

# Declaration of Restrictions

Incorporates by Reference

Declaration of Restrictions

Made 3/13/70 and

Recorded 6/24/70 in

Book 122, Pages 224-247

(Pagosa)

RECEIVED AUG 13 2001

(9)

AMENDED  
DECLARATION OF RESTRICTIONS

RIDGEVIEW SUBDIVISION

This Amended Declaration of Restrictions Ridgeview Subdivision is made this 15 day of MARCH 2001 by and on behalf of fifty-one percent of the owners of Ridgeview Subdivision, hereinafter collectively referred to as "Declarant":

WHEREAS, a majority of owners of Ridgeview Subdivision have voted to amend those certain Declaration of Restrictions Ridgeview Subdivision previously recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado on March 18, 1980 in Book No. 172, Page 168 ("Covenants"); and

WHEREAS, said Covenants make the lots in the Ridgeview Subdivision subject to the Declaration of Restrictions Pagosa dated the 13<sup>th</sup> day of March, 1970 and recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado at Book 122, Page 224 on June 24, 1970, and amended as recorded in Book 156, Page 134 ("Pagosa Covenants"); and

WHEREAS, the Pagosa Covenants provide that such Covenants may be amended or changed, in whole or in part, by an instrument signed by a majority of the then owners of the lots subject thereto; and

WHEREAS, fifty-one percent of the lot owners of Ridgeview Subdivision have voted in writing in favor of certain amendments to the Covenants;

NOW THEREFORE, the Covenants for Ridgeview Subdivision are amended as follows:

1. Paragraph A of the Covenants is changed as follows:

The use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255 shall be changed to include commercial uses, in addition to Multi-Family, R-2 and R-3, and such commercial uses shall be governed by those amended restrictions dated July 6, 1979 and recorded July 23, 1979 in Book 166, Page 435, which incorporate the Declaration of Restrictions recorded on August 7, 1975 in Book 144, Page 417, and amends the Declaration of Restrictions recorded June 4, 1973 in Book 132, Page 235. The provisions relating to signs as contained in Paragraph H of the Amended Declaration of Restrictions for Pagosa Village Service Commercial and for Village Center contained in Book 166, at Page 439 through 449 shall not apply to the use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255. All signs on the described properties shall be governed by, and be in conformance with, Ordinance No. 420 of the Town of Pagosa Springs, Colorado adopted on December 5, 1989.

In Witness Whereof, the Declarant has executed this Amended Declaration of Restrictions Ridgeview Subdivision on the day and year first set forth above.

BILLY G. CHENOWETH

STATE OF Colorado )  
 ) ss.  
COUNTY OF Archuleta )

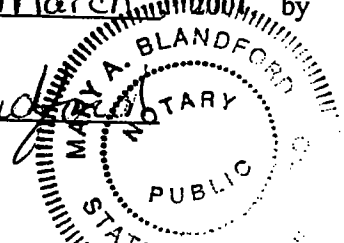
By [Signature]  
Owner(s) of Lots 1, 5, 6, 7, 8, 9, 12, 18, 19,  
20, 21, 22, 23, 25, 26 TRACT C  
PARCEL II TRACT B, PARCEL I  
TRACT B

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of March, 2001, by Billy Chenoweth.  
Witness my hand and official seal.

My Commission Expires: 3-24-2004

Mary A Blandford  
NOTARY PUBLIC

BILL CHENOWETH  
1211. 11. Donald



AMENDED  
DECLARATION OF RESTRICTIONS

RIDGEVIEW SUBDIVISION

This Amended Declaration of Restrictions Ridgeview Subdivision is made this 2<sup>nd</sup> day of FEB, 2001 by and on behalf of fifty-one percent of the owners of Ridgeview Subdivision, hereinafter collectively referred to as "Declarant":

WHEREAS, a majority of owners of Ridgeview Subdivision have voted to amend those certain Declaration of Restrictions Ridgeview Subdivision previously recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado on March 18, 1980 in Book No. 172, Page 168 ("Covenants"); and

WHEREAS, said Covenants make the lots in the Ridgeview Subdivision subject to the Declaration of Restrictions Pagosa dated the 13<sup>th</sup> day of March, 1970 and recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado at Book 122, Page 224 on June 24, 1970, and amended as recorded in Book 156, Page 134 ("Pagosa Covenants"); and

WHEREAS, the Pagosa Covenants provide that such Covenants may be amended or changed, in whole or in part, by an instrument signed by a majority of the then owners of the lots subject thereto; and

WHEREAS, fifty-one percent of the lot owners of Ridgeview Subdivision have voted in writing in favor of certain amendments to the Covenants;

NOW THEREFORE, the Covenants for Ridgeview Subdivision are amended as follows:

1. Paragraph A of the Covenants is changed as follows:

The use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255 shall be changed to include commercial uses, in addition to Multi-Family, R-2 and R-3, and such commercial uses shall be governed by those amended restrictions dated July 6, 1979 and recorded July 23, 1979 in Book 166, Page 435, which incorporate the Declaration of Restrictions recorded on August 7, 1975 in Book 144, Page 417, and amends the Declaration of Restrictions recorded June 4, 1973 in Book 132, Page 235. The provisions relating to signs as contained in Paragraph H of the Amended Declaration of Restrictions for Pagosa Village Service Commercial and for Village Center contained in Book 166, at Page 439 through 449 shall not apply to the use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255. All signs on the described properties shall be governed by, and be in conformance with, Ordinance No. 420 of the Town of Pagosa Springs, Colorado adopted on December 5, 1989.

In Witness Whereof, the Declarant has executed this Amended Declaration of Restrictions Ridgeview Subdivision on the day and year first set forth above.

STATE OF Oklahoma  
COUNTY OF Oklahoma ss.

By Michelle A. Dallal  
Owner(s) of Lots 13  
MICHELL G. DALLAL

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of February, 2001, by Melissa M. Sharp.  
Witness my hand and official seal.

