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Gilbert Ortiz Clerk/Recorder, Pueblo County, Co

SECOND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR VENTANA, FILING #1 & 1A

(VENTANA, PUEBLO, COLORADO Filing No. 1 & 1A)

THIS SECOND SUPPLEMENTAL DECLARATION ("Second Supplemental Declaration"), dated to be effective as of JAN. 1, 2010, is executed by the owners of at least two-thirds (2/3) of the lots in the subdivision including lots owned by Ventana At Pueblo LLC, a Colorado Limited Liability Company ("Ventana At Pueblo"), Yellico-Leach Co., Inc., a Colorado corporation ("Yellico"), and by other lot owners set forth as signatories to this Second Supplemental Declaration.

RECITALS

This Second Supplemental Declaration amends and supplements the Declaration of Covenants, Conditions, Restrictions, and Easements for Ventana Filing No. 1 recorded February 9, 2005 under Reception Number 1606406 in the records of the Clerk and Recorder, Pueblo County, Colorado, and the First Supplemental Declaration of Covenants, Conditions, Restrictions and Easements For Ventana, Filing #1 recorded March 10, 2008 under Reception Number 1761124 in the records of the Clerk and Recorder, Pueblo County, Colorado (the "Declaration").

A. This Second Supplemental Declaration is made with respect to the real property in the City of Pueblo, Pueblo County, Colorado, platted and legally described as Ventana, Filing No. 1 and the Special Area Plan platted as La Bella Vita at Ventana.

B. Ventana At Pueblo is the Declarant under the declaration and the developer of the residential community known as Ventana which includes La Bella Vita at Ventana. The "Development Period", as defined in the Declaration, has not yet expired.

C. Yellico is the owner of lots in La Bella Vita and La Bella Vita at Ventana a Special Area Plan is within the "Neighborhood" as defined in the Declaration.

The Declaration is amended by the following pursuant to Section 1208 of the Declaration by the signatures affixed hereto of the owners of at least two-thirds (2/3) of the lots in the subdivision.

1. Section 601 is amended to read in its entirety as follows:

   Section 601. Composition of the Design Review Committee. Declarant shall appoint a Design Review Committee which shall

consist of three individuals. Declarant shall have the continuing right to appoint all three members of the Design Review Committee until December 31, 2015 when authority shall pass to the Executive Board of the Association. During the period of development of the Community while Declarant has the right to appoint members of the Design Review Committee, Declarant shall give the Association written notice of the appointment or removal of any member of the Design Review Committee.

2. Section 1110 is amended by the addition of paragraph 1110(d) which shall read in its entirety as follows:

(d) Lots Owned by Approved Builders, the Declarant, Developers, or Investors. Notwithstanding any other provisions in this Declaration:

(1) any lot owned by an approved builder and any lot owned by the Declarant which has full infrastructure development available to the lot shall be assessed a common assessment of 50% of the common assessment assessed pursuant to subparagraph (a) above.

(2) any lot sold by the Declarant or an Approved Builder to an owner for construction of a dwelling unit shall be subject to payment of the full amount of the common assessment assessed by the Association effective at the time of transfer.

(3) any lot which has a residential dwelling constructed on the lot and is occupied as a residential dwelling either by an owner or by a tenant shall pay the full common assessment as assessed by the Association beginning on the date of sale by the Approved Builder or occupancy of the dwelling on the lot. Multiple vacant lots sold by an Approved Builder to a developer or investor shall be assessed a minimum of 50% up to 100% of the common assessment assessed by the Association at the sole discretion of the Board.

(4) any contiguous vacant lots sold by the Declarant or an Approved Builder to an owner for the construction of a dwelling unit or for additional acreage shall be subject to payment of the full amount of the common assessment assessed by the Association for each lot according to the recorded plats for Ventana Filing #1 and Ventana Filing #1A and shall be effective at time of transfer.

Said payments to begin January 1, 2010. Any assessments for a portion of a year shall be prorated and payable upon billing by the Association

This Second Supplemental Declaration shall be effective upon recording in the records of the Clerk and Recorder of Pueblo County, Colorado.

IN WITNESS WHEREOF, the parties have executed this Second Supplemental Declaration.

DECLARANT:

VENTANA AT PUEBLO, LLC
A Colorado Limited Liability Company

Plum Creek Associates, Inc., a Colorado Corporation, Managing Member of Declarant

Attest:

Secretary Plum Creek Associates, Inc.

By:

Roger Fonda, President of Plum Creek Associates, Inc.

