

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)

FIRST AMENDED
DECLARATION OF RESTRICTIONS
TWIN CREEK VILLAGE SUBDIVISION
(corrected)

THIS FIRST AMENDED DECLARATION is made this 16th day of February, 1998, by The Pagosa Lakes Property Owners Association, Inc., a Colorado Nonprofit Corporation, whose address is 230 Port Avenue, Pagosa Lakes, Colorado 81147, hereinafter referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant is an organization whose members include all of the owners of the parcels in the Twin Creek Village subdivision, desiring to amend the Declaration of Restrictions, previously filed of record on November 5, 1973, Book 134, pages 37-41, in the Office of the Clerk and Recorder of Archuleta County, Colorado, which Declaration incorporated the terms of the Declaration of Restrictions filed of record on June 24, 1970, in Book 122, pages 224-247, Reception No. 73297; and

WHEREAS, paragraph 2(A) of the Master Declaration of Restrictions, recorded on June 24, 1970, in Book 122 at Page 224, in the Office of the Clerk and Recorder of Archuleta County, Colorado, and adopted by reference by the aforesaid Declaration of Restrictions filed of record on November 5, 1973, Book 134, pages 37-41, in the Office of the Clerk and Recorder of Archuleta County, Colorado, provides that said restrictions may be amended by the owners of record title of a majority of the lots subject thereto, which in this instance consists of the land comprising the Twin Creek Village subdivision, and;

WHEREAS, the owners of record of a majority of the lots in Twin Creek Village subdivision, voted by their execution of written instruments in favor of the restriction set forth below, such vote being by owners of a majority of the lots and by a majority of the owners of lots in Twin Creek Village subdivision, which written instruments also authorized the undersigned President and Secretary of Declarant to execute an instrument suitable for recording setting forth the exact terms of the amendment adopted, in order to amend the previously existing Covenants, Conditions, and Restrictions referred to above;



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**FIRST AMENDED DECLARATION OF RESTRICTIONS
TWIN CREEK VILLAGE
PAGE TWO**

NOW, THEREFORE, under the amendment power reserved to the parcel owners, Declarant does hereby amend the said Covenants, Conditions and Restrictions as follows:

A.

By replacing Paragraphs numbered B-1(4), B-2(4), B-3(4), B-4(4), B-5(4) and B-6(4) of the Declaration of Restrictions of Twin Creek Village, recorded on November 5, 1973, in Book 134, pages 134, Pages 34-41, in the Office of the Clerk and Recorder of Archuleta County, Colorado. Paragraphs B-1(4), B-2(4), B-3(4) and B-4(4), B-5(4) and B-6(4), each entitled "Minimum Living Area", are hereby replaced by this amendment to state as follows:

No dwelling shall be constructed on any lot in the Twin Creek Village Subdivision having less than the following minimum square footage of living space, exclusive of porch, garage, cabana, guest house or servant quarters.

Houses shall have a minimum of 1,450 square feet of living space.

B.

By replacing Paragraph 7.E of the master declaration of restrictions recorded on June 24, 1970, in Book 122, pages 224-247, in the Office of the Clerk and Recorder of Archuleta County, Colorado, as adopted by the declaration recorded on November 5, 1973, Book 134, pages 37-41, with the following:

7.E. Construction of all structures on any lot shall utilize only new materials; and residential structures shall be built on site. No buildings, structures, mobile homes, manufactured homes, nor any prefabricated, manufactured modules or units shall be moved onto a lot nor assembled on any lot.



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FIRST AMENDED DECLARATION OF RESTRICTIONS
TWIN CREEK VILLAGE
PAGE THREE

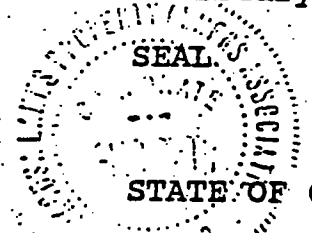
IN WITNESS WHEREOF, the Declarant has executed this
First Amended Declaration on the day and year first above
written.