Melissa M. Sharp  
NOTARY PUBLIC

My Commission Expires: 2/2003

AMENDED  
DECLARATION OF RESTRICTIONS

RIDGEVIEW SUBDIVISION

This Amended Declaration of Restrictions Ridgeview Subdivision is made this 8 day of Jan, 2001 by and on behalf of fifty-one percent of the owners of Ridgeview Subdivision, hereinafter collectively referred to as "Declarant":

WHEREAS, a majority of owners of Ridgeview Subdivision have voted to amend those certain Declaration of Restrictions Ridgeview Subdivision previously recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado on March 18, 1980 in Book No. 172, Page 168 ("Covenants"); and

WHEREAS, said Covenants make the lots in the Ridgeview Subdivision subject to the Declaration of Restrictions Pagosa dated the 13<sup>th</sup> day of March, 1970 and recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado at Book 122, Page 224 on June 24, 1970, and amended as recorded in Book 156, Page 134 ("Pagosa Covenants"); and

WHEREAS, the Pagosa Covenants provide that such Covenants may be amended or changed, in whole or in part, by an instrument signed by a majority of the then owners of the lots subject thereto; and

WHEREAS, fifty-one percent of the lot owners of Ridgeview Subdivision have voted in writing in favor of certain amendments to the Covenants;

NOW THEREFORE, the Covenants for Ridgeview Subdivision are amended as follows:

1. Paragraph A of the Covenants is changed as follows:

The use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255 shall be changed to include commercial uses, in addition to Multi-Family, R-2 and R-3, and such commercial uses shall be governed by those amended restrictions dated July 6, 1979 and recorded July 23, 1979 in Book 166, Page 435, which incorporate the Declaration of Restrictions recorded on August 7, 1975 in Book 144, Page 417, and amends the Declaration of Restrictions recorded June 4, 1973 in Book 132, Page 235. The provisions relating to signs as contained in Paragraph H of the Amended Declaration of Restrictions for Pagosa Village Service Commercial and for Village Center contained in Book 166, at Page 439 through 449 shall not apply to the use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255. All signs on the described properties shall be governed by, and be in conformance with, Ordinance No. 420 of the Town of Pagosa Springs, Colorado adopted on December 5, 1989.

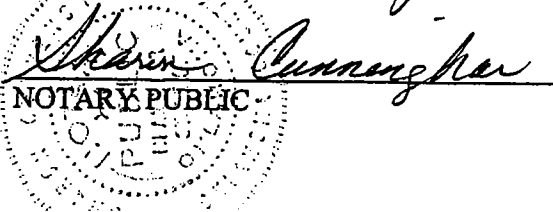
In Witness Whereof, the Declarant has executed this Amended Declaration of Restrictions Ridgeview Subdivision on the day and year first set forth above.

STATE OF Oklahoma )  
 )ss.  
COUNTY OF Oklahoma )

By Gene H. Binning  
Owner(s) of Lots 14, 15, 16  
GENE H. BINNING  
BETTIE F. BINNING

The foregoing instrument was acknowledged before me this 8 day of Jan, 2001, by Sharon Cunningham.  
Witness my hand and official seal.

My Commission Expires: 4-13-2003



AMENDED  
DECLARATION OF RESTRICTIONS

RIDGEVIEW SUBDIVISION

This Amended Declaration of Restrictions Ridgeview Subdivision is made this 2 day of JAN. 2001 by and on behalf of fifty-one percent of the owners of Ridgeview Subdivision, hereinafter collectively referred to as "Declarant":

WHEREAS, a majority of owners of Ridgeview Subdivision have voted to amend those certain Declaration of Restrictions Ridgeview Subdivision previously recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado on March 18, 1980 in Book No. 172, Page 168 ("Covenants"); and

WHEREAS, said Covenants make the lots in the Ridgeview Subdivision subject to the Declaration of Restrictions Pagosa dated the 13<sup>th</sup> day of March, 1970 and recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado at Book 122, Page 224 on June 24, 1970, and amended as recorded in Book 156, Page 134 ("Pagosa Covenants"); and

WHEREAS, the Pagosa Covenants provide that such Covenants may be amended or changed, in whole or in part, by an instrument signed by a majority of the then owners of the lots subject thereto; and

WHEREAS, fifty-one percent of the lot owners of Ridgeview Subdivision have voted in writing in favor of certain amendments to the Covenants;

NOW THEREFORE, the Covenants for Ridgeview Subdivision are amended as follows:

1. Paragraph A of the Covenants is changed as follows:

The use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255 shall be changed to include commercial uses, in addition to Multi-Family, R-2 and R-3, and such commercial uses shall be governed by those amended restrictions dated July 6, 1979 and recorded July 23, 1979 in Book 166, Page 435, which incorporate the Declaration of Restrictions recorded on August 7, 1975 in Book 144, Page 417, and amends the Declaration of Restrictions recorded June 4, 1973 in Book 132, Page 235. The provisions relating to signs as contained in Paragraph H of the Amended Declaration of Restrictions for Pagosa Village Service Commercial and for Village Center contained in Book 166, at Page 439 through 449 shall not apply to the use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255. All signs on the described properties shall be governed by, and be in conformance with, Ordinance No. 420 of the Town of Pagosa Springs, Colorado adopted on December 5, 1989.

In Witness Whereof, the Declarant has executed this Amended Declaration of Restrictions Ridgeview Subdivision on the day and year first set forth above.

By Steven R. Marley  
Owner(s) of Lots 11  
STEVEN R. MARLEY

STATE OF Oklahoma )  
COUNTY OF Oklahoma ) ss.

The foregoing instrument was acknowledged before me this 2nd day of January, 2001, by Steven R. Marley.  
Witness my hand and official seal.

Elie Fielder  
NOTARY PUBLIC

My Commission Expires: 10-27-01

AMENDED  
DECLARATION OF RESTRICTIONS

RIDGEVIEW SUBDIVISION

This Amended Declaration of Restrictions Ridgeview Subdivision is made this 2 day of Jan, 2001 by and on behalf of fifty-one percent of the owners of Ridgeview Subdivision, hereinafter collectively referred to as "Declarant":

WHEREAS, a majority of owners of Ridgeview Subdivision have voted to amend those certain Declaration of Restrictions Ridgeview Subdivision previously recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado on March 18, 1980 in Book No. 172, Page 168 ("Covenants"); and

WHEREAS, said Covenants make the lots in the Ridgeview Subdivision subject to the Declaration of Restrictions Pagosa dated the 13<sup>th</sup> day of March, 1970 and recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado at Book 122, Page 224 on June 24, 1970, and amended as recorded in Book 156, Page 134 ("Pagosa Covenants"); and

WHEREAS, the Pagosa Covenants provide that such Covenants may be amended or changed, in whole or in part, by an instrument signed by a majority of the then owners of the lots subject thereto; and

WHEREAS, fifty-one percent of the lot owners of Ridgeview Subdivision have voted in writing in favor of certain amendments to the Covenants;

NOW THEREFORE, the Covenants for Ridgeview Subdivision are amended as follows:

1. Paragraph A of the Covenants is changed as follows:

The use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255 shall be changed to include commercial uses, in addition to Multi-Family, R-2 and R-3, and such commercial uses shall be governed by those amended restrictions dated July 6, 1979 and recorded July 23, 1979 in Book 166, Page 435, which incorporate the Declaration of Restrictions recorded on August 7, 1975 in Book 144, Page 417, and amends the Declaration of Restrictions recorded June 4, 1973 in Book 132, Page 235. The provisions relating to signs as contained in Paragraph H of the Amended Declaration of Restrictions for Pagosa Village Service Commercial and for Village Center contained in Book 166, at Page 439 through 449 shall not apply to the use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255. All signs on the described properties shall be governed by, and be in conformance with, Ordinance No. 420 of the Town of Pagosa Springs, Colorado adopted on December 5, 1989.

