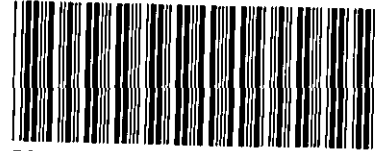


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04  
After recorder return to:  
Town of Castle Rock  
100 Wilcox Street  
Castle Rock, CO 80104  
Attn: Town Attorney

OFFICIAL RECORDS  
DOUGLAS COUNTY CO  
JACK ARROWSMITH  
CLERK & RECORDER  
RECORDING FEE: \$26.00  
5 PGS

# 2007066107  
08/17/2007 10:19 AM



2007066107 5 PGS

**FIRST AMENDMENT TO  
RED HAWK FILING NO. 3  
SUBDIVISION IMPROVEMENTS AGREEMENT**

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**DATE:** July 25, 2007.

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

**LENNAR COLORADO, LLC**, a Colorado limited liability company  
(Subdivider), 9990 Park Meadows Drive, Lone Tree, Colorado 80124.

**INCIDENTAL  
OWNER:** **ACACIA CREDIT FUND 10-A L.L.C.**, a Delaware limited liability  
company, c/o Acacia Capital Corporation, 400 East Van Buren Suite  
650, Phoenix, Arizona 85004-2293 (Acacia).

**RECITALS:**

A. The Town and Subdivider are parties to the Red Hawk Filing No. 3 Subdivision Improvements Agreement dated February 3, 2006, recorded in the Records on February 27, 2006 at Reception No. 2006015963 (SIA).

B. It has been determined it is necessary to amend the SIA to provide for phasing of construction of the Improvements and to address construction of the public trail system through the Property.

**COVENANTS:**

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

**Section 1. Amendment.** Section 1. Definitions of the SIA is amended to incorporate

the following definitions:

**Phase:** a contiguous geographical area of the Subdivision so designated in the Plans.

**Phase Improvements:** those Improvements required to be constructed with a particular Phase, as prescribed in the Phasing Plan, but excluding Landscaping.

**Phase Landscaping:** the Landscaping (Public and Private) within a particular Phase.

**Phasing Plan:** the depiction or description in the Plans of the Phases and the Improvements to be constructed with each Phase, as approved by the Director of Public Works.

Any reference in the SIA to Improvements shall now mean Phase Improvements. Any reference in the SIA to Landscaping shall now mean Phase Landscaping.

**Section 2. Amendment.** Section 15 of the SIA is amended in its entirety to read as follows:

**Section 15. Trail Construction.** Subdivider shall pay to Town cash-in-lieu in the amount of \$176,300 for all trails and the associated Tract A Landscaping and mitigation as depicted on the Final PD Site Plan and the approved civil construction plans for said trail. Town will construct such trail and landscaping mitigation at its expense when deemed necessary.

**Section 3. Ratification.** In all other respects, the SIA shall remain in force and effect.

**Section 4. Recordation.** This 1<sup>st</sup> Amendment to the Red Hawk Filing No. 3 Subdivision Improvements Agreement shall be recorded in the public records of Douglas County, Colorado.

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**TOWN OF CASTLE ROCK**

  
\_\_\_\_\_  
Mark Stevens, Town Manager

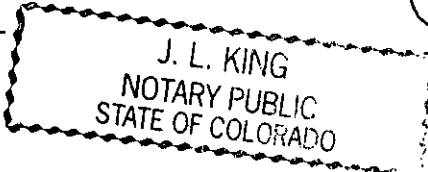
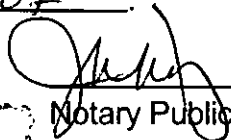
**Approved as to form:**

  
\_\_\_\_\_  
Robert J. Slentz, Town Attorney

STATE OF COLORADO    )  
  )    ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of July, 2007, by Mark Stevens as Town Manager the Town of Castle Rock.

Witness my official hand and seal.  
My Commission expires: 9-21-07

(SEAL)    
\_\_\_\_\_  
Notary Public



