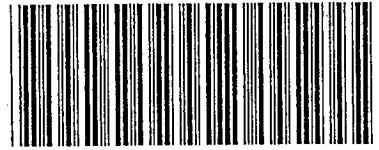


OFFICIAL RECORDS  
DOUGLAS COUNTY CO  
CAROLE R. MURRAY  
CLERK & RECORDER  
RECORDING FEE: \$41.00  
8 PGS

# 2002143201  
12/31/2002 11:15 AM

FIRST AMENDMENT

TO



2002143201 8 PGS

THE MEADOWS FILING NO. 11

SUBDIVISION IMPROVEMENTS AGREEMENT

(Parcel 4)

DATE: December 20, 2002

PARTIES: TOWN OF CASTLE ROCK, a Colorado municipal corporation ("Town"),  
680 N. Wilcox Street, Castle Rock, Colorado 80104.

CASTLE ROCK DEVELOPMENT COMPANY, a Colorado corporation  
("Subdivider"), 3033 E. 1<sup>ST</sup> Avenue, Suite 410, Denver, Colorado 80209.

MORTGAGEE: Castle Rock Land Co., LLC

RECITALS:

- A. The Town and Subdivider previously entered into that certain Subdivision Improvement Agreement for The Meadows Filing No. 11 dated December 3, 1999 and recorded in the office of the Douglas County Clerk and recorder on December 3, 1999 at Book 1784, Page 1877 (the "Filing 11 SIA").
- B. The Town has previously approved an amended preliminary plat and a Final Site Plan relating to that certain property which is generally referred to as Parcel 4 on the Meadows Filing No. 11 Preliminary Subdivision Plat as approved by the Town on June 10, 1999 ("Parcel 4"):

- C. Subdivider has submitted a Final Plat for Parcel 4 to the Town for review and approval (the "Parcel 4 Final Plat").
- D. The 11 SIA shall govern the development of the Parcel 4 Final Plat upon its approval and recordation, although the Phasing Plan attached to the Filing 11 SIA does not provide for any Phase Improvements relating to Parcel 4.
- E. Subdivider and Town desire to amend the Phasing Plan attached to the Filing 11 SIA to address the construction of certain improvements relating to the development of Parcel 4.
- F. Town and Subdivider intend that the provisions of this amendment shall relate only to Parcel 4, and shall not amend the Filing 11 SIA except as otherwise specifically set forth herein.
- G. Mortgagee is a party to this agreement solely for the purpose of subordinating its lien and interest in the property to this Agreement.

**COVENANTS:**

NOW, THEREFORE, in consideration of these mutual promises, the Town and Subdivider agree and covenant as follows:

**Section 1. Definitions.** Capitalized terms used in the First Amendment shall have the same meaning as capitalized terms used in the Filing 11 SIA, unless otherwise expressly provided herein.

**Section 2. Amendment of Filing 11 SIA.** Town and Subdivider hereby agree that the Filing 11 SIA shall be amended by substituting the Phasing Plan which is attached hereto as Exhibit 2 for the Phasing Plan which is attached to the Filing 11 SIA as Exhibit 2. Except as specifically set forth



Notary Public

SUBDIVIDER:

CASTLE ROCK DEVELOPMENT COMPANY, a  
Colorado corporation.

By: *JC Thomas*

Its: PRESIDENT

Attested by: *[Signature]*

STATE OF COLORADO )  
*City of* )  
COUNTY OF *DENVER* ) ss.

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of December 2002, by Sandi Thomas as President and \_\_\_\_\_ as \_\_\_\_\_ for Castle Rock Development Company, a Colorado corporation.

Witness my official hand and seal.

My Commission expires: \_\_\_\_\_

*[Signature]*

Notary Public



My Commission Expires 9/6/2005

MORTGAGEE JOINDER

By execution of this Agreement, Mortgagee subordinates its lien and interest in the Property created by Deed of Trust recorded December 1, 1998, beginning in Book 1633 at Page 1558, to the real covenants and restrictions of this Agreement. Mortgagee shall have no affirmative obligation hereunder, nor shall Town have the right to seek performance of this Agreement from Mortgagee except in the event Mortgagee acquires legal title to the Property, in which event Mortgagee shall be bound by the terms, conditions and restrictions of this Agreement.

MORTGAGEE:

CASTLE ROCK LAND CO., LLC

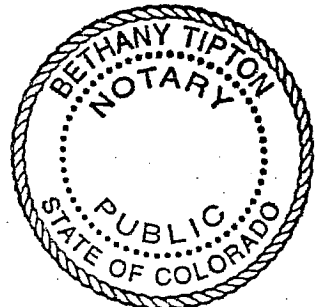
By: John Fox

Its: Authorized Agent

STATE OF COLORADO )  
City of + ) ss.  
COUNTY OF DENVER )

2002 The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of December  
1998 by John Fox as Auth for Castle Rock Land Co., LLC.

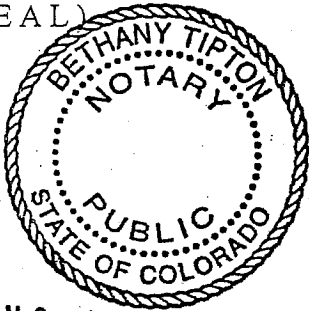
Witness my official hand and seal.



My Commission Expires 9/6/2005

My commission expires: \_\_\_\_\_

(SEAL)



My Commission Expires 9/6/2005

Notary Public

A handwritten signature in cursive script, appearing to read "Bethany Tipton".

F:\USER\LEGAL\MEADOWS\FLG11SIA.doc

December 17, 2002

**EXHIBIT LIST**

Exhibit 2 – Phasing Plan

EXHIBIT 2  
 THE MEADOWS - FILING 11  
 PHASING PLAN  
 PARCEL 4

PHASE AND SUB PHASES	Name of Plat	Engineer	SIA Applicant	Engineer's Cost Estimate	Required for Building Permit
Parcel 4 Phase 1					
I. Grading and Erosion Control	Filing 11, Parcel 4	RMC	Richmond Homes	\$288,691.75	Yes
II. Street and Drainage		RMC	Richmond Homes	\$431,313.55	Yes
III. Water and Sanitary Sewer		RMC	Richmond Homes	\$387,161.75	Yes
Landscape Tracts A-F					
Landscape Non-Tract Areas					
Landscape Trails				\$5,020.00	
Subtotal Parcel 4				\$1,112,187.05	

12/12/02