In Witness Whereof, the Declarant has executed this Amended Declaration of Restrictions Ridgeview Subdivision on the day and year first set forth above.

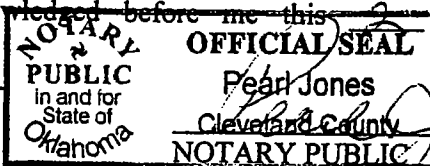
By Jim Hames  
Owner(s) of Lots 17

STATE OF Oklahoma

COUNTY OF Cleveland ss.

JIM HAMES, LARRY HAMES  
RON HAMES

The foregoing instrument was acknowledged before me this 2 day of January, 2001, by Jim & Larry Hames  
Witness my hand and official seal.



My Commission Expires: May 31, 2002

AMENDED  
DECLARATION OF RESTRICTIONS

RIDGEVIEW SUBDIVISION

This Amended Declaration of Restrictions Ridgeview Subdivision is made this 4 day of January, 2001 by and on behalf of fifty-one percent of the owners of Ridgeview Subdivision, hereinafter collectively referred to as "Declarant":

WHEREAS, a majority of owners of Ridgeview Subdivision have voted to amend those certain Declaration of Restrictions Ridgeview Subdivision previously recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado on March 18, 1980 in Book No. 172, Page 168 ("Covenants"); and

WHEREAS, said Covenants make the lots in the Ridgeview Subdivision subject to the Declaration of Restrictions Pagosa dated the 13<sup>th</sup> day of March, 1970 and recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado at Book 122, Page 224 on June 24, 1970, and amended as recorded in Book 156, Page 134 ("Pagosa Covenants"); and

WHEREAS, the Pagosa Covenants provide that such Covenants may be amended or changed, in whole or in part, by an instrument signed by a majority of the then owners of the lots subject thereto; and

WHEREAS, fifty-one percent of the lot owners of Ridgeview Subdivision have voted in writing in favor of certain amendments to the Covenants;

NOW THEREFORE, the Covenants for Ridgeview Subdivision are amended as follows:

1. Paragraph A of the Covenants is changed as follows:

The use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255 shall be changed to include commercial uses, in addition to Multi-Family, R-2 and R-3, and such commercial uses shall be governed by those amended restrictions dated July 6, 1979 and recorded July 23, 1979 in Book 166, Page 435, which incorporate the Declaration of Restrictions recorded on August 7, 1975 in Book 144, Page 417, and amends the Declaration of Restrictions recorded June 4, 1973 in Book 132, Page 235. The provisions relating to signs as contained in Paragraph H of the Amended Declaration of Restrictions for Pagosa Village Service Commercial and for Village Center contained in Book 166, at Page 439 through 449 shall not apply to the use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255. All signs on the described properties shall be governed by, and be in conformance with, Ordinance No. 420 of the Town of Pagosa Springs, Colorado adopted on December 5, 1989.

In Witness Whereof, the Declarant has executed this Amended Declaration of Restrictions Ridgeview Subdivision on the day and year first set forth above.

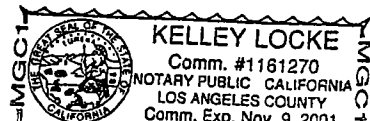
STATE OF CA )  
COUNTY OF Los Angeles )ss.

By Raymond C. Follosco CAP  
Owner(s) of Lots 2, 3, 54  
RAYMOND C. FOLLOSCO

The foregoing instrument was acknowledged before me this 4th day of January, 2001, by Raymond C. Follosco.  
Witness my hand and official seal.

My Commission Expires: Nov. 9, 2001

NOTARY PUBLIC



AMENDED  
DECLARATION OF RESTRICTIONS

RIDGEVIEW SUBDIVISION

2001 This Amended Declaration of Restrictions Ridgeview Subdivision is made this 19 day of January, 2001 by and on behalf of fifty-one percent of the owners of Ridgeview Subdivision, hereinafter collectively referred to as "Declarant":

WHEREAS, a majority of owners of Ridgeview Subdivision have voted to amend those certain Declaration of Restrictions Ridgeview Subdivision previously recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado on March 18, 1980 in Book No. 172, Page 168 ("Covenants"); and

WHEREAS, said Covenants make the lots in the Ridgeview Subdivision subject to the Declaration of Restrictions Pagosa dated the 13<sup>th</sup> day of March, 1970 and recorded in the Office of the Clerk and Recorder for Archuleta County, Colorado at Book 122, Page 224 on June 24, 1970, and amended as recorded in Book 156, Page 134 ("Pagosa Covenants"); and

WHEREAS, the Pagosa Covenants provide that such Covenants may be amended or changed, in whole or in part, by an instrument signed by a majority of the then owners of the lots subject thereto; and

WHEREAS, fifty-one percent of the lot owners of Ridgeview Subdivision have voted in writing in favor of certain amendments to the Covenants;

NOW THEREFORE, the Covenants for Ridgeview Subdivision are amended as follows:

1. Paragraph A of the Covenants is changed as follows:

The use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255 shall be changed to include commercial uses, in addition to Multi-Family, R-2 and R-3, and such commercial uses shall be governed by those amended restrictions dated July 6, 1979 and recorded July 23, 1979 in Book 166, Page 435, which incorporate the Declaration of Restrictions recorded on August 7, 1975 in Book 144, Page 417, and amends the Declaration of Restrictions recorded June 4, 1973 in Book 132, Page 235. The provisions relating to signs as contained in Paragraph H of the Amended Declaration of Restrictions for Pagosa Village Service Commercial and for Village Center contained in Book 166, at Page 439 through 449 shall not apply to the use of Lots 1 through 26, Tract C and the replat of Lots 27-32 and Tract B as described in 99009255. All signs on the described properties shall be governed by, and be in conformance with, Ordinance No. 420 of the Town of Pagosa Springs, Colorado adopted on December 5, 1989.

In Witness Whereof, the Declarant has executed this Amended Declaration of Restrictions Ridgeview Subdivision on the day and year first set forth above.

By Shelby Delaney  
Owner(s) of Lots PARTIAL 3  
REPLAT TRACT C  
SHELBY DELANEY  
BETTY DELANEY

STATE OF Colorado )  
COUNTY OF Archuleta ) ss.

