

**AMANDA PINES HOME OWNERS ASSOCIATION, INC.
COVENANTS AS AMENDED 3 AUG 2011**

AMENDMENT OF DECLARATION OF BUILDING RESTRICTIONS AND PROTECTIVE COVENANTS IN AMANDA PINES ESTATES, A SUBDIVISION OF LOTS LOCATED IN ELBERT COUNTY, COLORADO, THE SOUTH ½ OF SECTION 10 AND THE WESTERLY 870 FEET OF THE SOUTH ½ OF SECTION 11 T6S R65W 6PM AS RECORDED IN BOOK 495, PAGE 702, RECEPTION NO. 320732 OF THE ELBERT COUNTY RECORDER.

WHEREAS, ARTICLE IX (C) OF THE BUILDING RESTRICTIONS AND THE PROTECTIVE COVENANTS RECORDED AT BOOK 495, PAGE 702 OF THE ELBERT COUNTY RECORDER PROVIDES FOR AMENDMENT OF SAID COVENANTS BY THE WRITTEN CONSENT OF SIXTY-SIX AND TWO-THIRDS PERCENT (66-2/3%) OF THE RESIDENT OWNERS OF THE PRIVATELY OWNED LAND INCLUDED IN THE BOUNDARIES OF AMANDA PINES ESTATES AND

WHEREAS, A SUFFICIENT PERCENT OF THE ABOVE RESIDENT OWNERS HAVE GIVEN THEIR WRITTEN CONSENT AS ATTACHED TO THIS AMENDMENT.

THEREFORE THE BUILDING RESTRICTIONS AND PROTECTIVE COVENANTS IN AMANDA PINES ESTATES ARE AMENDED BY COMPLETE REPLACEMENT AS FOLLOWS:

ARTICLE I – GENERAL REQUIREMENTS

IT IS THE INTENTION OF THE AMANDA PINES HOMEOWNERS ASSOCIATION, INC., EXPRESSED BY ITS EXECUTION OF THIS INSTRUMENT, THAT THE LANDS SHALL BE DEVELOPED AND MAINTAINED AS A HIGHLY DESIRABLE RURAL RESIDENTIAL AREA. IT IS THE PURPOSE OF THESE COVENANTS THAT THE PRESENT NATURAL BEAUTY, GROWTH, NATIVE SETTING AND SURROUNDINGS SHALL ALWAYS BE PROTECTED IN SO FAR AS POSSIBLE IN CONNECTION WITH THE USES AND STRUCTURES PERMITTED BY THIS INSTRUMENT.

ARTICLE II – DEFINITIONS

- A. RESIDENTIAL LOTS:** ALL OF THE SUBDIVISION LOTS DESIGNATED ON THE RECORDED PLAT OF THE SUBDIVISION BY BLOCK AND/OR LOT NUMBER SHALL BE RESIDENTIAL TRACTS.
- B. AMANDA PINES ESTATES:** THE NAME “AMANDA PINES ESTATES” AS USED IN THESE COVENANTS SHALL MEAN THE LANDS INCLUDED WITHIN THE SUBDIVISION AS SHOWN ON THE RECORDED PLAT.

ARTICLE III –BOARD

A. BOARD

THE BOARD SHALL MEAN THE ELECTED BOARD OF DIRECTORS OF THE AMANDA PINES HOMEOWNERS ASSOCIATION, INC. SAID BOARD SHALL HAVE AND EXERCISE ALL THE POWERS, DUTIES, AND RESPONSIBILITIES SET FORTH IN THIS INSTRUMENT.

B. GENERAL REQUIREMENTS

THE BOARD SHALL REQUIRE THAT ALL CONSTRUCTION, LANDSCAPE IMPROVEMENTS AND ALTERATIONS WITHIN AMANDA PINES BE COMPLIMENTARY TO THE NATURAL SURROUNDINGS. THE BOARD SHALL PROTECT THE SECLUSION OF EACH HOME FROM OTHERS INSOFAR AS POSSIBLE.

