

**SECOND SUPPLEMENT TO  
AMENDED AND RESTATED CONDOMINIUM DECLARATION  
FOR  
HICKORY COMMONS CONDOMINIUMS**

THIS SECOND SUPPLEMENT TO THE AMENDED AND RESTATED CONDOMINIUM DECLARATION FOR HICKORY COMMONS CONDOMINIUMS ("this First Supplement") is made and entered into this 28<sup>th</sup> day of June 2021, by HICKORY WAREHOUSE DEVELOPMENT, INC., a Colorado corporation ("the Declarant").

RECITALS

A. The Declarant is the owner of that certain real property located in the County of Larimer, State of Colorado, legally described on Exhibit A attached hereto and incorporated herein by reference (the "Filing 3 Property").

B. The Amended and Restated Condominium Declaration for Hickory Commons Condominiums dated May 3, 2019 was recorded May 6, 2019 at Reception No. 20190023312 of the Larimer County, Colorado, records ("the Amended and Restated Declaration"); was amended by the First Amendment to Amended and Restated Condominium Declaration for Hickory Commons Condominium dated August 26, 2019 and recorded August 26, 2019 at Reception No. 20190050247 of the Larimer County, Colorado records (the "First Amendment"); and was supplemented by the First Supplement to Amended and Restated Condominium Declaration for Hickory Commons Condominiums dated June 11, 2020 and recorded June 15, 2020 at reception number 20200042458 of the Larimer County, Colorado, records (the "First Supplement"). The Amended and Restated Declaration as amended by the First Amendment and supplemented by the First Supplement shall be referred to as the "Declaration."

C. Article XX of the Declaration reserved to the Declarant the right to subject all or any part of the property described on Exhibit D attached to the Amended and Restated Declaration ("the Development Property") to the provisions of the Declaration.

D. Pursuant to Article XX, Section 1 of the Declaration, the consent of the Owners and Mortgagees is not required for such expansion.

E. The Filing 3 Property is included within the Development Property.

F. The Declarant desires to subject The Filing 3 Property to the provisions of the Declaration.

G. The Condominium Map for Hickory Commons Condominiums Amendment No.1 dated May 6, 2019 was recorded May 6, 2019 at Reception No. 20190023322 of the Larimer County, Colorado records (the "Original Condominium Map"). The Building shown on the Original Condominium Map shall be referred to herein as "Building 1." The Condominium Map for Hickory Commons Condominiums Filing No. 2 dated June 10, 2020 was recorded June 15, 2020 at Reception No. 20200042459 of the Larimer County, Colorado records (the "Filing 2

Condominium Map”). The Building shown on the Filing 2 Condominium Map shall be referred to herein as “Building 2.”

H. A Condominium Map of Hickory Commons Condominiums Filing No. 3 will be recorded in the office of the Clerk and Recorder of Larimer County, Colorado (“the Filing 3 Condominium Map”). The Building shown on the Filing 3 Condominium Map shall be referred to herein as “Building 3.”

#### **ARTICLE I. SUBMISSION OF REAL ESTATE**

The Declarant hereby publishes and declares that the Filing 3 Property shall be held, sold, conveyed, transferred, leased, subleased, and occupied subject to the easements, covenants, conditions, and restrictions set forth in the Declaration, which shall run with the land and shall be binding upon and inure to the benefit of all parties having any right, title, or interest in the Filing 3 Property or any portion thereof, their heirs, personal representatives, successors, and assigns.

#### **ARTICLE II. ALLOCATED INTERESTS**

The Declarant hereby reallocates the Allocated Interests so that the Allocated Interests appurtenant to each Condominium Unit within Building 1, Building 2, and Building 3 will be apportioned according to Exhibit B attached hereto and incorporated herein by reference.

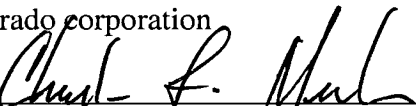
#### **ARTICLE III. INTERPRETATION**

Recording of this Supplement shall automatically: (i) vest in each Unit Owner the reallocated Allocated Interests appurtenant to such Owner’s Unit as set forth on Exhibit B attached hereto; and (ii) vest in each existing Mortgagee a perfected Security Interest in the reallocated Allocated Interests appurtenant to the encumbered Unit. Upon the recording of this First Supplement, the definitions in the Declaration shall automatically be extended to encompass and to refer to The Filing 3 Property. Reference to the Declaration in any instrument shall be deemed to include this First Supplement without specific reference thereto.

IN WITNESS WHEREOF, the Declarant has caused this First Supplement to be executed as of the day and year first above written.

HICKORY WAREHOUSE DEVELOPMENT, INC.  
a Colorado corporation

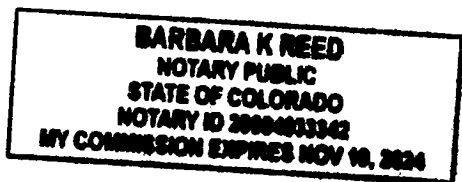
By: \_\_\_\_\_

  
Charles L. Meserlian, President

STATE OF COLORADO     )  
   ) ss.  
COUNTY OF LARIMER     )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of June 2021, by Charles L. Meserlian as President of Hickory Warehouse Development, Inc., a Colorado corporation.

