Business Program
Colorado Secretary of State
1700 Broadway, Ste. 550 Denver, CO 80290
Phone: 303-894-2200 Fax: 303-869-4864
Email: Business@coloradosos.gov Website: www.coloradosos.gov

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Amended and Restated Articles of Incorporation

Filed pursuant to §7-90-301, et seq. and §7-130-106 and §7-90-304.5 of the Colorado Revised Statutes (C.R.S.)

Section 1 – ID number and entity name

For the entity, its ID number and entity name are

ID number:

19891111800

Entity name:

CREEKSIDE I HOMEOWNERS' ASSOCIATION

Section 2 – New entity name (if applicable)

The new entity name is:

Section 3 – Attachments (if applicable)

The amended and restated constituent filed document is attached.

Section 4 – Amendment details

The amendment to the articles of incorporation was in the manner indicated below: (make the applicable selection)

☐ The amendment and restatement was adopted by the board of directors or incorporators without member action and member action was not required.

☒ The amendment and restatement was adopted by the members AND the number of votes cast for the amendment by each voting group entitled to vote separately on the amendment was sufficient for approval by that voting group.

☐ (If the amended and restated articles of incorporation include amendments adopted on a different date or in a different manner, mark this box and include an attachment stating the date and manner of adoption.)

Section 5 – Delayed effective date (if applicable)

The delayed effective date and/or time (mm/dd/yyyy hour:minute am/pm) of this document is (if applicable):

Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. If you don't enter a specific time, the filing will take effect at 11:59 PM. Times are MST/MDT.

Section 6 – Notice of perjury

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

Section 7 – Filer's information

The true name and mailing address of the individual causing the document to be delivered for filing are:

Last name: Stewart

First name: Sean

Middle:

Suffix:

Address 1: 351 Coffman St

Address 2: Suite 100

City: Longmont

State: CO

ZIP code: 80501

Province (if applicable):

Country: United States

If the following statement applies, adopt the statement by marking the box and include an attachment:

☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Section 8 – Disclaimer

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet.

Questions should be addressed to the user's legal, business or tax advisor(s).

SECOND AMENDED AND RESTATED
ARTICLES OF INCORPORATION
FOR
CREEKSIDE I HOMEOWNERS' ASSOCIATION
(A Colorado Nonprofit Corporation)

The undersigned deliver these Second Amended and Restated Articles of Incorporation to the Secretary of State of Colorado for filing under the Colorado Revised Nonprofit Corporation Act. The entity name is Creekside I Homeowners' Association and the Colorado Secretary of State entity identification number is **19891111800**.

RECITALS

Creekside I Homeowners' Association, a Colorado nonprofit corporation ("Association"), certifies to the Secretary of State of Colorado that:

By their signatures below, the president and secretary of the Board of Directors certify that these Second Amended and Restated Articles of Incorporation received the affirmative vote of Members holding at least a majority of the votes entitled to be cast who were present and voting, in person, by mail ballot, remotely, electronically or by proxy, at a regular or special meeting of the Members at which a quorum was present, in accordance with Article 10 of the Amended and Restated Articles of Incorporation filed February 17, 2022, and that notice of the meeting was given to all Members of the Association, including the Owners of all Lots within each Filing of the Creekside community;

The provisions set forth in these Second Amended and Restated Articles of Incorporation supersede and replace the existing Articles of Incorporation and all amendments and restatements thereof; and

The Association desires to amend and restate its Articles of Incorporation currently in effect, and the Articles of Incorporation of the Association are hereby amended by striking Articles 1 through 12, inclusive, in their entirety, and by substituting the following:

ARTICLE 1.
Name

The name of the corporation is Creekside I Homeowners' Association (the "Association").

ARTICLE 2.
Duration

The duration of the Association shall be perpetual.

