



**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF THE PIÑON RIDGE ESTATES (WEST AND SOUTH)
PROPERTY OWNERS ASSOCIATION, INC.**

SALIDA, CHAFFEE COUNTY, COLORADO

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (hereinafter "Declaration") is made this 10th day of October, 2006 by Jeffrey S. Auxier and Stephanie Smith Altobellis, hereinafter referred to as "Declarants".

The **GRANTORS** of this Declaration of Covenants, Conditions and Restrictions are Jeffrey S. Auxier, Stephanie Smith Altobellis, the Piñon Ridge Estates West Rural Open Space Incentive Subdivision, and the Piñon Ridge Estates South Rural Open Space Incentive Subdivision.

The **GRANTEE** is the Piñon Ridge Estates (West and South) Property Owners Association, Inc.

ARTICLE I - PROPERTY SUBJECT TO DECLARATION

1. Ownership: Declarant Jeff Auxier is the owner of Lots 1B/1OS, 2B/2OS, 3B/3OS, 4B/4OS, 5B/5OS, 6B/6OS, 7B/7OS, 8B/8OS, and the General Open Space and public right of way areas of the Piñon Ridge Estates West Rural Open Space Incentive Subdivision as shown on the plat recorded at Reception No. 355385 in the Clerk and Recorder's Office, Chaffee County, Colorado, comprising in their entirety the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) and the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 13, Township 49 North, Range 8 West, New Mexico Prime Meridian, said property also previously known as Tract 1 and Tract 2, King Gulch Subdivision as shown on Survey Plat # 387 recorded in the Chaffee County, Colorado property records. Declarant Auxier hereby makes the above-described real property and improvements, if any, subject to the covenants, conditions, restrictions, burdens and benefits of this Declaration.

Declarant Stephanie Altobellis is the owner of Lots 1B/1OS, 2B/2OS, 3B/3OS, 4B/4OS, and the General Open Space and roadway areas of the Piñon Ridge Estates South Rural Open Space Incentive Subdivision, as shown on the plat recorded at Reception No. 357281 in the Clerk and Recorder's Office, Chaffee County, Colorado comprising in their entirety the Northwest Quarter of the Southwest Quarter (NW1/4



SW1/4) of Section 13, Township 49 North, Range 8 West, New Mexico Prime Meridian. Declarant Altobellis hereby makes the above-described real property and improvements, if any, subject to the covenants, conditions, restrictions, burdens and benefits of this Declaration.

The real property and improvements (if any, now and in the future) as individual tracts and in the aggregate and as described in the foregoing two paragraphs and presently owned by Declarant Auxier and Altobellis shall be referred to hereinafter as the "Property."

- 2. Applicability and Burden of Title: Declarants hereby state and affirm that the provisions of this Declaration shall run with and be appurtenant to the Property identified in Article I, Paragraph 1 above. Said Property shall be owned, used, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens set forth herein, all of which shall be binding on the Declarant and any persons or entities acquiring any title, mortgage, deed of trust, lien, right or interest therein, and their heirs, successors, personal representatives or assigns.

ARTICLE II - PURPOSES AND EFFECT OF PROTECTIVE COVENANTS

- 1. Purpose: This Declaration is made:
 - a. to establish and maintain the Property as a residential area of high quality and value;
 - b. to enhance and protect the Property's value, desirability, and attractiveness, and;
 - c. to conduct such other business as may be necessary and reasonable for the mutual aid, benefit and enjoyment of the Property's owners who are members of the Piñon Ridge Estates (West and South) Property Owners Association, Inc.
- 2. Benefits of Declaration: This Declaration is made for the benefit of the Declarants and all subsequent owners of the Property or portions thereof, and for the benefit of the owners of any other real property which may be made subject to this Declaration.

