

**DECLARATION OF ANNEXATION
FOR
THE PATIOS AT WILDWING**

This Declaration of Annexation for The Patios at WildWing (“Annexation”), is made effective as of the 15th day of August 2019, by WW Development, LLC, a Colorado limited liability company (“Declarant”), and is hereby expressly consented to and joined in by The Patios at WildWing Homeowners Association (the “Association”). Unless specifically defined otherwise, all capitalized terms used herein shall have the meaning given to such terms in the Declaration of Covenants, Conditions, Restrictions and Easements for The Patios at WildWing, recorded January 2, 2013, at Reception No. 20130000640 in the real property records of the Clerk and Recorder of Larimer County, Colorado (the “Declaration”).

RECITALS

- A. The Association is the current owner of all of the tracts described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Tracts”).
- B. Declarant and the Association desire to add the Tracts described in **Exhibit A** to the Property, and therefore to annex them as part of the Common Area and make them subject to the terms of the Declaration.
- C. Under the definition in Section 2.9 of the Declaration,

“Common Area” shall mean any real or personal property in which the Association owns or hereafter acquires an interest for the common use, benefit and enjoyment of some or all of the Members and such other persons as may be permitted to use the Common Area under the terms of this Declaration or any contract with the Association.
- D. Under the definition in Section 2.42 of the Declaration,

“Special Declarant Rights Period” shall mean the period beginning the date this Declaration is first recorded in the office of the Clerk and Recorder of Larimer County, Colorado, and ending the date on which is ten (10) years following such recordation

The Declaration was recorded in the office of the Clerk and Recorder of Larimer County, Colorado on January 2, 2013, so the Special Declarant Rights Period extends until January 2, 2023.

E. Under the terms of Section 16.2 of the Declaration,

“Declarant also reserves the right to incorporate into the Property real property that is not part of the Expansion Property, subject to the limitations of the Act.”

F. The Act, at Section 38-33.3-222 of the Colorado Revised Statutes, provides,

“...if the right is originally reserved in the declaration, the declarant, in addition to any other development right, may amend the declaration at any time during as many years as are specified in the declaration to add additional real estate to the common interest community without describing the location of that real estate in the original declaration; but the area of real estate added to the common interest community pursuant to this section may not exceed ten percent of the total area of real estate described in section 38-33.3-205(1)(c) and(1)(h)....”

Sections 38-33.3-205(1)(c) and (1)(h) refer to the property initially included in the common interest community and the property described as expansion property.

The Property initially made subject to the Declaration consists of 6.104 acres, more or less, according to the recorded plats for *WILDWING SUBDIVISION REPLAT A – CORRECTED* and *WILDWING SUBDIVISION REPLAT C*. The combined area of the Tracts to be included by means of this Annexation is 16,282 sq. ft., or 0.374 acres, more or less, according to the recorded plat for Wildwing Final Plat Filing No. 1 Amendment No. 1. As such, the Tracts together are only roughly 6.1 percent of the total area of real estate initially included in the Property, without including the Expansion Property described in the Declaration.

G. Under the terms of Section 16.3 of the Declaration,

“Any expansion may be accomplished by recording a Declaration of Annexation and one (1) or more supplemental Plats in the records of the Clerk and Recorder of Larimer County, Colorado, on or before the expiration of the Special Declarant Rights Period. The Declaration of Annexation shall describe the real property to be expanded, submit it to the covenants, conditions, and restrictions contained in this Declaration, and provide for voting rights and Assessment allocations as provided in this Declaration....

Upon the recordation of any such Declaration of Annexation, the definitions used in this Declaration shall be expanded automatically to encompass and refer to the Project as expanded....

Upon the annexation of any additional Common Area or any other parcels of the Expansion Property or other real estate into the Project, the obligations of the Association for the maintenance and operation of the Common Area or other properties maintained by the Association for the use or benefit of the Owners, and the Assessments levied to fund those functions, may be increased appropriately, subject to the budget procedures set forth in the Project Documents and the Act.

- H. The plat showing the Tracts to be annexed hereunder has already been recorded in the real property records of the Clerk and Recorder of Larimer County, Colorado, and is referenced in Exhibit A.
- I. Declarant and the Association hereby join to make this Annexation for the purpose confirming the addition of the Tracts as part of the Common Area subject to the Declaration.

DECLARATION

In order to enhance the attractiveness and value of the Project and maintain its value and desirability, for the purposes set forth herein, Declarant, with the consent of the Association, declares that the Tracts as set forth on **Exhibit A** attached hereto are hereby being annexed to and included in the Property as part of the Project. Declarant and Owner hereby submit the Tracts described on **Exhibit A** to the covenants, conditions, and restrictions contained in the Declaration.

- 1. **Definitions:** Except as otherwise specified herein, all capitalized terms shall have the meanings set forth in the Declaration.
- 2. **Amendments.** The provisions of this Annexation may be amended as set forth in the amendment provisions of the Master Declaration.
- 3. **Construction.** Whenever used herein, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.
- 4. **Applicable Law.** The validity and effect of this Annexation shall be determined in accordance with the laws of the State of Colorado.
- 5. **Independent Provisions.** Each of the provisions of this Annexation shall be deemed independent and severable, and the invalidity, unenforceability, partial validity, or partial enforceability of the provisions or portion thereof shall not affect the validity or enforceability of any other provision.

IN WITNESS WHEREOF, the undersigned Declarant and the Association hereby join in and have executed this Annexation to be effective the 1st day of August, 2019.

DECLARANT:

THE ASSOCIATION:

WW DEVELOPMENT, LLC

THE PATIOS AT WILDWING
HOMEOWNERS ASSOCIATION

By: [Signature]

By: [Signature]

Name: Gary Hoover

Name: Thomas R. Love

Its: President

Its: President

STATE OF COLORADO)
) ss.
COUNTY OF Larimer)

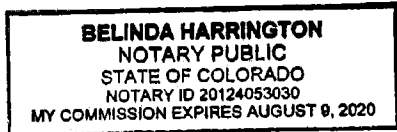
The foregoing instrument was acknowledged before me this 10th day of August, 2019, by Thomas R. Love as Manager of WW Development, LLC, a Colorado limited liability company, Declarant.

Witness my hand and official seal.

My commission expires: August 9, 2020

SEAL

[Signature]
Notary Public



STATE OF COLORADO)
) ss.
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 15th day of August, 2019, by _____, as _____ of **The Patios at WildWing Homeowners Association**, a Colorado nonprofit corporation, Owner.

Witness my hand and official seal.

My commission expires: 8/9/2020

SEAL

Belinda Harrington
Notary Public

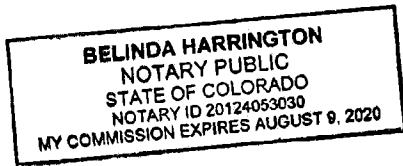


EXHIBIT A

**LEGAL DESCRIPTION OF PROPERTY
SUBJECT TO THIS ANNEXATION**

Tracts JJ, KK, LL, and MM,

All in WILDWING FILING NO. 1 AMENDMENT NO. 1, Town of Timnath, County of Larimer, State of Colorado, according to the Plat thereof recorded November 30, 2007, at Reception No. 20070089387 in the real property records of the Clerk and Recorder of Larimer County, Colorado.