The foregoing instrument was acknowledged before me this 19 day of January, 2001, by Jeff Stuckert.

Witness my hand and official seal.

NOTARY PUBLIC

My Commission Expires: 11-1-03





20102458 03/16/2001 02:31P RESCOV  
8 of 9 R 45.00 D 0.00 N 0.00 ARCHULETA COUNTY

Date: January 19, 2001

c.c. PLPOA

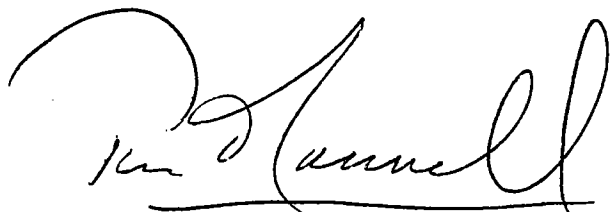
To: Bill Chenoweth


From: Tim & Doris O'Connell

Subject: Reclassification of Lots 1 thru 26 of the Ridgeview Subdivision

For the record, we reject the reclassifying of lots 1 thru 26 as outlined in your letter dated Dec. 27, 2000.

Due to a family emergency response was delayed.

  
Tim O'Connell

  
Doris O'Connell

SEE ATTACHED NOTARIAL CERTIFICATE

Lot  
# 24



20102458 03/16/2001 02:31P RESCOV

9 of 9 R 45.00 D 0.00 N 0.00 ARCHULETA COUNTY

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of

Santa Clara

} ss.

On Jan. 19, 2001

Date

before me, Terry McNeal, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Tim O'Connell and Doris O'Connell

Name(s) of Signer(s)

☐ personally known to me☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Terry McNeal

Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**Title or Type of Document: Letter of ResponseDocument Date: Jan. 19, 2001Number of Pages: 1Signer(s) Other Than Named Above: None**Capacity(ies) Claimed by Signer**Signer's Name: Tim O'Connell and Doris O'Connell☒ Individual☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

**RIGHT THUMBPRINT  
OF SIGNER**

Top of thumb here

RVE

Recorded JUL 23 1979 11:25 AM  
Recpt. No. 95832 Mary Ann Collier -- Recorder

AMENDED DECLARATION OF RESTRICTIONS  
FOR PAGOSA VILLAGE SERVICE COMMERCIAL AND  
FOR VILLAGE CENTER

(A PARTIAL REPLAT OF PAGOSA VILLAGE LIGHT INDUSTRIAL)

THIS AMENDED DECLARATION is made this 6th day of July, 1979 by EATON INTERNATIONAL CORPORATION, a Delaware corporation, herein referred to as "Eaton." This document is an amendment to the Declaration of Restrictions for Pagosa Village Service Commercial & Pagosa Village Light Industrial which are on record in the Office of the Clerk and Recorder of Archuleta County, Colorado, recorded June 4, 1973 in Book 132, Page 235, reception number 77874.

WHEREAS, Eaton is the owner of at least 2/3 of all the real property comprising Pagosa Village Service Commercial as replated, and Village Center, a partial replat of Pagosa Village Light Industrial;

The aforesaid Declaration of Restrictions is hereby amended as follows:

As to Pagosa Village Service Commercial the Declaration of Restrictions recorded August 7, 1975 in Book 144, Page 417, reception number 83663 are hereby incorporated herein by reference, and are a full amendment to the said June 4, 1973 Restrictions recorded in Book 132, Page 235, reception number 77874.

As to Village Center, the Declaration of Restrictions recorded June 4, 1973 in Book 132, Page 235, reception number 77874 are amended in their entirety as follows:

WHEREAS, Eaton is the owner of all the real property comprising this Village Center subdivision of the PAGOSA DEVELOPMENT, and

WHEREAS, Eaton is about to develop, sell, lease, rent and/or convey said lots or sites in this subdivision and before doing so desires to subject them to and impose upon them mutual and beneficial restrictions, covenants, conditions and charges, hereinafter collectively referred to as "Restrictions," under a general plan or scheme of improvement for the benefit and complement of all of the lots in the Village Center subdivision of PAGOSA and any future owners of said lots or sites;

NOW, THEREFORE, Eaton hereby declares that all of said lots or sites are held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved subject to the following Restrictions, all of which are declared and agreed to be in furtherance of a plan for the Development, improvement and/or sale of said

BOOK 166 PAGE 435

lots or sites and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of the Development as a whole. All of the Restrictions shall run with the land and shall be binding upon all parties having or acquiring any right, title or interest in and to the real property or any part of the parts subject to such Restrictions.

#### REGULATION OF IMPROVEMENTS

##### A. SETBACKS

1. If the line with respect to which a setback measurement is to be made is a meandering line, the average length of the two lot lines that intersect said meandering line shall be determined and, using that average length, an imaginary straight line shall be drawn through the meandering line and the setback measurement shall be made along a line perpendicular to such imaginary line. The Committee may allow variance under extreme circumstances.
2. The term "from lot line" defines a lot boundary line that is abutting the right-of-way of the street on which the lot abuts.
3. The term "side lot line" defines a lot boundary line that extends from the street on which the lot abuts to the rear line of the lot.
4. The term "rear lot line" defines the boundary line of the lot that is farthest from and substantially parallel to the line of the street on which the lot abuts, except that on corner lots it may be determined from either street line.
5. A corner lot shall be deemed to have a front line on each street on which the lot abuts, and such lot need have only one rear yard.
6. Setback from street property lines--twenty-five (25) feet from property lines on major and arterial street, and fifteen (15) feet on local streets.
7. Setback from interior side lot lines--all buildings shall be so designed and located so as to provide side yard width of a minimum of twenty percent (20%) of the width of the lot on one side of the building and no setback on the opposite side line, but in no event need this exceed thirty (30) feet at any time. In any event, there shall be a minimum of twenty (20) feet between buildings, except where a common wall is employed with a minimum side yard width being maintained on the opposite side from the common wall.

B. BUILDING SITE COVERAGE

Maximum building coverage: fifty percent (50%).

NOTE: Paragraphs A and B above shall apply to both designated lots and defined building sites unless the Committee, as hereinafter defined, shall determine otherwise.

C. COMPLETION OF CONSTRUCTION

After commencement of construction of any structure, the owner shall diligently prosecute the work thereon to the end that the structure shall not remain in a partly finished condition any longer than reasonably necessary for completion thereof.