C. PRELIMINARY APPROVALS

PERSONS OR ASSOCIATIONS WHO ANTICIPATE CONSTRUCTING IMPROVEMENTS WHICH ARE LOCATED WITHIN THE SUBDIVISION, OWNING LAND IN THE SUBDIVISION, OR WHO CONTEMPLATE THE PURCHASE OF LAND, MAY SUBMIT A PRELIMINARY DESIGN OF IMPROVEMENTS TO THE BOARD FOR INFORMAL REVIEW UNTIL COMPLETE DESIGN PLANS ARE SUBMITTED AND APPROVED OR DISAPPROVED.

D. BOARD NOT LIABLE

THE BOARD SHALL NOT BE LIABLE IN DAMAGES TO ANY PERSON OR ASSOCIATION SUBMITTING ANY PLANS FOR APPROVAL, OR TO ANY OWNER OR OWNERS OF LANDS WITHIN AMANDA PINES BY REASON OF ANY ACTION, FAILURE TO ACT, APPROVAL, DISAPPROVAL, OR FAILURE TO APPROVE OR DISAPPROVE, WITH REGARD TO SUCH PLANS. ANY PERSON OR ASSOCIATION ACQUIRING THE TITLE TO PROPERTY IN AMANDA PINES, OR ANY PERSON OR ASSOCIATION SUBMITTING PLANS TO THE BOARD FOR APPROVAL, BY SO DOING DOES AGREE AND COVENANT THAT HE OR IT WILL NOT BRING ANY ACTION OR SUIT TO RECOVER DAMAGES AGAINST THE BOARD, ITS MEMBERS AS INDIVIDUALS, ADVISORS, EMPLOYEES, AGENTS OR DEVELOPER.

E. WRITTEN RECORDS

THE BOARD SHALL KEEP FOR AT LEAST FIVE (5) YEARS COMPLETE RECORDS OF APPLICATIONS SUBMITTED TO IT (INCLUDING ONE SET FOR ALL ARCHITECTURAL PLANS SO SUBMITTED) AND ACTIONS OF APPROVAL OR DISAPPROVAL AND OTHER ACTIONS TAKEN BY IT UNDER THE PROVISIONS OF THIS INSTRUMENT.

F. HOMEOWNERS DUES

TO PROVIDE FUNDING FOR THE AMANDA PINES ESTATES COMMUNITY, EACH LOT SHALL BE ASSESSED DUES OF \$100.00 PER YEAR. EACH CALENDER YEAR THE DUES SHALL BE ASSESSED ON OR BEFORE JANUARY 15TH AND SHALL BE DUE AND PAYABLE ON OR BEFORE THE LAST DAY OF FEBRUARY.

ARTICLE IV – VARIANCES

A. VARIANCES

WHERE CIRCUMSTANCES, SUCH AS TOPOGRAPHY, PROPERTY LINES, LOCATION OF TREES, VEGETATION, OR OTHER PHYSICAL INTERFERENCE DICTATES, THE BOARD MAY, BY A TWO THIRDS (2/3) VOTE, ALLOW REASONABLE VARIANCE OF THE COVENANTS TO TERMS AND CONDITIONS IT SHALL REQUIRE: PROVIDED THAT NO SUCH VARIANCE SHALL BE FINALLY ALLOWED UNTIL THIRTY (30) DAYS DURING WHICH THE BOARD SHALL HAVE FIFTEEN (15) DAYS TO MAIL A NOTICE OF SUCH VARIANCE TO EACH LANDOWNER. THE VARIANCE SHALL NOT BE ALLOWED UNTIL SUCH TIME AS IT SHALL HAVE BEEN APPROVED BY A VOTE OF AT LEAST TWO THIRDS (2/3) OF THE VOTES ENTITLED TO BE CAST BY THE LANDOWNERS IN THE SUBDIVISION.

