
POINT OF BEGINNING.

TOGETHER WITH,

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ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 2 RECORDED
UNDER RECEPTION NO. 9700021511 IN THE RECORDS OF THE DENVER COUNTY
CLERK AND RECORDER;

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UNDER RECEPTION NO. 9800128959 IN THE RECORDS OF THE DENVER COUNTY
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ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 9 RECORDED UNDER RECEPTION NO. 2001043013 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

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ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 8 RECORDED UNDER RECEPTION NO. 2000036321 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 9

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 9 RECORDED UNDER RECEPTION NO. 2001043013 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

SAID PARCELS CONTAINING A CALCULATED AREA OF 12,659,811 SQUARE FEET OR 290.6293 ACRES.