ARTICLE III - HOMEOWNERS ASSOCIATION

- 1. Organization: Piñon Ridge Estates (West and South) Homeowners Association, Inc. (hereinafter referred to as the "Association") will be a Colorado nonprofit corporation



formed to provide a vehicle for the furtherance of the purposes of this Declaration and to enforce its provisions. All owners of the separate lots within the Property will be members of the Association and will continue to be members during the entire period of their ownership of any such lots and/or property. The Articles of Incorporation and the Bylaws for the Association set forth the Association's rights and duties, which include, but are not limited to, the right to levy assessments upon the owners of the lots and/or property, which assessments, when made, are enforceable liens subject to foreclosure in the same manner as foreclosure of mortgages and / or deeds of trust in the State of Colorado.

2. Board of Directors: The affairs of the Association will be conducted by a Board of Directors (also referred to as the "Board") to be elected from time to time by the members of the Association, as provided in the By-Laws . In the event of death or resignation of any Director, the remaining Directors will have the full authority to designate a successor.
3. Allocation of Membership, Voting Rights: Every owner or group of owners of a lot or tract of land within the Property shall be a Member of the Association, subject to other provisions of this Declaration. Each such owner or group of owners shall have one Membership per lot. There shall be only one Membership for each lot. Each such Membership shall be appurtenant to and may not be separated from ownership of the lot to which the Membership is attributable. Each Membership appurtenant to a lot shall have one vote in the affairs of the Association. Each Membership appurtenant to a lot shall have the burden of 1/12 (8.3333%) of the dues, fees, assessments and the like levied or imposed by the Association. Ownership of General Open Space and / or the real property underlying public rights of way shall not confer any membership or voting rights upon the owner or owners of said open space or real property underlying public rights of way.
4. Dedication to Public Use: Nothing in these Declarations or the By-Laws or the Articles of Incorporation shall limit the right of the Association or declarant Jeff Auxier to dedicate in the future to public use a portion or all of the General Open Space Area located in the northeasterly corner of Piñon Ridge Estates West, said public use limited to public park or recreation purposes, should the appropriate board or body of Chaffee County agree to accept such dedication, on terms that provided that at least 1/6 of the voting interests of the Association approve said dedication. This right of dedication to public use may not, shall not and cannot be amended, revoked, objected to or modified by subsequent acts of the Association or of any owner of property subject to these Declarations, except by unanimous vote of all Members with no Members abstaining or absent.
5. Duties and Powers of the Association: Duties and powers of the Association shall include but be not limited to:



- a) enforcement of the rules and regulations set forth in this Declaration of covenants;
- b) communication about, and coordination of, affairs of mutual interest with the master association presently known as King Gulch Property Owners Association, Inc.;
- c) determination, enforcement and collection of appropriate fees, assessments, dues and the like to be imposed by the Board of Directors upon members of the Association, and;
- d) conduct of meetings and administration of any and all of the affairs concerning the Property, the Association and its Members.

The Board of Directors of the Association or its specific designee shall and hereby does have the authority to perform, enact and effect the foregoing duties and powers, subject to the bylaws of the Association.

ARTICLE IV - RESTRICTIONS ON USE OF THE PROPERTY

1. Division of the property into parcels: No subdivision of any real property subject to these declarations shall be allowed.
2. Improvements: With respect to any and all of the real property and improvements now or hereafter subject to these declarations:
 - a) No modular or mobile homes will be allowed at any time. No improvements, structures or buildings subject to the "HUD Code" will be allowed at any time;
 - b) No buildings of any type shall be constructed with sheet metal exterior wall finish, corrugated metal exterior wall finish, or any other type of metal exterior wall finish. This is not to be construed as a prohibition or limitation on windows of metal frame, metal flashing, metal-framed homes, or metal roofs. This Article IV.2.(b) is meant to prevent the construction of buildings with an exterior metal wall finish such as may often be seen in light industrial buildings, detached garages, outbuildings, or sheds. Such metal buildings are not allowed. This Article IV.2.(b) is not to be construed as a restriction against steel frame buildings with an exterior finish done in accordance with the Architectural guidelines below.
 - c) No tepee, yurt or tent shall be erected for more that twenty-five (25) days in any six-month period. Geodesic dome structures are not allowed.