B. VOTING

EACH LOT OWNER SHALL BE ENTITLED TO ONE (1) VOTE PER LOT OWNED. IN THE EVENT THAT THERE ARE MULTIPLE OWNERS OF A LOT, ANY LOT OWNER MAY CAST THE ENTIRE VOTE FOR THE LOT. IN THE EVENT THAT TWO OR MORE OWNERS OF A LOT DESIRE TO CAST SEPARATE VOTES, EACH OWNER SHALL BE ENTITLED TO A FRACTIONAL VOTE IN RELATION TO THEIR RESPECTIVE FRACTIONAL SHARE OF LOT OWNERSHIP. VOTING MAY BE BY THE LOT OWNER IN PERSON OR BY PROXY.

ARTICLE V – GENERAL RESTRICTIONS

A. ZONING REGULATIONS

NO LAND WITHIN AMANDA PINES SHALL BE OCCUPIED, USED BY OR FOR ANY STRUCTURE OF PURPOSE WHICH IS CONTRARY TO THE ZONING REGULATIONS OF ELBERT COUNTY, COLORADO.

B. SIGNS

1. ONE LOT ENTRANCE GATE SIGN OF A STYLE AND DESIGN AS APPROVED BY THE BOARD SHALL BE PERMITTED.
2. ONE REAL ESTATE SIGN ADVERTISING THE SALE OR LEASE OF A LOT SHALL BE ALLOWED ON THE LOT, FOR UP TO SEVEN (7) DAYS AFTER THE SALE CLOSING OR RENTAL OCCUPANCY OF THE LOT. ALSO, UP TO SIX (6) OPEN HOUSE SIGNS SHALL BE ALLOWED ON THE LOT OR WITHIN THE PUBLIC RIGHT-OF-WAY FOR THE DURATION OF THE OPEN HOUSE. SUCH REAL ESTATE SIGNS SHALL NOT EXCEED FOUR (4) FEET IN HEIGHT OR FIVE (5) SQUARE FEET IN TOTAL AREA.
3. SIGNS ADVERTISING A LOT OWNER'S SALE OF PERSONAL PROPERTY SHALL BE PERMITTED ON THE LOT OR WITHIN THE PUBLIC RIGHT-OF-WAY DURING THE PERIOD OF THE GARAGE SALE, AND MUST BE REMOVED WITHIN TWENTY FOUR (24) HOURS AFTER THE END OF THE SALE. SUCH SIGNS SHALL NOT EXCEED THREE (3) SQUARE FEET IN TOTAL AREA.
4. ONE POLITICAL SIGN PER OFFICE OR BALLOT ISSUE SHALL BE PERMITTED ON EACH LOT FOR UP TO FORTY FIVE (45) DAYS BEFORE THE ELECTION, AND MUST BE REMOVED WITHIN SEVEN (7) DAYS AFTER THE ELECTION. SUCH SIGNS SHALL NOT EXCEED THREE (3) FEET BY FOUR (4) FEET IN SIZE.
5. ALL SIGNS DESCRIBED IN PARAGRAPHS 2, 3, AND 4 ABOVE SHALL NOT BE ILLUMINATED, AND SHALL NOT BLOCK OR INTERFERE WITH TRAFFIC VISIBILITY.
6. OTHERWISE, NO ADVERTISING SIGNS, BILBOARDS, UNSIGHTLY OBJECTS OR NUISANCE(S) SHALL BE ERECTED, ALTERED OR PERMITTED ON ANY TRACT OR LOT_OR PUBLIC AREA OF AMANDA PINES, WITHOUT THE PRIOR APPROVAL OF THE BOARD.

