



**AMENDED DECLARATION OF PROTECTIVE COVENANTS FOR
KING GULCH PROPERTY OWNERS ASSOCIATION, INC.,
SALIDA, CHAFFEE COUNTY, COLORADO**

THIS DECLARATION OF PROTECTIVE COVENANTS (hereinafter "Declaration") is made this 19th day of October, 2006 by Bonnie Groy, Deanne Yankey, f/k/a Deanne Goetsch, Lisa Hunt, Tibor Lanczy, Taryn Lanczy, John Imig, Carin Imig, Stephanie Altobellis and Jeffrey S. Auxier (hereinafter referred to as "Declarants") individually and in their representative capacity for Piñon Ridge Estates East Subdivision, Piñon Ridge Estates West Rural Open Space Incentive Subdivision, Piñon Ridge Estates South Rural Open Space Incentive Subdivision, and Sand Gulch Subdivision,

all the above individuals and subdivisions being Grantors,

for the benefit of King Gulch Property Owners Association, Inc., Piñon Ridge Estates East Subdivision, Piñon Ridge Estates West Rural Open Space Incentive Subdivision, Piñon Ridge Estates South Rural Open Space Incentive Subdivision, and Sand Gulch Subdivision,

the above Association and subdivisions being Grantees.

ARTICLE I - PROPERTY SUBJECT TO DECLARATION

1. **Ownership:** Declarants own, either individually or in common amongst two or more of themselves, various separate tracts of real property located adjacent to or near each other in the North Half of the Southwest Quarter (N1/2W 1/4) of Section 1, Township 49 North, Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado.
2. **Property Subject to Declaration:** The declarants' properties subject to these declarations are:
 - a. Tracts 1, 2 and 3 of the Subdivision Exemption Plat, Groy Schutte & Goetsch Property, reception # 293721 in the Chaffee County, Colorado property records, **now known as** Lots 1 and 2 of Sand Gulch Subdivision and Lots 1 through 8 of Piñon Ridge Estates East Subdivision, with attendant public right of ways and open space(s);
 - b. 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 know as Tract 1 and Tract 2, King Gulch Subdivision, shown on Survey Plat # 387 recorded in the Chaffee County, Colorado property records, **now known as** Lots 1 through 8 of Piñon Ridge Estates West Rural Open Space Incentive Subdivision, with attendant public right of ways and open space(s).

- c. the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 13, Township 49 North, Range 8 West, New Mexico Prime Meridian, **now known as** Lots 1 through 4 of the Piñon Ridge Estates South Rural Open Space Incentive Subdivision, with attendant public right of ways and open space(s).
3. Applicability and Burden of Title: Declarants hereby state and affirm that this Declaration of Protective Covenants shall run with the properties described in Article I.2. above. Said properties 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 Declarants and any persons or entities acquiring any title, right or interest therein, and their heirs, successors, personal representatives or assigns.
4. Description of Common Interest Community: The association of the foregoing properties in aggregate shall be a planned community and shall be known as "King Gulch Property Owners Association, Inc.", and the plats of Piñon Ridge Estates East Subdivision, Piñon Ridge Estates West ROSI Subdivision, Piñon Ridge Estates South ROSI Subdivision, and Sand Gulch Subdivision in aggregate and recorded in the clerk and recorder's Office of Chaffee County, Colorado, comprise and evidence the properties subject to these declarations and covenants.

ARTICLE II - PURPOSES AND EFFECT OF PROTECTIVE COVENANTS

1. Purpose: This Declaration is made:
 - a. to establish and maintain the properties as a residential area of high quality and value;
 - b. to enhance and protect the properties' value, desirability, and attractiveness, and;
 - c. for all other lawful and appropriate purposes.
2. Benefits of Declaration: This Declaration is made for the benefit of the Declarants and all subsequent owners or interest holders of the Property or portions thereof.

ARTICLE III - PROPERTY OWNERS ASSOCIATION

1. **Organization:** The King Gulch Property Owners Association, Inc. (hereinafter referred to as the "Association") will be a Colorado non-profit corporation formed for the furtherance of the purposes of this Declaration and to enforce its provisions. All owners of the separate lots within the Property and the owners of 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 its rights and duties, which include, but are not limited to, the right to levy regular and special 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 trusts 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. In the event of death or resignation of any Director, the remaining Directors will have the full authority to designate a successor.
3. **Membership:** Every owner or group of owners of a lot or tract of land 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 for each 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 or tract of land shall have one vote in the affairs of the Association.
4. **Ownership of Roadways:** The King Gulch Property Owner's Association shall take legal title to the dedicated public right of ways within the real properties described in Article I.2.
5. **Voting Rights and Allocation of Expenses:** There are 22 (twenty-two) lots subject to these Declarations. Each lot shall have one membership and one vote in the affairs of the Association. Each lot shall have allocated to it, and its owner(s) shall pay, 1/22 (4.5456%) of the expenses of the Association.

ARTICLE IV - RESTRICTIONS ON USE OF THE PROPERTY

1. **Division of the property into parcels:** There shall be no further subdivision of the properties subject to these Declarations.



2. Improvements: With respect to any and all of the real property now or hereafter subject to these declarations:
 - a) No modular or mobile homes will be allowed at any time;
 - b) No buildings of any type shall be constructed with sheet metal or corrugated metal exterior walls.
 - c) No tepee, yurt or tent shall be erected for more than 60 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 unless erected inside a structure and screened from view. Propane tanks or natural gas tanks are excepted from this requirement. Propane or natural gas tanks shall be located as much as is practicable to hide them from the view of other lots, and shall have drought resistant landscape plants, other plants, or opaque wooden fencing placed 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 eighteen 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 shall be appropriately screened from view by fencing or planting and be adequate to conceal the same from adjoining parcels and roadways.

8. 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 shall be allowed only as provided in the individual Declarations and Covenants of the Piñon Ridge Estates East Subdivision, Piñon Ridge Estates West Rural Open Space Incentive Subdivision, Piñon Ridge Estates South Rural Open Space Incentive Subdivision, and Sand Gulch Subdivision. The following restrictions and duties will also apply, individual declarations and covenants notwithstanding. Horses must be fenced and properly cared for. No horse(s) shall be kept for commercial purposes. There shall be a minimum of 2.95 acres of land per horse on any lot on which horses are allowed.

9. Noxious or Offensive Activities: No noxious or offensive activity will be permitted upon any parcel within the property, nor will anything be permitted which may be or may become a nuisance or danger to the owners or occupants of other parcels within the Property.

10. Burning: There will be no burning of household trash/garbage/refuse on the property. Any other outside burning will not be allowed without the specific authorization of Chaffee County fire protection and / or other authorities.

11. Firearms: No firearms will be discharged within the boundaries of the Property.

12. Signs: Any signs erected for more than one week must be made by a commercial sign maker. No sign shall be larger than 36" wide by 24" tall, with the exception of subdivision entrance signs. No billboards shall be allowed.

13. Business Use of Property: Any business conducted on the property will be done quietly and reasonably out of sight of other properties.