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 13th day of November, 2009 by Roger H. Fonda, President of Plum Creek Associates, Inc., a Colorado Corporation, as Managing Member of VENTANA AT PUEBLO, LLC, a Colorado Limited Liability Company, Declarant.
Witness my hand and official seal.
My commission expires: 06/03/2011

Notary Public Sharon T. Johnson

VENTANA:

VENTANA AT PUEBLO, LLC,
A Colorado Limited Liability Company

By

Roger H. Fonda, Manager

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 13th day of November, 2009 by Roger H. Fonda as Manager of VENTANA AT PUEBLO, LLC, a Colorado Limited Liability Company.
Witness my hand and official seal.
My commission expires: 06/03/2011

Notary Public Sharon T. Johnson

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SECOND SUPPLEMENTAL DECLARATION
OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 07/20/09

Signature

Signature

Owner(s) of Lots 3& ELV 40.00 ft of Blk 2 Fil 1

Also known as: 5529 TERRACINA PLACE

Print Name(s) of Owner(s)
GORDON D MURLEY
HELEN L MURLEY

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 20 day of July, 2009 by Gordon D. Murley and Helen L. Murley as owners of Lot _____.
Witness my hand and official seal.
My commission expires: 11/15/2012

Notary Public

CASSIE STEPHENS
NOTARY PUBLIC
STATE OF COLORADO
My commission expires

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SECOND SUPPLEMENTAL DECLARATION
OF
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 7/29/2009

DR Morrow II
Signature

Signature
Owner(s) of Lot 3 Blk 4 Fil 1
Also known as: 5618 TERRACINA PLACE

Print Name(s) of Owner(s)
DAVID R MORROW II

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 29th day of July, 2009 by David R. Morrow II and as owners of Lot 3.
Witness my hand and official seal.
My commission expires: 3-3-2010

JODENE G TALMADGE
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires March 3, 2010

Jodene G. Talmadge
Notary Public

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SECOND SUPPLEMENTAL DECLARATION
OF
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 8/1/09

Signature

Signature

Owner(s) of Lot 4 Blk 2 Fil 1

Also known as: 5523 TERRACINA PLACE

Print Name(s) of Owner(s)
DAX R CHARLES
KIMBERLY M CHARLES

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 1st day of August, 2009 by DAX R. CHARLES AND KIMBERLY M. CHARLES and as owners of Lot 4.

Witness my hand and official seal.
My commission expires: 10/4/2012

Notary Public

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YELLICO:

Owner of Par A, Filing 1A; Lot(s) 1, 2 , 3, Blk 1, Fil #1; Lot(s) 4, 5, 6, and 10 through 28, Blk 1, Fil #1A, Lot(s) 10, 11, 12, 14, 15, Blk 4, Fil#1; Lot(s) 3 through 9, Blk 5, Fil #1.

Yellico-Leach Co., Inc.,
A Colorado corporation

By _____
Patrick A. Leach, Vice President

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 13th day of August, 2009 by Patrick A. Leach, Vice President of Yellico-Leach Co., Inc., a Colorado corporation.
Witness my hand and official seal.
My commission expires: 06/03/2011

SHARON T. JOHNSON NOTARY PUBLIC STATE OF COLORADO

_____
Notary Public Sharon T. Johnson
1700 Fortino Blvd.
Pueblo, CO 81008

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SECOND SUPPLEMENTAL DECLARATION
OF
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: Aug. 14, 2009

James Robinson
Signature
Josephine Robinson
Signature
Owner(s) of Lot 9 Blk 1 Fil 1A
Also known as: 5510 VENTANA COURT

Print Name(s) of Owner(s)

JAMES E. ROBINSON
JOSEPHINE ROBINSON

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 14th day of AUGUST, 2009 by JAMES E ROBINSON and JOSEPHINE ROBINSON as owners of Lot 9.
Witness my hand and official seal.
My commission expires: 7-10-2011

Gladys Sampson

GLADYS M. SAMPSON
NOTARY PUBLIC
STATE OF COLORADO
My commission expires July 10, 2011

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SECOND SUPPLEMENTAL DECLARATION
OF
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 8/14/09

Signature

Laura L. Owens
Signature

Owner(s) of Lot 6 Blk 2 Fil 1

Also known as: 5516 TERRACINA PLACE

Print Name(s) of Owner(s)

ANTHONY W OWENS
LAURA L OWENS

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 14 day of Aug, 2009 by Anthony W Owens and Laura L Owens as owners of Lot 6 Blk 2 Fil 1

Witness my hand and official seal.