D. ENVIRONMENTAL CONTROL COMMITTEE

The Environmental Control Committee, hereinafter called the "Committee," shall be composed of three (3) members to be appointed by Eaton. Committee members shall be subject to removal by Eaton and any vacancies from time to time existing shall be filled by appointment of Eaton, or, in the event of Eaton's failure to so appoint within two (2) months after any such vacancy, then by the Board of Directors of the Pagosa Commercial Property Owners Association, Inc. (hereinafter called "Association"); provided, however, that at any time hereafter Eaton may, at its sole option, relinquish to the Board of Directors of the Association the power of appointment and removal reserved herein to Eaton. Such transfer of power must be evidenced in writing.

1. No building or other structure or additions to existing buildings or structures shall be erected on any lot or site in said sub-divisions, unless and until two (2) complete sets of plans for such building or structure have been submitted to the Committee, which such plans shall show the complete site plan, site improvements, fencing, walks, landscaping, signs, parking areas, driveways, location of the building or structure on the lot, the elevation(s), the architectural design, the construction and appearance of the building or structure including color and materials, and such plans shall have been approved in writing by the Committee. Permits granting approval shall be posted on the job site.
2. A filing fee of \$30 shall accompany the submission of such application and plans to defray Committee expenses. No additional fee shall be required for resubmission of plans revised in accordance with Committee recommendations.

3. The Committee shall approve or disapprove plans, specifications and details within thirty (30) days from the receipt thereof. If no action is taken within 30 days, plans shall be assumed to have received approval. One (1) set of said plans and specifications and details with the approval or disapproval endorsed thereon shall be returned to the person submitting them, and the other copy thereof shall be retained by the Committee for its permanent files.
4. Neither the Committee nor any architect or agent thereof or of Eaton shall be responsible in any way for any defects in any plans or specifications submitted, revised or approved in accordance with the foregoing provisions, nor for any structural or other defects in any work done according to such plans and specifications.
5. The Committee shall have the authority to establish regulations as to the height and size requirements for all types of buildings and structures allowing for consideration of linear common walls for continuity of construction and including fences, walls, copings, etc.

E. EXCAVATION

On lot construction no excavation shall be made except in connection with construction of an approved improvement and, upon completion thereof, exposed openings shall be backfilled and disturbed ground shall be graded and leveled and restored as nearly as possible to its original appearance.

F. LANDSCAPING, WALLS AND SCREENING

Landscaping, walls and other screening devices are utilized to provide an attractive appearance along public streets and by screening from view those uses which may be unattractive to the public eye. Landscaping materials including ground cover, shrubs and trees further facilitate the control of erosion and the reduction of glare and dust as well as the visual softening of the building masses. Walls and screening devices allow for the separation of buildings and uses and for the buffering of intensive activities. Landscaping walls and screening devices together help to effectuate privacy, logical development and enhancement of property values. A layout of specific materials by name and description shall be submitted to the Committee for approval.

Landscaping may include trees, shrubs, ground cover vines, walkways, ponds, fountains, sculpture and other organic or inorganic materials used for creating an attractive appearance as long as all is blended with the surrounding landscape and architect. Species shall conform to native and/or those recommended for existing soil and elevation conditions.

G. LANDSCAPE MAINTENANCE

Landscaped areas shall be reasonably maintained by the owner or the lessee of the property as to the pruning, trimming, watering or other requirements to create an attractive appearance for the development.

Any plant material not surviving shall be replaced as soon as possible in the growing season.

Lack of maintenance shall constitute a violation of these restrictions and may be accomplished by the Association and charged to the appropriate owner or lessee.

H. SIGN REGULATIONS

1. Purpose, Definitions and General Regulations:

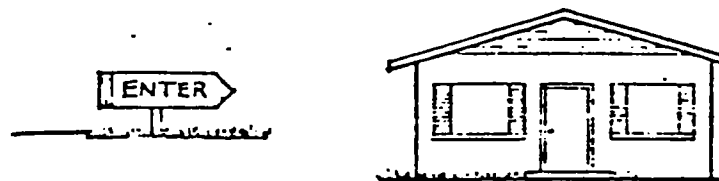
- a. Purpose: The Sign Regulations Section is designed to provide standards for the installation of signs so as to promote the general welfare of the community. This is accomplished by encouraging the creation of an aesthetic appearance along street frontages through the use of attractive signing. The sign regulations as set forth are designed to be both logical and equitable for the various uses and identification needs. These sign standards and regulations help to effectuate an aesthetic and functional environment.

b. Definitions:

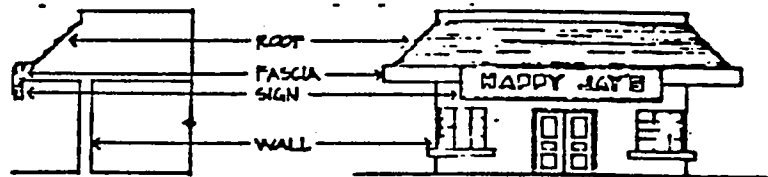
- (1) SIGN: Any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building. Included in this definition as signs are graphic devices such as logos, attention-attracting media such as banners or logo sculpture, and obtrusive, colored fascie or architectural elements.
- (2) ADVERTISING SIGN: A sign which includes any copy and/or graphics relating to any service, product, person, business, place, activity or organization in addition to simple identification, excluding directional information.

- (3) **DIRECTIONAL SIGN:** A sign that does not contain either identification or advertising copy, but includes pertinent information, including assisting in the flow of traffic.

### DIRECTIONAL SIGNS



- (4) **FASCIA SIGN:** A sign which is permanently affixed to the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.



- (5) **FREE-STANDING SIGN:** An identification sign which is erected on or mounted upon its own self-supporting permanent structure, detached from the supporting elements of the main building which it identifies.
- (6) **IDENTIFICATION SIGN:** A sign that includes, as copy, only the name of the business, place, organization, building or person it identifies.

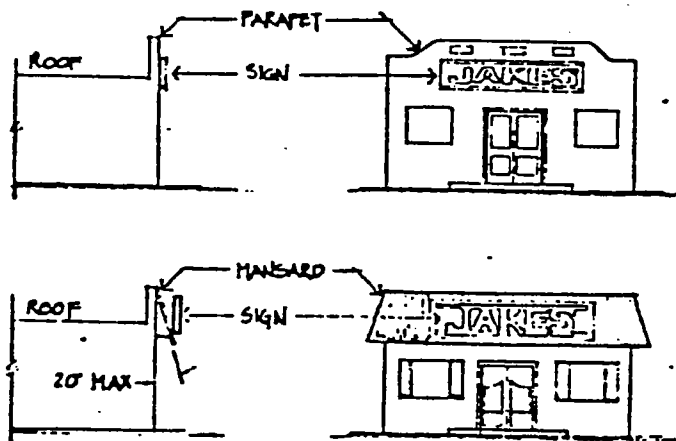
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- (7) **ILLUMINATED SIGN:** A sign whose surface is lighted internally or externally and which identifies, advertises, or attracts attention to a use or activity on the premises.
- (8) **MANSARD & PARAPET SIGNS:** A sign permanently affixed to a wall or surface designed to protect the edge of a roof, constructed no more than 20° from vertical.