THE PAGOSA LAKES PROPERTY OWNERS
ASSOCIATION, INC., a Colorado non-
profit corporation,

By Don R Costa
President

ATTEST:

Mojie Adler
Secretary

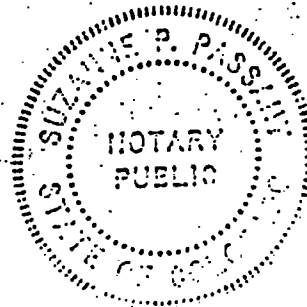


STATE OF COLORADO)
) ss.
COUNTY OF ARCHULETA)

This instrument, THE FIRST AMENDED DECLARATION OF
RESTRICTIONS, TWIN CREEK VILLAGE, was acknowledged before
me this 15th day of April, by
Don Costa, as President, and by
Mojie Adler, as Secretary, on behalf
of the Pagosa Lakes Property Owners Association, Inc., a
Colorado Nonprofit Corporation.

Suzanne P. Passant
Notary Public

My Commission Expires: My Commission Expires
02/17/2002





FIRST AMENDED
DECLARATION OF RESTRICTIONS
TWIN CREEK VILLAGE SUBDIVISION

THIS FIRST AMENDED DECLARATION is made this 16th day of February, 1998, by The Pagosa Lakes Property Owners Association, Inc., a Colorado Nonprofit Corporation, whose address is 230 Port Avenue, Pagosa Lakes, Colorado 81147, hereinafter referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant is an organization whose members include all of the owners of the parcels in the Twin Creek Village subdivision, desiring to amend the Declaration of Restrictions, previously filed of record on November 5, 1973, Book 134, pages 37-41, in the Office of the Clerk and Recorder of Archuleta County, Colorado, which Declaration incorporated the terms of the Declaration of Restrictions filed of record on June 24, 1970, in Book 122, pages 224-247, Reception No. 73297; and

WHEREAS, paragraph 2(A) of the Master Declaration of Restrictions, recorded on June 24, 1970, in Book 122 at Page 224, in the Office of the Clerk and Recorder of Archuleta County, Colorado, and adopted by reference by the aforesaid Declaration of Restrictions filed of record on November 5, 1973, Book 134, pages 37-41, in the Office of the Clerk and Recorder of Archuleta County, Colorado, provides that said restrictions may be amended by the owners of record title of a majority of the lots subject thereto, which in this instance consists of the land comprising the Twin Creek Village subdivision, and;

WHEREAS, the owners of record of a majority of the lots in Twin Creek Village subdivision, voted by their execution of written instruments in favor of the restriction set forth below, such vote being by owners of a majority of the lots and by a majority of the owners of lots in Twin Creek Village subdivision, which written instruments also authorized the undersigned President and Secretary of Declarant to execute an instrument suitable for recording setting forth the exact terms of the amendment adopted, in order to amend the previously existing Covenants, Conditions, and Restrictions referred to above;

98001383 02/26/1998 03:20P RST
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FIRST AMENDED DECLARATION OF RESTRICTIONS
TWIN CREEK VILLAGE
PAGE THREE

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

THE PAGOSA LAKES PROPERTY OWNERS
ASSOCIATION, INC., a Colorado non-
profit corporation,

By *Everett Lee Barkis*
President

ATTEST:

Mojie Adler
Secretary

SEAL

STATE OF COLORADO)
) ss.
COUNTY OF ARCHULETA)

This instrument, THE FIRST AMENDED DECLARATION OF
RESTRICTIONS, TWIN CREEK VILLAGE, was acknowledged before
me this 25th day of February, by
Everett Lee Barkis, as President, and by
Mojie Adler, as Secretary, on behalf
of the Pagosa Lakes Property Owners Association, Inc., a
Colorado Nonprofit Corporation.



