

e. The Design Review Board may avail itself of other technical and professional advice and consultants as it deems appropriate, and the Design Review Board may delegate its plan review responsibilities, except final review and approval, to one or more of its members or to consultants retained by the Design Review Board. Upon that delegation, the approval or disapproval of plans and specifications by such member or consultant will be equivalent to approval or disapproval by the entire Design Review Board.

f. All inspection and enforcement powers reserved to the Design Review Board under these Restrictive Covenants may also be exercised by Riverfront Park Association, a Colorado nonprofit corporation, pursuant to the provisions of the Declaration for Riverfront Park recorded (or to be recorded) in the Office of the Clerk and Recorder of the County of Denver, Colorado, with respect to the real property subjected to such Declaration, and by an entity designated by or to be designated by Trillium, with respect to the real property subjected to these Restrictive Covenants but not otherwise subjected to the Declaration for Riverfront Park, in each case subject to the primary power of the Design Review Board. Nothing herein shall be construed as creating an additional level of review by such Association or other entity but, rather, to permit Riverfront Park Association and/or the designee of Trillium inspection and enforcement powers pursuant to these Restrictive Covenants in reference to their respective properties. Riverfront Park Association and/or the Trillium designee, as is applicable, shall use its good faith efforts to enforce violations of these Restrictive Covenants or the Design Guidelines if so requested by the Design Review Board.

8. Expenses. All expenses of the Design Review Board not otherwise covered by application fees as described below will be paid one-half by Riverfront Park Association and one-half by Trillium or its designee and shall constitute a common expense of each. The Design Review Board will have the right to charge a fee for each application submitted to it for review, in an amount which may be established by the Design Review Board from time to time, and such fees will be collected by the Design Review Board to help defray the expenses of the Design Review Board's operation. Further, the Design Review Board may retain the services of a third party consultant to assist the Design Review Board in reviewing a particular application. In such event, the Design Review Board may charge the applicant for the professional fees incurred in retaining such consultant.

9. Other Requirements. Compliance with the Association's design review process is not a substitute for compliance with the City and County of Denver building, zoning and subdivision regulations, and each owner (but only during such owner's period of ownership) is responsible for obtaining all approvals, licenses and permits as may be required prior to commencing construction.

Further, the establishment of the Design Review Board and procedures for architectural review will not be construed as changing any rights or restrictions upon owners to maintain and repair their properties and improvements as may be required under other applicable laws, requirements or covenants.

The Property is subject to certain regulations and requirements of the City and County of Denver, including, without limitation, those contained in the documents and resolutions approving The Commons Planned Unit Development. All Owners are hereby advised of such governmental regulations, and that they may have the effect of imposing upon the Property certain restrictions (including, without limitation, restrictions relating to landscaping, design of improvements and the like) which may or may not be consistent with the provisions of these Restrictive Covenants or the Design Guidelines. In the event of any conflict between provisions of these Restrictive Covenants, the Design Guidelines and the governmental regulations described herein, the more restrictive provision shall control.

10. Limitation of Liability. The Design Review Board will use reasonable discretion in accepting or disapproving all plans and specifications submitted to it. Neither the Design Review Board nor any individual Design Review Board member will be liable to any person for any act or omission of the Design