3. Utilities: All utilities, including, but not limited to, electrical, telephone and propane gas lines (propane tank excepted) will be installed underground.
4. No Trash or Visual Nuisance: No scrap lumber, building materials, metals, bulk materials, scrap, refuse, trash, junk motor vehicles, inoperable motor vehicles, or motor vehicles with one or more flat tires, or any other like unsightly item will be kept, stored or allowed to accumulate on any lot, if said materials are in view of any other lot or tract of land subject to these Declarations, or of any public right-of-way accessing, crossing or touching a lot or tract of land.
5. No Tanks Above Ground: No tanks for the storage of oil or petroleum products shall be allowed above ground. Propane tanks or natural gas tanks are excepted from this requirement, provided however that said tanks are be located as much as is practicable to hide them from the view of other lots, and have drought resistant landscape plants, other plants, or wooden fencing placed and maintained around them to screen them from view.
6. Towers and Antennae: No towers will be constructed on the lots, and no exposed or outside radio, television or other electronic antennae will be larger than 36" in diameter or exceed eight feet in height.
7. Enclosure of Unsightly Facilities and Equipment: Any trailer, boat, truck, tractor, camper or recreational vehicle shall be kept in operable condition and shall be neatly stored on the owner's lot or tract of land. Any trailer, boat, truck, tractor, camper or recreational vehicle that remains unlicensed and/or unregistered for a period of more than twelve months must be removed if requested by the Association, and the Association shall have the power to enter upon a Member's land and remove said vehicle at the Member's expense if it is not removed within 14 days of the Association's written request duly delivered.


No unlicensed or inoperative vehicles will remain on the Property for over sixty (60) days unless stored inside a properly constructed garage, barn or shop building. Storage piles of materials for domestic use, boats, and recreational vehicles shall be appropriately screened from view by fencing, improvements, vegetation or planting and be adequate to diminish the view from adjoining parcels. Recreational vehicles, boats, campers, ATVs, and the like shall not be parked on the front side of a house, but must be parked so as to be at least partially hidden from view from a public right of way. It is contemplated that no such vehicle will be completely exposed to public view. Any number greater than two such vehicles must be garaged or completely hidden from view.



The lots in Piñon Ridge Estates West and South Rural Open Space Incentive have been designed for mutual privacy and aesthetics, and owners are encouraged to design and act accordingly.

8.1 Fencing -- Piñon Ridge Estates West: Restrictions exist with respect to fencing in Piñon Ridge Estates West Rural Open Space Incentives. These restrictions exist for both aesthetic, mutual enjoyment and wildlife protection purposes. These restrictions may be enforced by the Association and / or its individual members. These restrictions are:

- a) There shall be no fencing of any type in the General Open Space except that minimum amount of non-enclosing, wood fencing as is necessary for use of motor vehicle control in parking areas and as may be necessary to block use of vacated easements or other improper driving or walking practices.
- b) With respect to fencing on Lot 1OS and 2OS, there shall be no fencing within five feet of the ten-foot public access easement to Sand Gulch;
- c) With respect to fencing on 5OS, 6OS and 7OS, there shall be no fencing within ten feet of any platted public roadway or the ten-foot public access easement to King Gulch;
- d) With respect to fencing on Lot 4OS there shall be no fencing within fifty feet of any platted public roadway (King Gulch Trail and Piñon Ridge Trail). Natural wooden rail fencing is exempt from this prohibition, but may be located no closer than ten feet from any platted public roadway (King Gulch Trail and Piñon Ridge Trail).
- e) With respect to fencing on Lot 4OS there shall be no fencing within forty feet of the easement for the subdivision sign. Natural wooden rail fencing is exempt from this prohibition.
- f) With respect to fencing on Lot 8OS there shall be no fencing (natural wooden rail fencing excepted) within twenty-five feet of any platted public roadway (Piñon Ridge Trail) and no fencing of any type within five feet of the ten-foot public access easement to King Gulch;
- g) With respect to fencing on Lots 4B, 5B, 6B and 7B, no fencing (natural wooden rail fencing excepted) may be within twenty-five feet of the sixty foot public right-of-way known as Piñon Ridge Trail;

