

DECLARATION OF PROTECTIVE COVENANTS

This declaration made this 21 day of September, 1996, by Pinhaven Property Owners Association located in Huerfano County, Colorado, hereinafter referred to as the "Declarant".

WHEREAS the Declarant represents all or a majority of all owners of real property shown as Pinhaven Tract 1 (filed of record on April 1, 1952, Reception #18819) and Pinhaven Tract 2 (filed of record on April 12, 1972, Reception #246148) both filings made with the County Clerk and Recorder, Huerfano County, Colorado, and

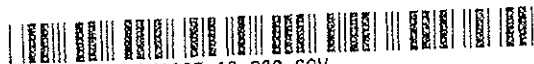
WHEREAS the former Declarant of Protective Covenants covering Pinhaven Tracts 1 and 2 is no longer the owner and developer of these properties, and

WHEREAS the Declarant desires to continue to subject the property to certain protective covenants, conditions, restrictions and reservations (herein referred to as "Conditions") between it and the present and future owners of lots in Pinhaven Tracts 1 and 2.

NOW, THEREFORE: The Declarant hereby certifies and declares that there is herewith established a general plan for the protection, maintenance, development and improvement of said property. This Declaration is designed for the mutual benefit of the lots in said tracts. The Declarant does hereby fix the protective conditions upon which all lots, parcels and portions for said tracts shall be held, leased, sold or conveyed by them as owners, each and all of which are for the mutual benefit of all lots owners. These Conditions shall run with the land and shall apply to and bind successor owners.

The Declarant will operate as per the by-laws and covenants of the Association with the purpose of using its authority as charged in the by-laws:

- a. To enforce these protective covenants.
- b. To assess and collect from property owners annual dues.
- c. To represent all property owners in matters of mutual interest.



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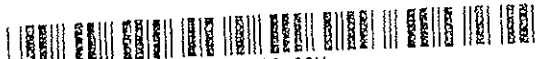
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For the purposes of this Declaration there shall be established an Architectural Committee of not less than three persons who are members of Pinehaven Property Owners Association, said persons and their successors to be selected by majority vote

CONDITIONS ARE AS FOLLOWS:

The Covenant Conditions are described by the following Articles:

1. All lots of said tracts, unless otherwise designated, shall be single family residential lots and may be improved, used and occupied for single family residence purposes only. This excludes multiple units such as apartments, duplexes and condominiums.
2. All residences, garages and carports shall be of original construction, erected on site.
3. No lot shall be subdivided or split
4. No accessory buildings, trailers, barns or other structures not conforming to these Covenants shall be maintained on any lot
5. Residential buildings shall have the following size designation. Tract Filing 1, 800 sq ft minimum; Tract Filing 2, 1,000 sq ft minimum. No main structure shall be permitted on any lot covered by these conditions whose habited area (exclusive of porches, decks or carports) is less than the tract designation applicable to the lot.
6. Structures of unusual height or design on said residential lots must meet approval of the Declarant to insure against view obstruction
7. Structures must be built within the boundaries and specified easements of any lot. Setback dimensions from the property lines to the building walls must be approved by the Architectural Committee and in compliance with Huerfano County zoning ordinances
8. Any building erected on any of the said lots shall be approved by the Architectural Committee by signed agreement prior to submission to the


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Huerfano County Building Inspector for his approval for construction. The Architectural Committee, in passing on any requests for approval, shall consider location, form, texture, color and exterior appurtenances of the proposed structure. Tentative plans, including general elevation information and site development plans, must be brought to the Committee for approval before commencing working drawings

9. With respect to all buildings on said lots, all exterior wood shall be maintained with oil, stain, or paint. All exterior stucco, concrete or concrete block shall have integral color added or be painted.
10. Satellite dishes, Antennae, Solar Collectors: No satellite dish, radio or television antennae or tower or other transmitting or receiving structure or solar collector may be erected on any lot or structure without the Lot Owner first submitting to the Architectural Committee a written description showing the proposed location and dimensions of the device intended to be installed, together with a schematic showing how the same is to be screened from view so as not to offend neighboring lot owners. No device described herein may be placed on any lot without approval of the Architectural Committee. Propane gas tanks visible to neighbors or the road must be painted a light color (not dark) to blend in with the background.
11. Any fence, wall or hedge constructed must not restrict the movement of wildlife or the views of other residents and maintain the aesthetic beauty of the area. The Architectural Committee must be consulted prior to construction.
12. No signs, advertisements, billboards, or advertising structures may be erected or maintained on any of the residential lots or streets without the consent in writing of the Architectural Committee. EXCEPTION: One sign limited to three square feet which designates the owner's name or identification may be erected or placed appropriately on a structure and one "For Sale" or "For Rent" sign limited to three square feet may be erected on any lot.
13. No activity that is noxious, noisy, illegal or offensive to the neighborhood