ARTICLE 3.
Definitions

Capitalized terms used in these Articles shall have the meanings given to them in the Declaration applicable to the Lot or real property in question, and, to the extent not defined there, in the Bylaws, except as follows:

(a) "**Declaration**" shall mean, with respect to any Lot or real property, whichever of the following recorded instruments encumbers that Lot or real property: (i) the Amended, Restated, and Consolidated Declaration of Covenants, Conditions and Restrictions for Creekside (First, Second, and Fifth Filings), recorded December 15, 2022, at Reception No. 03992156 (which superseded and replaced the declarations recorded at Reception Nos. 01019970 and 1728353); (ii) the Declaration of Covenants, Conditions and Restrictions for Creekside Third Filing, recorded October 23, 1992, at Reception No. 01232510; (iii) the Declaration of Covenants, Conditions and Restrictions for Creekside Fourth Filing, recorded July 10, 1996, at Reception No. 01624209; (iv) the Declaration of Covenants, Conditions and Restrictions for Creekside Sixth Filing, recorded December 7, 1994, at Reception No. 01483579; and (v) the Declaration of Covenants, Conditions and Restrictions for Creekside First Filing, Replat A, recorded February 22, 2000, at Reception No. 2023058 (the "Replat A Declaration"), subject to Article 12(f) below — each as recorded in the office of the Clerk and Recorder of Boulder County, Colorado, and as it may have been or may be amended or supplemented. Where the term is used in these Articles without reference to a particular Lot, Filing, or real property, "Declaration" shall mean each of the foregoing instruments, each applicable solely to the Lots and real property subject to it. The foregoing instruments are separate and independent, have not been consolidated with one another, and are not consolidated by this reference; no provision of any one of them shall be construed to govern Lots or real property subject to another.

(b) "**Filing**" shall mean any of the Creekside Subdivision filings platted in the records of the Clerk and Recorder of Boulder County, Colorado, the Lots within which are subject to a Declaration.

ARTICLE 4.
Nonprofit

The Association shall be a nonprofit corporation, without shares of stock.

ARTICLE 5.
Purposes and Powers of Association

The purposes for which the Association is formed are as follows:

(a) To act as the owners association for, and to operate and manage, the community known as "Creekside", situated in the City of Longmont, Boulder County, State of Colorado;

(b) To maintain Creekside as a community of the highest quality and value, and to enhance and protect the value, desirability and attractiveness of the real property subject to the Declarations;

(c) To perform all acts and services and exercise all powers and duties in accordance with the requirements for an association of owners charged with the administration of the Property under the terms of the Colorado Common Interest Ownership Act, as amended (the "**Act**"), to the extent the Act applies to any portion of the real property subject to a Declaration, and as set forth in each applicable Declaration;

(d) To provide for administration, maintenance, preservation, improvement, and architectural review as contained in each applicable Declaration;

(e) To promote, foster, and advance the health, safety, and welfare of the residents; and

(f) To do any and all permitted acts suitable or incidental to any of the foregoing purposes and objects to the fullest extent permitted by law, and do any and all acts that, in the opinion of the Board, will promote the common benefit and enjoyment of the occupants and residents within Creekside, and to have and to exercise any and all powers, rights, and privileges which are granted under the Act, each applicable Declaration, the Bylaws, and the laws applicable to a nonprofit corporation of the State of Colorado.

The purposes and powers stated in each clause shall not be limited or restricted by reference to or inference from the terms or provisions of any other clause but shall be broadly construed as independent purposes and powers.

ARTICLE 6.
Elimination of Certain Liabilities of Directors

There shall be no liability, either direct or indirect, of any Director acting within the scope of his or her duties as a Director, or any other person serving the Association at the direction of the Board of Directors without compensation, to the Association or to its Members for monetary damages for breaches of fiduciary duties arising out of such services. Notwithstanding the foregoing, this provision shall not eliminate the liability of a Director to the Association or its Members for any breach, act, omission, or transaction for which the Act or the Colorado Revised Nonprofit Corporation Act expressly prohibits elimination of liability.

ARTICLE 7.
Membership Rights and Qualifications

(a) Membership. There shall be one membership for each Lot under Declaration. This membership shall be automatically transferred upon the conveyance of that Lot. The authorized number and qualifications of Members of the Association, the voting and other rights and privileges of Members, Members' liability for assessments, and the method of collection of assessments shall be as contained in the Declaration applicable to the Member's Lot, these Articles of Incorporation, and the Bylaws of the Association. Votes shall be allocated to each Lot as provided in the Declaration applicable to that Lot. No provision of these Articles authorizes the Association to levy any fine, charge, or other assessment not authorized by the Declaration applicable to the Lot in question or by law.

