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City &amp; County Of Denver

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## SECOND AMENDMENT TO NOTICE OF LEVY OF REAL ESTATE TRANSFER ASSESSMENT

This Amendment (the "Amendment") is made this 28th day of June, 2006, and constitutes an amendment to the Notice of Levy of Real Estate Transfer Assessment recorded June 23, 2000 at Reception No. 2000088396, as amended by the initial Amendment to Notice of Levy recorded September 18, 2000 at Reception No. 2000135078, each as recorded in the real property records of the City and County of Denver, State of Colorado (the "Notice of Levy").

### WITNESSETH:

WHEREAS, the Notice of Levy established a real estate transfer assessment in the amounts and subject to the procedures, limitations and exclusions as described in the Notice of Levy; and

WHEREAS, by action of the Executive Board of the Riverfront Park Association, a Colorado non-profit corporation (the "Association"), dated May 1, 2006, the Executive Board has adopted this Amendment to the Notice of Levy.

NOW, THEREFORE, the Association hereby gives notice of this Amendment to the Notice of Levy, as follows:

1. **Definitions.** Any capitalized term used in this Amendment without definition herein shall have the definition ascribed to such term in the Notice of Levy.

2. **Amendment.**

a. Section 5 of the Notice of Levy is hereby amended by adding a new subparagraph r. thereto, reading as follows:

r. any Transfer of a unit which qualifies as an Affordable Unit, as defined and provided for under the Riverfront Park Affordable Housing Plan, recorded June 16, 2000 at Reception No. 2000085199, and any amendments or modifications thereto, shall be exempt from a Transfer Assessment, to the extent of \$100,000 of the Fair Market Value. The amount of the Fair Market Value exceeding \$100,000 shall otherwise be subject to a Transfer Assessment as provided in the Notice of Levy and any amendments thereto. The Transfer Fee actually paid, if any, shall be included in the calculation of Maximum Sale Price for the purpose of determining compliance with the recorded Covenants.

3. **Governing Law.** This Amendment will be governed by and interpreted in accordance with the laws of the State of Colorado.

4. **Effect.** Except as specifically set forth in this Amendment, the Notice of Levy remains unchanged and in full force and effect. This Amendment shall hereafter be interpreted for all purposes as part of the Notice of Levy.

IN WITNESS WHEREOF, the undersigned has executed this Amendment on the day and year first above written.

RIVERFRONT PARK ASSOCIATION, a Colorado  
nonprofit corporation

By: 

Name: Amy Fuller

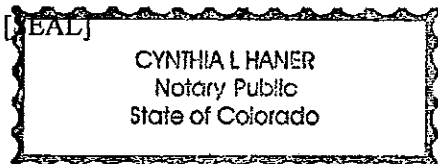
Title: Vice President

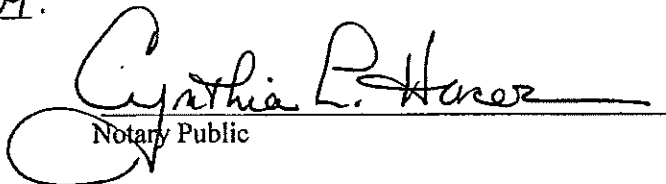
STATE OF COLORADO )  
COUNTY OF Denver ) ss.

Before me, CYNTHIA L. HANER, Notary Public of Colorado, on the 22<sup>nd</sup> day of June, 2006, personally appeared Amy Fuller as Vice President of Riverfront Park Association, a Colorado nonprofit corporation.

Witness my hand and official seal.

My Commission Expires: 7.27.2009.



  
Notary Public

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