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- h) With respect to fencing on Lot 3B and 3OS, no point on any fence (except natural wooden rail fence) may be located further than two-hundred sixty-five feet from the western lot line of the lots.
 - i) With respect to fencing on Lot 8OS, no point on any fence (natural wooden rail fencing excepted) may be located within one-hundred seventy-five feet from a line running due east-west and intersecting the northernmost point of Lot 8OS.
 - j) With respect to fencing on Lots 1B, 1OS and 2OS, no fencing (natural wooden rail fencing excepted) may be within thirty feet of the sixty foot public right-of-way known as Piñon Ridge Trail;
 - k) With respect to fencing on Lot 1B, no fencing may be within fifteen feet of any point along the western lot line of the lot, in order to maintain a wildlife corridor;
 - l) With respect to fencing on Lot 2OS, no fencing may be within fifteen feet of any point along the eastern lot line of the lot, in order to maintain a wildlife corridor;
 - m) No chain link fence or chain link enclosure may be higher than four feet;
 - n) No chain link fence may be installed in any private Open Space;
 - o) No chain link fence may fence an area greater than 1/3 acre or be within one-hundred fifty feet of a front lot line or within forty feet of a side lot line.
 - p) With respect to fencing on Lot 1B, chain link fencing may only be installed in any area within two-hundred feet of the eastern lot line of the lot.
 - q) With respect to fencing on Lot 4B, no chain link fence may be installed within eighty-five feet of the northern lot line of the lot.
 - r) With respect to fencing on Lot 2B, no chain link fence may be installed within eighty feet of the southern lot line of the lot.
 - s) With respect to fencing on Lot 3B, no chain link fence may be installed within sixty-five feet of the northern lot line of the lot.
 - t) With respect to fencing on Lots 2B and 3B, no chain link fence may be installed further than one-hundred fifty feet from the western lot line of the lots.
 - u) Driveway gates are not subject to the provisions and prohibitions of Paragraphs a) - s) above. Driveway gates may not be constructed of or contain chain link fence material. Aluminum or steel ranch gates are allowed. All gate hinge posts



will be set securely so as not to allow sagging of the gate. Gate posts must be constructed of natural materials.

9. Animals:

- a) Compliance with Chaffee County Zoning Regulations with regard to animals is required.
- b) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except as permitted below:
 - i) Owners and occupants of lots within the Property may keep a reasonable number of domestic household pets belonging to that household. Domestic household pets are defined as dogs, cats, birds, fish, etc. not kept, bred or raised for commercial purposes.
 - ii) Horses: Owners of a lot may keep and maintain their own horses on their own lot, subject to the following restrictions:

A) Piñon Ridge Estates West: Up to three horses may be kept on Lot 1 of Piñon Ridge Estates West, provided that they are confined away from, and are not able to regularly access, any point within 80' (eighty feet) of the 60-foot public right of way known as Piñon Ridge Trail.

Up to two horses may be kept on Lot 2 of Piñon Ridge Estates West,, provided that they are confined away from, and are not able to regularly access, any point within 80' (eighty feet) of Lot 3.

One horse may be kept on Lot 7 of Piñon Ridge Estates West, provided that it is confined away from, and is not able to regularly access, any point within 35' (thirty five feet) of the public right of way known as Piñon Ridge Trail.

Up to three horses may be kept on Lot 8 of Piñon Ridge Estates West, provided that they are confined away from, and are not able to regularly access, any point within 35' (35 feet) of the 60-foot public right of way known as Piñon Ridge Trail.

B) Piñon Ridge Estates South: Up to two horses may be kept on Lot 4 of Piñon Ridge Estates South, provided that they are confined away from, and are not able to regularly access, any point within 30' of Lot 3-B.