(b) Declarant Membership. The Association has confirmed that no declarant under any Declaration owns a Lot within the Community and that no Class B membership is outstanding.] Any period of declarant control is in any event limited by C.R.S. § 38-33.3-207 as to any real property to which the Act applies. Nothing in these Articles shall be construed to create, revive, extend, or confirm any Class B membership, declarant control period, or special declarant right.

(c) Filing-Specific Approvals. Where a Declaration requires an approval, consent, or vote of the Owners of Lots subject to that Declaration, such approval shall be solicited, taken, and tabulated separately among the Owners of Lots subject to that Declaration, on notice to those Owners, in the manner provided in the Bylaws. A vote of the Members of the Association at large does not satisfy a Declaration-specific approval requirement.

ARTICLE 8.
Principal Office and Registered Agent

The current principal office of the Association and its registered agent are as on file with the Secretary of State.

ARTICLE 9.
Board of Directors

The business and affairs of the Association shall be conducted, managed and controlled by a Board of Directors. The Board of Directors shall consist of not less than three or more than five persons. The specific number of directors shall be as set forth in the Bylaws.

ARTICLE 10.
Amendment

Amendment of these Articles shall require the affirmative vote of Members holding at least a majority of the votes entitled to be cast in the Association who are present and voting, in person, by mail ballot, remotely, electronically or by proxy, at a regular or special meeting of the Members at which a quorum is present, provided that notice of the meeting, stating that amendment of these Articles is a purpose of the meeting, has been given to all Members of the Association, including the Owners of all Lots within each Filing; provided, however, that no amendment to these Articles of Incorporation shall be contrary to or inconsistent with the provisions of any applicable Declaration as such Declaration applies to the Lots and property subject to it. Notwithstanding the foregoing, the Board of Directors may amend these Articles, without Member approval, to the extent necessary to comply with any statutory or judicial requirement or to correct clerical or typographical errors, as and to the extent permitted by the Colorado Revised Nonprofit Corporation Act.

ARTICLE 11.
Dissolution

In the event of the dissolution of the Association as a corporation, either voluntarily or involuntarily by the Members, by operation of law, or otherwise, the assets of the Association shall be distributed in accordance with the Colorado Revised Nonprofit Corporation Act and any applicable requirements of the Act and the applicable Declarations. Dissolution of the Association shall not of itself terminate, modify, or affect any Declaration, each of which shall continue in effect according to its terms.

ARTICLE 12.
Interpretation and Conflicts

(a) The terms and provisions of each applicable Declaration are incorporated by reference when necessary to interpret, construe or clarify the provisions of these Articles as they apply to the Lots and property subject to that Declaration.

(b) In the event of any conflict between these Articles and a Declaration, the terms and provisions of that Declaration shall control over these Articles of Incorporation, but only as to the Lots and property subject to that Declaration. A conflict between these Articles and one Declaration shall not affect the application of these Articles to Lots and property subject to a different Declaration.

(c) In the event of any conflict between these Articles and the Bylaws of the Association, these Articles shall control.

(d) Nothing in these Articles shall be construed to extend the provisions of any Declaration to Lots or real property subject to a different Declaration, or to merge the Filings into a single common interest community, or to alter the allocated interests, Common Expense liability, or votes established under any Declaration.

(e) Construction of Terms Drawn from a Declaration. A term defined in one Declaration shall be given effect under these Articles only as to the Lots and real property subject to that Declaration, and no such term shall be given a meaning drawn from a Declaration to which the real property in question is not subject. Where a Declaration contains a manifest error in a defined term — including a defined term that identifies real property other than the real property described in the recitals of that instrument — the term shall be construed for purposes of these Articles to refer to the real property actually described in those recitals.

(f) Expiration of a Declaration. If a Declaration expires by its terms and is not extended, renewed, or replaced, nothing in these Articles shall be construed to subject the Lots formerly encumbered by it to any other Declaration, or to impose on those Lots any assessment or other obligation not otherwise imposed by law or by a recorded instrument then in effect.

IN WITNESS WHEREOF, the undersigned have signed these Second Amended and Restated Articles of Incorporation on this 3rd day of November, 2026

CREEKSIDE I HOMEOWNERS' ASSOCIATION,
a Colorado nonprofit corporation,

David K Musgrave
President

Lori B. Varbaro
Secretary