My commission expires:

My Commission Expires May 2, 2011

Robin Lee Jones
Notary Public

ROBIN LEE JONES
Notary Public
State of Colorado

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SECOND SUPPLEMENTAL DECLARATION
OF
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 8/24/09

Signature

Signature
Owner(s) of Lot 24 Blk 2 Fil 1
Also known as: 5515 VENEZIA WAY

Print Name(s) of Owner(s)

WILLIAM G. STEEDMAN

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 24 day of August, 2009 by William G. Steedman and _____ as owners of Lot 24.
Witness my hand and official seal.
My commission expires: April 20, 2012

Notary Public

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SECOND SUPPLEMENTAL DECLARATION
OF
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: Sept 3, 2009

Signature

Signature
Owner(s) of Lot 1 Blk 4 Fil 1

Also known as: 5604 TERRACINA PLACE

Print Name(s) of Owner(s)

KAREN MADEO

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 3rd day of September, 2009 by KAREN MADEO and _____ as owners of Lot 1.
Witness my hand and official seal.
My commission expires: 12/4/2010

Notary Public

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SECOND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 9-3-09

Brett N Koski
Signature

Tracy A. Koski
Signature

Owner(s) of Lot 12 Blk 2 Fil 1
Also known as: 5535 MAGGIANO PLACE

Print Name(s) of Owner(s)
BRETT N KOSKI
TRACY A KOSKI

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 3rd day of September, 2009 by Brett Koski and Tracy Koski as owners of Lot 12.
Witness my hand and official seal.
My commission expires: 03/03/2010

Kallene West
Notary Public

KALLENE WEST
NOTARY
PUBLIC
STATE OF COLORADO
My Commission Expires 03/03/2010

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SECOND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 9/4/09

Signature

Signature

Owner(s) of Lot 15 Blk 2 Fil 1

Also known as: 5517 MAGGIANO PLACE

Print Name(s) of Owner(s)

GARY MUSSO

DENISE MUSSO

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 4th day of Sept, 2009 by Gary & Denise Musso and as owners of Lot 15.

Witness my hand and official seal.

My commission expires: My Commission Expires 10/16/2012

Notary Public

SECOND SUPPLEMENTAL DECLARATION
OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 9-18-09

Debbie Galeriego
Signature

Signature
Owner(s) of Lot 2 Blk 1 Fil 1
Also known as: 5520 VENEZIA WAY

Print Name(s) of Owner(s)

PRIZE HOMES, INC.
BY: Debbie Galeriego Pres.

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 18 day of Sept, 2009 by Debbie FABRIZIO N/A and as owners of Lot 2.
Witness my hand and official seal.
My commission expires: 12/29/09

Notary Public

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SECOND SUPPLEMENTAL DECLARATION
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 9/18/09

Signature

Signature
Owner(s) of Lot 11 Blk 1 Fil 1
Also known as: 5508 BELLAGIO WAY

Print Name(s) of Owner(s)

ADAM D DITTO

MATTHEW SHUMAKER NOTARY PUBLIC STATE OF COLORADO My Commission Expires 5/15/2011

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 18 day of SEPTEMBER, 2009 by ADAM D. DITTO and _____ as owners of Lot 11.
Witness my hand and official seal.
My commission expires: 5/15/2011

Notary Public

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SECOND SUPPLEMENTAL DECLARATION
OF
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: Oct 3, 2009

Linda Hamler
Signature

William L. Hamler
Signature

Owner(s) of Lot 18 Blk 2 Fil 1
Also known as: 5528 MAGGIANO PLACE

Print Name(s) of Owner(s)
LINDA H BARAJAS
WILLIAM L HAMLER

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 3 day of October, 2009 by Linda Hamler and William L. Hamler as owners of Lot 18.
Witness my hand and official seal.
My commission expires: 2/23/2013

Crystal O. Barajas
Notary Public

CRYSTAL O BARAJAS
NOTARY PUBLIC
STATE OF COLORADO

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SECOND SUPPLEMENTAL DECLARATION
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 10-6-09

Stanley C Sicher
Signature

Diedre L. Sicher
Signature

Owner(s) of Lots 5 & 6 Blk 1 Fil 1
AKA PAR A REARRANGEMENT OF
PROPERTY BOUNDARIES
Also known as: 5541 BELLAGIO WAY

Print Name(s) of Owner(s)

STANLEY C SICHER
DIEDRE L SICHER

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 6 day of October, 2009 by Stanley Sicher and Diedre Sicher as owners of Lot 5+6.
Witness my hand and official seal.
My commission expires: 9/15/2010

Pamela Inley
Notary Public

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SECOND SUPPLEMENTAL DECLARATION
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 11/09/09

Signature

Signature

Owner(s) of Lot 5 Blk 6 Fil 1

Also known as: 5632 VENEZIA WAY

Print Name(s) of Owner(s)

MARK A. MILLER

LORI E. MILLER

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 9th day of November, 2009 by MARK A MILLER and LORI E MILLER as owners of Lot 5.