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- shall be conducted within any building or on any portion of any lot or building site in said tracts.
14. Household pets will be allowed. However, to preserve the natural and pristine qualities of the forested Pinehaven area, noisy pets will not be welcome; predatory pets such as dogs and cats must be restricted to the owner's lot and such pets are to be maintained on a leash when being exercised outside the owner's lots.
 15. No outside lavatories and/or toilets shall be erected, permitted or used. Each lot owner shall comply with the laws and regulations of the State of Colorado relating to septic tanks and sewage disposal.
 16. In the interest of public health and sanitation and in order that the land in Pinehaven and neighboring areas may benefit by reducing stream pollution and protection of water supplies, recreation and wildlife, no lot owner may use his property for any purpose that would result in the draining, burying or dumping into any surface sources any refuse, ashes, sewage or other material which might pollute these waters or soil. Properly maintained compost beds that comply with the spirit of this section will be allowed.
 17. There will be no hunting done on any part of Pinehaven by anyone including the property owners. Violators will be prosecuted to the full extent of the law. The same applies to any person endangering protected wildlife. No traps of any kind are allowed. NO firearms will be allowed to be used for any purpose other than personal protection.
 18. A property owner's vehicles must be parked on his own lot.
 19. Licensed recreational vehicles including jeeps, motor bikes, snowmobiles, etc. must be driven only on main roads and engines be well muffled.
 20. There will be no tree cutting or digging of any kind on any part of Pinehaven property except by the property owner, or others authorized by him, on his own lot.
 21. Open fires or unsupervised cooking devices will not be permitted in Pinehaven. Fireplace ashes or other potentially dangerous coals must be placed in metal containers.

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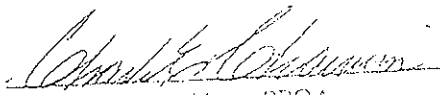
- 22. Property owners will be responsible for the actions of their guests and/or renters staying at Pinchaven.
- 23. Property owners may be subject to necessary public and quasi-public utility easements.
- 24. All new construction or remodeling must conform to state and local building codes and the property owner is responsible for building permits. Plans must be submitted to the Architectural Committee prior to building or remodeling for approval. Article 8 applies.
- 25. No lot may be used for storing or dumping or rubbish or debris of any kind, or for the storage of any property or object that will cause it to appear untidy or unclean. All clothes lines, equipment, piles, derelict autos or other vehicles, i.e., trailers, campers, boats, bicycles, motor bikes must be concealed from view of the road and neighbors.
- 26. No building, object or structure on a lot shall be permitted to fall into disrepair and such building, object or structure shall at all times be maintained by the lot owner in good condition and repair and adequately painted or otherwise finished. Should a structure become destroyed or damaged, then, subject to construction or repair approval by the Architectural Committee, such structure shall be promptly repaired or rebuilt. Otherwise, the property shall be cleared and restored to a presentable and safe condition.
- 27. THE COMMON AREA. In Pinchaven, this area is defined as right-of-way and easements that are not subject to individual owners jurisdiction, but comes under management of the Declarant. This management may consist of contacting the County or Utility to maintain and upkeep these areas under their respective obligations. The Declarant has the authority to remove dead trees and debris when necessary and expedient to the well-being of the area. Costs of this maintenance could be borne by the Pinchaven Property Owners Association if deemed necessary by the Declarant.

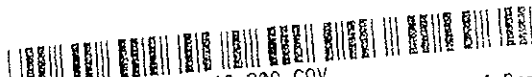
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THESE CONDITIONS SHALL BE BINDING ON ALL PINEHAVEN PROPERTY OWNERS IN PERPETUITY UNLESS AND UNTIL IT IS AGREED TO CHANGE ALL OR ANY PART BY A MAJORITY VOTE OF THE MEMBERS OF THE PINEHAVEN PROPERTY OWNERS ASSOCIATION. SHOULD ANY ARTICLE OR PORTION OF AN ARTICLE BECOME ILLEGAL, NULL OR VOID FOR ANY REASON, THE REMAINDER OF THESE COVENANTS WILL REMAIN IN EFFECT.

IN WITNESS WHEREOF, Declarant's President has affixed his signature to this document.


Bob Black, President, PPOA
CHARLES E. CHAUVIN


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