

## HARMONY MARKET

### Amended and Restated Declaration of Establishment of Protective Covenants, Conditions, and Restrictions and Grants of Easements

This Amended and Restated Declaration of Protective Covenants, Conditions, and Restrictions, and Grants of Easements (the "Declaration") is made as of November 30<sup>th</sup>, 1992, by Oak Farm Inc., a Colorado corporation ("Oak Farm").

#### RECITALS

Pursuant to that certain Declaration of Establishment of Protective Covenants, Conditions and Restrictions and Grants of Easement for Harmony Market dated June 1, 1989, and recorded in the real property records of Larimer County, Colorado, on June 1, 1989, under Reception No. 89024111 and subsequently amended by instrument recorded December 11, 1990, under Reception No. 90056719 in such records and subsequently amended by instrument recorded January 22, 1991, under Reception No. 91002702 in such records (as so amended, the "Declaration"), certain covenants, conditions, restrictions, and easements were established with respect to that certain real property in Larimer County, Colorado, more fully described in the Declaration and referred to therein as the Harmony Market Parcel. Oak Farm is the Declarant under the Declaration and Oak Farm desires to amend and restate the Declaration as hereinafter set forth, and the terms of this Amended and Restated Declaration of Establishment of Protective Covenants, Conditions, and Restrictions and Grants of Easements shall supersede and replace in its entirety the original Declaration.

#### Section 1. General Definitions.

In addition to the other defined terms in this Declaration, as used in this Declaration the following terms shall have the meanings specified:

1.1 Association. "Association" shall mean the non-profit corporation to be formed pursuant to Section 6.1 which shall be an association of the Owners of Sites, except for the owner of the "Pace Parcel" which is shown on Exhibit A hereto as the Pace Property, which is the same property conveyed to Pace Membership Warehouse, Inc. by deed recorded at Rec. No. 89024117 on June 1, 1989. The Pace Parcel was transferred to Charles B. Benenson Capital Company by deed recorded February 1, 1990, at Reception No. 90004724. The legal description of the Pace Parcel is Lot 1, Harmony Market