Witness my hand and official seal.

My commission expires: _____

ANGELA N. ELLIOTT
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 08/19/2011

Notary Public

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SECOND SUPPLEMENTAL DECLARATION
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 11-5-09

Signature

Signature

Owner(s) of Lot 14 Blk 1 Fil 1

Also known as: 5530 BELLAGIO WAY

Print Name(s) of Owner(s)

DONALD PAGANO
ALBERTA PAGANO

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 9th day of November, 2009 by Donald Pagano and Alberta Pagano as owners of Lot 14.
Witness my hand and official seal.
My commission expires: _____

Notary Public

ANGELA N. ELLIOTT
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 08/19/2011

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OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 11-9-09

Signature

Signature

Owner(s) of Lot 15 Blk 1 Fil 1

Also known as: 5536 BELLAGIO WAY

Print Name(s) of Owner(s)

DONALD PAGANO
ALBERTA PAGANO

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 9th day of November, 2009 by Donald Pagano and Alberta Pagano as owners of Lot 15.
Witness my hand and official seal.
My commission expires:

ANGELA N. ELLIOTT
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 08/19/2011

Notary Public

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SECOND SUPPLEMENTAL DECLARATION
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 11-9-09

Signature

Signature

Owner(s) of Lot 3 Blk 6 Fil 1
Also known as: 5612 VENEZIA WAY
Print Name(s) of Owner(s)

STEPHEN J. CERVI
KRISTINE M. CERVI

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 9th day of November, 2009 by Stephen J Cervi and Kristine M. Cervi as owners of Lot 3.
Witness my hand and official seal.
My commission expires:

ANGELA N. ELLIOTT
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 08/19/2011

Angela N Elliott
Notary Public

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SECOND SUPPLEMENTAL DECLARATION
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 11-9-09

Signature

Signature

Owner(s) of Lot 4 Blk 6 Fil 1
Also known as: 5622 VENEZIA WAY
Print Name(s) of Owner(s)

KENNETH J. JESIK
VIVIAN L. JESIK

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 11th day of November, 2009 by Kenneth J Jesik & Vivian L Jesik and _____ as owners of Lot 4.
Witness my hand and official seal.
My commission expires: _____

ANGELA N. ELLIOTT
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 08/19/2011

Notary Public

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SECOND SUPPLEMENTAL DECLARATION
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FOR
VENTANA, FILING #1 &1A

(VENTANA, PUEBLO, COLORADO Filings No. 1& 1A)

Date: 7/20/09

Signature

Signature

Owner(s) of Lot 16 Blk 2 Fil 1
Also known as: 5516 MAGGIANO PLACE

Print Name(s) of Owner(s)
DENNIS R CUCHIARA
DARLENE F CUCHIARA

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 20 day of July, 2009 by DENNIS R. CUCHIARA and DARLENE F. CUCHIARA as owners of Lot 16.
Witness my hand and official seal.
My commission expires: 1/26/2010

Notary Public

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DECLARANT:

Owner of Lot(s) 7, 8, 9, 12, 13, 18 Blk 1 Lot(s) 7, 8, 9 Blk 2; Lot(s) 9, 10, 11, 12, 13, 14 Blk 6; Lot(s) 2, 3, 4, 5, Blk 7; Lot(s) 7, 9, 10, 11, 12 Blk 7; Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, Blk 8, all in Filing # 1, Lot 29 Blk 1, Filing 1#A.

VENTANA AT PUEBLO, LLC
A Colorado Limited Liability Company

Plum Creek Associates, Inc., a Colorado Corporation, Managing Member of Declarant

By: Roger H. Fonda
Roger Fonda, President of Plum Creek Associates, Inc.

STATE OF COLORADO)
) ss
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 21st day of July, 2009 by Roger H. Fonda, President of Plum Creek Associates, Inc., a Colorado Corporation, as Managing Member of VENTANA AT PUEBLO, LLC, a Colorado Limited Liability Company, Declarant.

Witness my hand and official seal.

My commission expires: 06/03/2011

Sharon T. Johnson
Notary Public Sharon T. Johnson
1700 Fortino Blvd.
Pueblo, CO 81008