C. ANIMALS

1. NO ANIMAL(S) WILL BE RAISED OR BRED ON ANY LOT FOR COMMERCIAL REASONS.
2. PER ELBERT COUNTY ZONING REGULATIONS, THE POSSESSION OF ANIMALS WILL NOT BE ALLOWED TO CREATE EXCESSIVE ODOR AND NOISE PROBLEMS OR PRESENT HEALTH HAZARDS TO SURROUNDING PROPERTIES. ADEQUATE DRAINAGE FACILITIES OR IMPROVEMENTS SHALL BE PROVIDED BY THE PROPERTY OWNER AND CONSTRUCTED SO AS TO PROTECT ANY ADJACENT PROPERTIES FROM RUNOFF CONTAINING CONTAMINANTS SUCH AS SEDIMENT OR ORGANIC WASTES. REGULAR REMOVAL OR SPREADING OF MANURE IS REQUIRED SO THAT IT DOES NOT BECOME UNSIGHTLY TO NEIGHBORS OR PASSERSBY.
3. PIGS, GOATS, CATTLE, ROOSTERS AND STALLIONS ARE EXPRESSLY PROHIBITED IN AMANDA PINES.
4. HOUSEHOLD PETS- A MAXIMUM OF FOUR (4) HOUSEHOLD PETS (DOGS, CATS, OR OTHER ANIMALS) WILL BE ALLOWED PER ELBERT COUNTY ZONING REGULATIONS. THE LIMIT DOES NOT INCLUDE ANIMALS UNDER FOUR (4) MONTHS OF AGE OR TROPICAL FISH, SMALL RODENTS (GERBILS, HAMSTERS) AND SMALL BIRDS KEPT AS PETS.
5. POULTRY- UP TO TEN (10) FOWL PER LOT MAY BE ALLOWED, BUT ONLY AFTER BOARD REVIEW AND APPROVAL OF EACH REQUEST.
6. LIVESTOCK (HORSES, MULES, DONKEYS, SHEEP, ALPACAS, LLAMAS)-
 - (a) NO MORE THAN TEN (10) LIVESTOCK ANIMALS IN TOTAL WILL BE ALLOWED PER LOT, INCLUDING NO MORE THAN THREE (3) HORSES, WITHOUT THE APPROVAL OF THE BOARD OR ITS ASSIGNS.
 - (b) LIMITED GRAZING IS ALLOWED AS DEFINED BY ELBERT COUNTY ZONING REGULATIONS, WHICH REQUIRE THAT SUCH ANIMALS NORMALLY BE KEPT PENNED IN A CORRAL AND SUPPLEMENTARY FED, AND REQUIRE A BARN OR SHELTER FOR SUCH ANIMALS. BE ADVISED THIS KIND OF PROPERTY REQUIRES THIRTY FIVE (35) ACRES OR MORE PER YEAR, PER ANIMAL, TO ADEQUATELY FEED AN ANIMAL AND AS SUCH, ISN'T REPRESENTED AS VIABLE FOR GRAZING WITHOUT PERMANENT DAMAGE TO THE NATURAL GRASS AND VEGETATION.
 - (c) CORRALS SHALL BE LIMITED IN SIZE TO 10,000 SQUARE FEET, AND SHALL BE PERMANENTLY INSTALLED. NO PORTABLE CORRALS OR FENCES WILL BE PERMITTED WITHOUT BOARD APPROVAL.

D. IRRIGATION

NO MORE THAT 4000 SQUARE FEET SHALL BE PLACED UNDER IRRIGATION FOR LAWN AND FOR GARDEN USE UPON ANY INDIVIDUAL LOT WITHIN AMANDA PINES. FINAL DETERMINATION OF ACTUAL WATER USE ALLOWED WILL BE BY COLORADO STATE WATER RESOURCES BOARD. DROUGHT RESISTANT LANDSCAPING IS STRONGLY ENCOURAGED.

E. NO RESUBDIVISION

NO TRACT DESCRIBED ON THE RECORDED PLAT SHALL BE RESUBDIVIDED INTO SMALL TRACTS OR LOTS NOT CONVEYED OR ENCUMBERED AS PERMITTED ON SAID RECORDED PLAT. HOWEVER, CONVEYANCES OR DEDICATIONS OF EASEMENTS FOR UTILITIES OR PRIVATE LANES OR ROADS MAY BE MADE FOR LESS THAN ALL OF ONE TRACT.

F. REFUSE AND RUBBISH

RUBBISH, GARBAGE OR OTHER WASTE SHALL BE KEPT AND DISPOSED OF IN A SANITARY MANNER. NO TRACT OR EASEMENT SHALL BE USED OR MAINTAINED AS A DUMPING AREA FOR RUBBISH. ALL CONTAINERS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF GARBAGE, TRASH, RUBBISH OR OTHER REFUSE SHALL BE KEPT IN A CLEAN, SANITARY CONDITION. NO TRASH, LITTER OR JUNK SHALL BE PERMITTED TO REMAIN EXPOSED UPON THE PREMISES AND VISIBLE FROM PUBLIC ROADS OR ADJOINING OR NEARBY PREMISES. ALL REFUSE AND TRASH SHALL BE REMOVED FROM ALL LOTS AND TRACTS AND SHALL NOT BE ALLOWED TO ACCUMULATE. BURNING OF TRASH IS EXPRESSLY PROHIBITED.