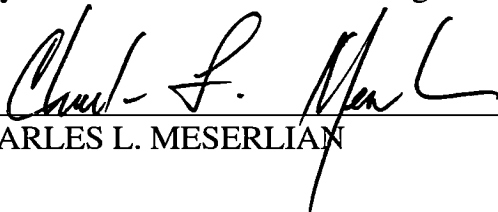
Witness my hand and official seal.  
My commission expires: 11-19-2024



Barbara K. Reed  
Notary Public

CONSENT AND SUBORDINATION OF LIENHOLDER  
TO FIRST SUPPLEMENT TO  
AMENDED AND RESTATED  
CONDOMINIUM DECLARATION FOR  
HICKORY COMMONS CONDOMINIUMS

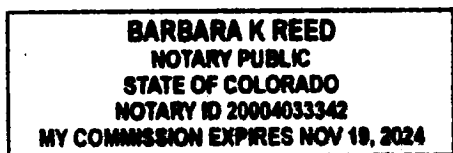
The undersigned ("Lienholder"), being the holder of a Promissory Note dated March 18, 2019 in the original principal amount of \$2,250,000.00 which Promissory Note is secured by a Deed of Trust dated March 18, 2019 and recorded March 19, 2019 at reception number 20190013312 of the Larimer County, Colorado records, which Deed of Trust (the "Meserlian Deed of Trust") consents to the terms of the foregoing First Supplement and hereby subordinates the lien of the Meserlian Deed of Trust to the First Supplement so that a foreclosure of the Meserlian Deed of Trust (or transfer in lieu of foreclosure) will not extinguish the rights and interests therein. Lienholder makes no warranty or any representation of any kind or nature concerning the First Supplement or any of its terms or provisions, or the legal sufficiency thereof, and disavows any such warranty or representation and does not assume and shall not be responsible for any of the obligations or liabilities of the Declarant or any other person or entity contained in the First Supplement. This consent does not affect or impair the rights and remedies of Lienholder as set forth in the Meserlian Deed of Trust or other related documents, and the sole purpose of this Consent and Subordination by Lienholder is to acknowledge consent and subordination to the First Supplement.

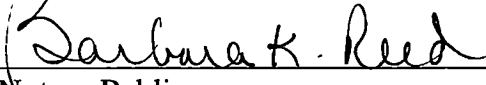
  
\_\_\_\_\_  
CHARLES L. MESERLIAN

STATE OF COLORADO   )  
  )ss:  
COUNTY OF LARIMER   )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of June 2021, by CHARLES L. MESERLIAN.

Witness my hand and official seal.  
My Commission Expires: 11-19-2024



  
\_\_\_\_\_  
Notary Public

**EXHIBIT A**

(Hickory Commons Condominiums Filing No. 3)

Lot 1, Hickory Commons,  
City of Fort Collins,  
County of Larimer,  
State of Colorado

according to the Plat thereof recorded January 22, 2015, at reception number 20150004088 of the Larimer County, Colorado, records;

EXCEPT that portion of the above described property included within the Hickory Commons Condominiums as described in the Amended and Restated Condominium Declaration for Hickory Commons Condominiums dated May 3, 2019 recorded May 6, 2019 at Reception No. 20190023312 of the Larimer County, Colorado, records as amended by the First Amendment to Amended and Restated Condominium Declaration for Hickory Commons Condominium dated August 26, 2019 and recorded August 26, 2019 at Reception No. 20190050247 of the Larimer County, Colorado records; and as supplemented by the First Supplement to Amended and Restated Condominium Declaration for Hickory Commons Condominiums dated June 11, 2020 and recorded June 15, 2020 at reception number 20200042458 of the Larimer County, Colorado, records; and as shown on the Condominium Map for Hickory Commons Condominiums Amendment No.1 dated May 6, 2019 and recorded May 6, 2019 at Reception No. 20190023322 of the Larimer County, Colorado records; and the Condominium Map for Hickory Commons Condominiums Filing No. 2 dated June 10, 2020, and recorded June 15, 2020, at Reception No. 20200042459 of the Larimer County, Colorado records.

**EXHIBIT "B"**  
**Table of Interests**

Unit No.	Percentage Share of Common Elements and Common Expenses	Square Footage	Votes
Unit 110, Bldg. 1	23.78%	6,992	1
Unit 130, Bldg. 1	11.70%	3,442	1
Unit 110, Bldg. 2	11.77%	3,461	1
Unit 120, Bldg. 2	11.77%	3,461	1
Unit 130, Bldg. 2	11.89%	3,497	1
Unit 110, Bldg. 3	29.09%	8,554	1