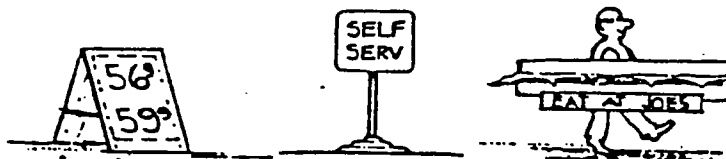
#### MANSARD & PARAPET SIGNS



- (9) **MENU BOARD:** A permanently mounted sign displaying the bill of fare of a drive-in or drive-thru restaurant.
- (10) **PRICE SIGN:** A permanently mounted sign displaying the retailing cost of a gallon of gasoline on the premises of a service station.

- (11) **SANDWICH SIGN:** Any sign which is not permanently affixed to any structure on the site or permanently ground-mounts any portable sign.

### SANDWICH SIGNS



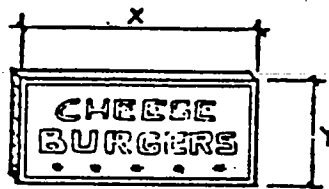
- (12) **WALL-MOUNTED SIGN:** An identification or advertising sign which is fastened to any vertical portion of the main building which it identifies or advertises.

#### c. General Regulations:

- (1) Sign areas shall be measured as follows:

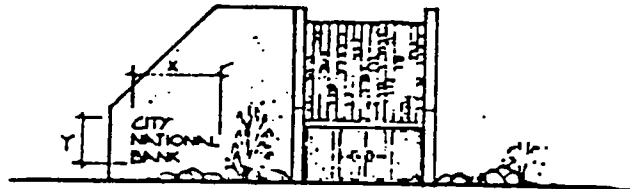
- (a) sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy:

Sign area is measured as that area contained within the outside dimensions of the background panel or surface.



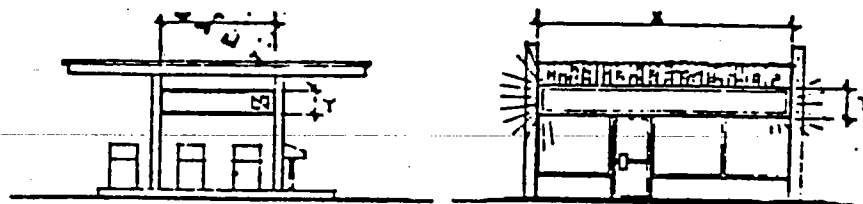
- (b) Sign copy mounted, as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy:

Sign area is measured as the area enclosed by the smallest single rectangle that will enclose all sign copy.



- (c) Sign copy mounted or painted on an illuminated sign or illuminated architectural element of a building:

The entire illuminated surface or illuminated architectural element which contains sign copy, will be counted as sign area.

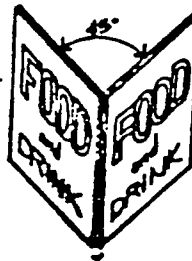


- (d) Number of sign faces:

One--Area of the single face only

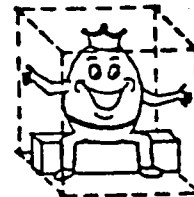
Two--If the interior angle between the two sign faces is  $45^\circ$  or less, the area will be the area of one face

only; if the angle between the two sign faces is greater than  $45^\circ$ , the sign area will be the sum of the areas of the two faces.



Three or more--The sign area will be the sum of the areas of the three or more faces.

Spherical, free-form, sculptural, other non-planar signs--  
Sign area will be sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure.

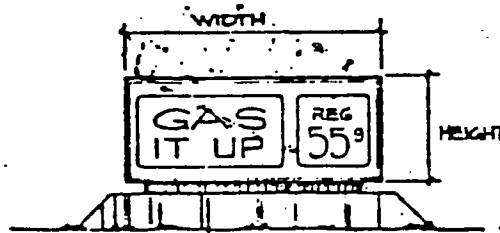


- (e) Sign area will include the areas of all permitted signs, except non-residential district directional signs assisting in the flow of traffic, street addresses, or signs necessary for safety (e.g., stop engine, no smoking) that do not exceed two square feet in area.
- (f) For a sign having more than one component --e.g., a service station identification/price sign combination on a monument base--mounted on the same surface; the

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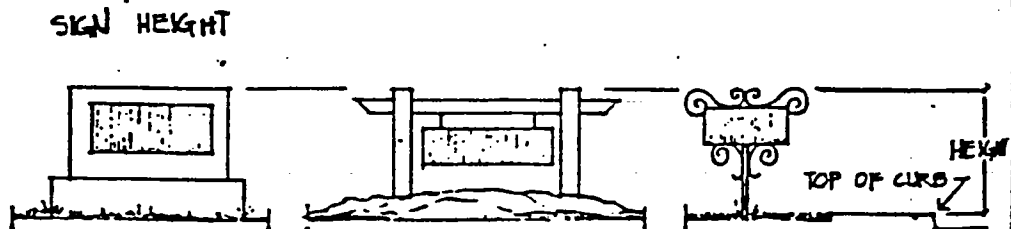
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sign area will be the area of the smallest rectangle that will encompass the several components of the sign.

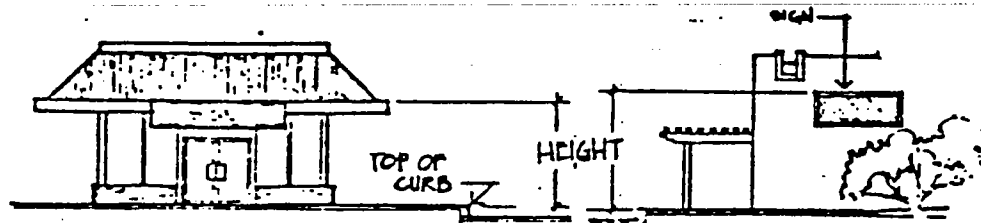


(2) Sign heights shall be measured as follows:

- (a) Free-standing sign: Height shall be the distance from the top of the sign structure to the top of curb or crown of roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

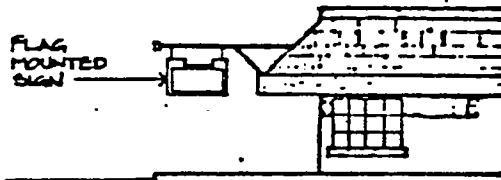


- (b) Wall or Fascia Mounted Signs: Height shall be the distance from the top of the sign structure to the top of curb or crown of road where no curb exists.