G. UNDERGROUND UTILITY LINES

ALL UTILITY LINES, WATER, GAS, TELEPHONE LINES, ELECTRICITY LINES, ETC. WITHIN THE LIMITS OF AMANDA PINES MUST BE UNDERGROUND AND MAY NOT BE ABOVEGROUND, EXCEPT TRANSFORMERS, METERS OR LIGHT STANDARDS.

H. FENCING

1. ALL FENCES ON ROAD FRONTAGES MUST BE OF WHITE VINYL, WOOD, OR STONE CONSTRUCTION APPROVED BY THE BOARD.
2. FENCING ON ALL OTHER BOUNDARIES MUST BE NEW CONSTRUCTION. WIRE MAY BE WOVEN OR BARBLESS. IF BARBLESS, A MINIMUM OF FOUR (4) STRANDS MUST BE USED. POSTS MUST BE SPACED ON A MAXIMUM OF FIFTEEN (15) FEET.
3. FENCES CONTAINING DOMESTIC ANIMALS MAY HAVE AN UL LISTED ELECTRIC SUPPLEMENT AND/OR BE LINED INSIDE WITH WIRE FIELD FENCING.
4. FENCING OF DEDICATED BRIDAL TRAILS AND/OR EASMENTS IS PROHIBITED.

I. BUSINESSES

1. INTENT- TO PROVIDE FOR THE OPERATION OF LIMITED COMMERCIAL ACTIVITIES (SUCH AS TUTORING, MUSIC LESSONS, ARTIST STUDIOS AND SELF EMPLOYED SMALL BUSINESSES) WITHIN RESIDENTIAL ZONES.
2. PERMITTED HOME OCCUPATIONS- A HOME OCCUPATION SHALL BE ALLOWED AS A PERMITTED USE IN ALL RESIDENTIAL ZONES PROVIDED THAT:
 - (a). SUCH USE SHALL BE CONDUCTED ONLY BY THE RESIDENTS OF THE PRINCIPAL DWELLING AND ONLY WITHIN THE PRINCIPAL DWELLING OR ACCESSORY USE BUILDING, AND
 - (b). SUCH USE SHALL BE CLEARLY INCIDENTAL AND SECONDARY TO THE USE OF THE DWELLING OR ACCESSORY USE BUILDING AS DWELLING UNIT AND SHALL NOT CHANGE THE CHARACTER THEREOF. NO BUILDINGS INCONSISTENT WITH THE CHARACTER OF THE ZONE WILL BE ALLOWED, AND
 - (c). THERE SHALL BE NO OUTSIDE STORAGE ON THE PREMISES OF MATERIALS OR EQUIPMENT USED IN CONNECTION WITH THE HOME OCCUPATION THAT IS NOT ENTIRELY ENCLOSED IN THE DWELLING OR ACCESSORY USE BUILDING, AND
 - (d). THERE SHALL BE NO EXCESSIVE OR OFFENSIVE NOISE, VIBRATION, SMOKE, DUST, ODORS, HEAT, GLARE OR LIGHT NOTICEABLE OR EXTENDING BEYOND THE PROPERTY, AND
 - (e). HOME OCCUPATIONS SHALL NOT GENERATE TRAFFIC THAT SIGNIFICANTLY AFFECTS THE RESIDENTIAL CHARACTER OF THAT AREA