Janet B. Thompson
Notary Public

My Commission Expires: 1/27/99

DECLARATION OF RESTRICTIONS

TWINCREEK VILLAGE

THIS DECLARATION is made this 4th day of September, 1973, by EATON INTERNATIONAL CORPORATION, a Delaware corporation, herein referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of all the real property set forth and described on that certain plat entitled TWINCREEK VILLAGE, a subdivision of Pagosa, recorded *November 5, 1973, Reception No 78739* in the Public Records of Archuleta County, Colorado, on Pages *161* through *161* inclusive, and is made a part hereof and incorporated herein by reference; and

WHEREAS, the real property described in the plat has been subdivided into numbered parcels identified on the plat as lots, which lots comprise in the aggregate one (1) subdivision (herein called "Subdivision"), which is one (1) of several subdivisions in the Pagosa general development (herein called "Development"), which said lots in TWINCREEK VILLAGE Declarant desires to be subject to the terms of a Declaration of Restrictions made 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, as provided in paragraph 15 thereof, 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, T HEREFOR, Declarant hereby declares that all of said lots in TWINCREEK VILLAGE are held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved, subject to the Declaration of Restrictions shall be amended to read as follows:

Subsequent to subparagraph B of paragraph 5, the following shall be added:

B-1. R-1-100 Single Family Residential District

(1) Uses Permitted

(a) All uses permitted in R-1-90.

STATE OF COLORADO
ARCHULETA COUNTY

78743

I hereby certify that this instrument was filed for Record in my office at 2:01 o'clock *P.M.* on Nov 5, 1973, and is duly recorded in Book 134 Page 37-41
Silima Gardner
Recorder

BOOK 134 PAGE 37

(2) Minimum Lot Size

10,000 square feet; no lot shall be divided into smaller lots or parcels.

(3) Setback Requirements

Setback requirements are the same as for R-1-90.

(4) Minimum Living Area

Minimum living area requirements are the same as for R-1-90.

(5) Lot Coverage

Lot coverage limitations are the same as for R-1-90.

B-2. R-1-120 Single Family Residential District

(1) Uses Permitted

(a) All uses permitted in R-1-90.

(2) Minimum Lot Size

12,000 square feet; no lot shall be divided into smaller lots or parcels.

(3) Setback Requirements

Setback requirements are the same as for R-1-90.

(4) Minimum Living Area

Minimum living area requirements are the same as for R-1-90.

(5) Lot Coverage

Lot coverage limitations are the same as for R-1-90.

B-3. R-1-150 Single Family Residential

(1) Uses Permitted

(a) All uses permitted in R-1-90.

(2) Minimum Lot Size

15,000 square feet; no lot shall be divided into smaller lots or parcels.

(3) Setback Requirements

Setback requirements are the same as for R-1-90.

(4) Minimum Living Area

Minimum living area requirements are the same as for R-1-90.

(5) Lot Coverage

Lot coverage limitations are the same as for R-1-90.

B-4. R-1-200 Single Family Residential District

(1) Uses Permitted

All uses permitted in R-1-90.

(2) Minimum Lot Size

20,000 square feet; no lot shall be divided into smaller lots or parcels.

(3) Setback Requirements

Setback requirements are the same as for R-1-90.

(4) Minimum Living Area

Minimum living area requirements are the same as for R-1-90.

(5) Lot Coverage

Lot coverage limitations are the same as for R-1-90.

B-5. R-1-300 Single Family Residential District

(1) Uses Permitted

All uses permitted in R-1-90.

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(2) Minimum Lot Size

30,000 square feet; no lot shall be divided into smaller lots or parcels.

(3) Setback Requirements

Setback requirements are the same as for R-1-90.

(4) Minimum Living Area

Minimum living area requirements are the same as for R-1-90.

(5) Lot coverage

Lot coverage limitations are the same as for R-1-90.

B-6. R-1-400 Single Family Residential District

(1) Uses Permitted

All uses permitted in R-1-90.

(2) Minimum Lot Size

40,000 square feet; no lot shall be divided into smaller lots or parcels.

(3) Setback Requirements

Setback requirements are the same as for R-1-90.

~~(4) Minimum Living Area~~

Minimum living area requirements are the same as for R-1-90.

(5) Lot Coverage

Lot coverage limitations are the same as for R-1-90.

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

EATON INTERNATIONAL CORPORATION
a Delaware corporation

By: Ralph H. Eaton
President

ATTEST:

David H. Eaton
Secretary

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me this 4th day of September, 1973 by Ralph H. Eaton and David H. Eaton as President and Secretary respectively of EATON INTERNATIONAL CORPORATION, a Delaware corporation.

My commission expires 5/30/77

Theresa Lueddala
Notary Public

78743

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