(3) Signs not specifically authorized are prohibited, including but not limited to the following:

- (a) Political signs in public right-of-way or public property.
- (b) Signs announcing the proposed development of property prior to issuance of a building permit or after issuance of certificate of occupancy.
- (c) Sandwich signs.
- (d) Signs mounted, attached or painted on trailers, boats or motor vehicles when used as additional advertising signs on or near the premises.
- (e) Awning signs.
- (f) Roof-mounted signs, or signs that project above the highest point of the roof line, parapet, or fascia of the building.
- (g) Any sign emitting sound.
- (h) Any sign with intermittent or flashing illumination, animated or moving signs.
- (i) Flag-mounted signs, or signs that project from the roof or wall of a building perpendicular to a wall surface.



(4) Whenever the name of a business changes, the signs on the premises shall be modified to bring them into conformance with these regulations, even though the intended change is a change of sign copy only. This regulation shall not apply to directory signs designed with interchangeable letters.

(5) Civic organizations such as the Kiwanis, Rotary, Jaycees, etc., may be identified on group display structures in accordance with the following standards:

- (a) Such structures shall be on arterial streets and in commercial or industrial districts.

- (b) Structures shall not be over six (6) feet in height or an area in excess of 60 square feet.
  - (c) The signs shall not be illuminated.
  - (d) Each civic organization shall be limited to a maximum area of two (2) square feet.
  - (e) Churches shall not be included in the above.
  - (f) Exact location and design of the sign structure shall require approval of the Committee.
- (6) Price signs, for service stations only, in accordance with the following:
- (a) Maximum area shall not exceed 12 square feet each and shall be counted in the total aggregate sign area of the premises as permitted above.
  - (b) Maximum height shall not exceed five (5) feet.
  - (c) One (1) free-standing price sign per each street frontage on which the service station has frontage.
  - (d) A landscaped area shall be provided, on site at the street frontage, at the base of the free-standing sign, with said landscaped area of four (4) square feet for each square foot of sign area.
  - (e) The maximum sign area for free-standing signs per street frontage shall not exceed twenty-four (24) square feet including all identification and price signs.
- (7) Menu boards, for drive-in or drive-thru restaurants, in accordance with the following:
- (a) One (1) free-standing or wall mounted menu board per business and shall be located not less than forty-five (45) feet from the street property line.
  - (b) Maximum area shall not exceed twelve (12) square feet and shall be counted in the total aggregate sign area of the premises.
  - (c) Maximum sign height shall not exceed five (5) feet for free-standing menu signs.
  - (d) A landscaped area shall be provided, at the base of the free-standing sign with said landscaped area of four (4) square feet for each square foot of sign area.

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(8) Business signs shall be in accordance with the following regulations:

- (a) The total aggregate area of one (1) face of all signs on the premises pertaining to any one business shall not exceed forty (40) square feet. However, if the portion of the building adjacent to the lot's street-property line measures more than 40', then the total aggregate area of one face of all such signs on the premises may be increased in area at the rate of one (1) square foot of sign area for each foot of building frontage in excess of 40 lineal feet; but the total aggregate area of one face of all such signs on the premises shall not exceed 80 square feet for each business. For corner buildings, only the main entrance frontage shall be so measured.
- (b) One (1) free-standing identification sign per street frontage of the entire site is permitted in accordance with the following:
  - 1) Such signs shall identify the center only, and shall not be counted in the total aggregate sign area for individual business identification.
  - 2) Maximum height of eight (8) feet and a maximum area of 24 square feet per sign.
  - 3) A free-standing sign permit identifying an individual business rather than the center may be obtained only by approval of the Committee with the Final Plan of Development. Such sign shall be limited to 24 square feet and shall be counted as a portion of the total aggregate sign area allowed for the business.
  - 4) A landscaped area shall be provided, on site at the street frontage at the base of the free-standing sign, with said landscaped area of four (4) square feet for each square foot of sign area.



(9) Multi-Tenant Directory Sign--one (1) directory sign listing only the names of the on-site firms or businesses will be allowed per site. Said sign shall be located in the parking area or on any access drive to the parking area.

(10) Sign Approval--all signs, including any additional signs not previously discussed, shall require the approval of the Committee before they may be posted. Modification of previously approved signs must be approved as indicated.

**I. PARKING**

For dining and recreation establishments not utilizing common parking areas, one car space shall be provided for each 100 square feet of gross floor area. For other commercial and retailing operations in the Village Center one car space for each 300 square feet of gross floor area shall be provided. The parking spaces designated for one type business or commercial store may be utilized by another provided one store is only open at the same time or one recreation facility open in the evening may use the parking spaces designated to a daytime operating facility.

**J. STORAGE AND LOADING AREAS FOR LOTS**

1. All buildings shall be designed with the loading docks at the side or rear thereof, if at all possible.
2. Loading areas shall not encroach into setback areas.
3. Loading docks shall be set back and screened to minimize the unsightly effect from the street.

**K. TRANSPORTATION OF MATERIALS**

No materials shall be transported to, from or within the service commercial area in such a way as to create a nuisance or hazard to the other businesses. Permission must be granted by the Committee before dangerous or loose materials may be transported.

**L. NUISANCES**

No portion of the property shall be used:

1. For the storage of salvage, junk or second-hand material as a principal or primary business;
2. For the manufacture, storage, distribution or sale of explosives as a principal or primary use;

3. For the purpose of conducting any circus;

and no building or operation shall be conducted on said lots or any part of any of said lots which shall give off, discharge or emit any obnoxious noises, fumes, odors, glare, vibrations or otherwise be offensive to or injure the public health or safety which extends beyond the property line of site. Nuisances, if not removed within ten (10) days of notification, shall be removed by the Committee and costs charged to owner-lessee.

REMEDIES

- A. Any party to whose benefit these Restrictions inure including Eaton, its successors and assigns, may proceed at law or in equity to prevent the occurrence, continuation or violation of any of these Restrictions; provided, however, that it is expressly understood that neither Eaton nor the Association shall be liable for damages of any kind to any party for failing to either abide by, enforce or carry out any of these Restrictions.
- B. No delay or failure on the part of an aggrieved party to invoke an available remedy in respect of a violation of any of these Restrictions shall be held to be a waiver by that party of (or an estoppel of that party to assert) any right available to him upon the recurrence or continuation of said violation or the occurrence of a different violation.

TERM

- A. These Restrictions shall affect and run with the land and shall exist and be binding upon all parties and all persons claiming under them. These Restrictions may be amended by the vote of the then record owner of two-thirds (2/3) of such lots and thereafter by a majority of such owners, provided these changes are approved by the Committee whose consent will not be unreasonably withheld.
- B. Eaton reserves to itself, its successors and assigns the right to revoke at any time prior to the sale of any lot within the subdivision all or any of these Restrictions and, further, to vacate any or all of the streets, parks, recreational facilities and any other amenity shown on the recorded plats; provided, however, that Eaton will not prevent access to or installation of utilities to lots in any other subdivision of the Development.

GRANTEE'S ACCEPTANCE

- A. The Grantee of any lot subject to the coverage of this Declaration, by acceptance of a deed conveying title thereto, or the execution of a contract for the purchase thereof, whether from Eaton or a subsequent owner of such

B. Each such grantee also agrees by such acceptance to assume as against Eaton, its successors or assigns all the risks and hazards of ownership or occupancy attendant to such lot including but not limited to its proximity to golf course fairways or waterways.

Every one of the Restrictions is hereby declared to be independent of and severable from the rest of the Restrictions, and of and from every other one of the Restrictions, and of and from every combination of the Restrictions. Therefore, if any of the Restrictions shall be held to be invalid or to be unenforceable or to lack the quality of running with the land, that holding shall be without effect upon the validity, enforceability or "running" quality of any other one of the Restrictions. Failure to enforce any one or more Restrictions placed upon the property by the Committee shall not invalidate any other single or combination of Restrictions.

EATON INTERNATIONAL CORPORATION  
a Delaware corporation

By: David N. [Signature]  
Executive Vice President

This instrument was acknowledged before me this 6th day of July, 1979 by David H. Eaton and Fred B. Thicken as Executive Vice-President and Vice-President, respectively of Eaton International Corporation, a Delaware corporation.

**95832**

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PAGOSA PROPERTY OWNERS  
ASSOCIATION

MAR 18 1980  
98925

M. 12:32 P.M. ja  
Mary Ann Colton - Recorder

DECLARATION OF RESTRICTIONS

RIDGEVIEW SUBDIVISION

THIS DECLARATION is made this 17 day of MARCH,  
1980 by PAGOSA RIDGEVIEW VILLAGE, INC., an Oklahoma Corporation,  
herein referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of all the real property  
set forth and described on the plat entitled RIDGEVIEW SUBDIVISION,  
recorded MARCH 18, 1980, as plat number 217, recep-  
tion number 98924 in the Public Records of Archuleta County,  
Colorado, and is made a part hereof and incorporated herein by  
reference; and

WHEREAS, the real property described in the plat has been  
subdivided into parcels identified on the plat as numbered lots  
and lettered tracts, which lots and tracts comprise in the aggre-  
gate one (1) subdivision, which is one (1) of several subdivisions  
located in the "Pagosa" general development.

Declarant desires lots 1 through 32 in RIDGEVIEW SUBDIVISION  
to be subject to the terms of a Declaration of Restrictions made  
by Eaton International Corporation, on the thirteenth (13th) day  
of March, 1970 and recorded on the twenty-fourth (24th) day of June,  
1970 in the Public Records of Archuleta County, Colorado in Book 122  
at pages 224 through 247 inclusive, and amended as recorded in  
Book 156 at pages 134-135, which are made a part hereof and are  
incorporated herein by reference, and

WHEREAS, the Declarant desires to amend said Declaration  
of Restrictions in certain respects.

NOW, THEREFORE, Declarant hereby declares that all of said  
lots in RIDGEVIEW SUBDIVISION are held and shall be held, conveyed,  
hypothecated or encumbered, leased, rented, used, occupied and im-  
proved, subject to the above Declaration of Restrictions which  
shall be amended as follows:

A) All the above referenced lots shall be governed by  
by the R-2, R-3, and R-4 Multi-Family Residential District  
land use provisions as set forth in Paragraphs 5 F, 5 F  
and 5G of said Declaration of Restrictions recorded in  
Book 122, page 224, except that the Uses Permitted category  
(subparagraph 1) of each paragraph is expanded to read as  
follows:

Upon the prior written approval of the Environmental  
Control Committee (herein called "Committee") and  
subject to Archuleta County regulations, a series of  
consecutive lots may be purchased for the expressed  
purpose of constructing "cluster" type multi-family  
residences which do not adhere to the property line  
as delineated on the plat of the subdivision.

B) Subparagraph F of paragraph 7 shall be expanded to  
read as follows:

Said pets shall be confined to the occupants' property  
or at all times be under the direct control of occu-  
pant(s) when in other areas.

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Declaration of Restrictions  
Ridgeview Subdivision  
Page Two

C) The Committee filing fee for approving building plans, etc. covered in paragraph 4 B shall be amended to read as follows:

A filing fee of \$25.00 per proposed unit shall accompany the submission of application and plans to defray Committee expenses. No additional fee shall be required for resubmissions of plans revised in accordance with Committee recommendations.

NOW, THEREFORE, Declarant further declares that tracts "B" and "C" in RIDGEVIEW SUBDIVISION shall be subject to the terms of an amended Declaration of Restrictions made by EATON INTERNATIONAL CORPORATION on the sixth (8th) day of July, 1979 and recorded on the twenty-third (23rd) day of July, 1979 in the Public Records of Archuleta County, Colorado, in Book 166, at pages 433 through 431 inclusive which are made a part hereof and are incorporated herein by reference, and hereby declares that tracts "B" and "C" in RIDGEVIEW SUBDIVISION are held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved, subject to the above Declaration of Restrictions.

NOW, THEREFORE, Declarant hereby declares that with prior written approval of the Committee, lots 27 through 32 inclusive may be reclassified for commercial use, and in that event automatically be made subject to said Declaration of Restrictions recorded in Book 166, page 433.

WHEREAS, the Declarant desires to amend said Declaration of Restrictions to read as follows:

The Committee filing fee for approving building plans, etc. covered in paragraph B 2 shall be amended to read as follows:

A reasonable filing fee, to be established by the Committee, shall accompany the submission of application and plans to defray Committee expenses. No additional fee shall be required for resubmission of plans revised in accordance with Committee recommendation.

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

PAGOSA RIDGEVIEW VILLAGE, INC.  
an Oklahoma Corporation

By: [Signature]  
President

ATTEST:

[Signature]  
Secretary

STATE OF Colorado

COUNTY OF Archuleta

ss.

This instrument was acknowledged before me this 11th day of July, 1980 by Bill G. Chenoweth and J.C. Roberts as President and Secretary respectively of PAGOSA RIDGEVIEW VILLAGE, INC., an Oklahoma Corporation.

My commission expires: 12/1/82