ARTICLE VI – RESTRICTIONS ON RESIDENTIAL TRACTS

A. PLAN AND SPECIFICATION APPROVAL

WHETHER OR NOT PROVISION IS SPECIFICALLY STATED IN ANY CONVEYANCE OR ACCEPTANCE OF TITLE HERETO OR BY TAKING POSSESSION, THE OWNER CONVENANTS AND AGREES THAT NO BUILDING, WALL, SWIMMING POOL, AERIAL, ANTENNA OR OTHER STRUCTURE SHALL BE PLACED UPON SAID TRACT UNLESS AND UNTIL THE PLANS AND SPECIFICATIONS AND THE PLOT PLANS HAVE BEEN APPROVED IN WRITING BY THE BOARD OR ITS ASSIGNS. EACH SUCH BUILDING, WALL, SWIMMING POOL, AERIAL, ANTENNA OR OTHER STRUCTURE SHALL BE PLACED ON THE PREMISES ONLY IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AND PLOT SO APPROVED. REFUSAL OR APPROVAL OF PLANS AND SPECIFICATIONS BY THE BOARD MAY BE BASED UPON ANY GROUND, INCLUDING PURELY ESTHETIC GROUNDS WHICH IN THE SOLE AND UNCONTROLLED DISCRETION OF THE BOARD OR ITS ASSIGNS SHALL SEEM SUFFICIENT. NO ALTERATION IN THE EXTERIOR APPEARANCE OF THE BUILDING OR STRUCTURES SHALL BE MADE WITHOUT LIKE APPROVAL.

A. PLAN AND SPECIFICATION APPROVAL (CONTINUED)

SHOULD THE BOARD, OR ITS SUCCESSORS OR ASSIGNS, FAIL TO APPROVE OR DISAPPROVE THE PLANS AND SPECIFICATIONS SUBMITTED TO IT BY THE OWNER OF A TRACT OR TRACTS WITHIN THE SUBDIVISION WITHIN THIRTY (30) DAYS AFTER WRITTEN REQUEST, THEN SUCH APPROVAL SHALL NOT BE REQUIRED, PROVIDED THAT NO BUILDING OR OTHER STRUCTURE SHALL BE ERECTED OR ALLOWED TO REMAIN IN ANY TRACT WHICH VIOLATES ANY OF THE COVENANTS OR RESTRICTIONS HEREIN CONTAINED. THE ISSUANCE OF A BUILDING PERMIT OR LICENSE, WHICH MAY BE IN CONTRAVENTION OF THESE PROTECTIVE COVENANTS, SHALL NOT PREVENT THE BOARD FROM ENFORCING THESE PROVISIONS.

B. NUMBER AND LOCATION OF BUILDINGS

NO BUILDINGS OR STRUCTURES SHALL BE PLACED, ERECTED, ALTERED, OR PERMITTED TO REMAIN ON ANY RESIDENTIAL LOT OTHER THAN:

- (1) ONE SINGLE-FAMILY DWELLING (WITH ATTACHED GARAGE); AND
- (2) A DETACHED GARAGE; AND
- (3) A SERVICE TYPE BARN. AND
- (4) A UTILITY SHED OR ANIMAL SHELTER NOT TO EXCEED 10 FEET x 12 FEET.

THE TOTAL NUMBER OF BUILDINGS SHALL NOT EXCEED FOUR (4).

C. DWELLING HOUSE

AT THE TIME SAID PLANS AND SPECIFICATIONS RECEIVE APPROVAL, THE PROSPECTIVE BUILDER SHALL PROCEED DILIGENTLY WITH SAID DWELLING HOUSE AND GARAGE, AND THE SAME SHALL BE COMPLETED WITHIN A MAXIMUM PERIOD OF NINE (9) MONTHS, EXCEPTING, HOWEVER, THAT THIS PERIOD MAY BE ENLARGED BY AN ADDITIONAL THREE (3) MONTHS PERIOD IF SAID EXTENSION IS MADE NECESSARY BY REASON OF INCLEMENT WEATHER, INABILITY TO OBTAIN MATERIALS, STRIKES, ACTS OF GOD, ETC. THE EXTERIOR CONSTRUCTION ON ALL BUILDINGS MUST BE COMPLETED, INCLUDING TREATING OR PAINTING OF WOOD, BEFORE OCCUPANCY.

D. DWELLING SIZE

GROUND FLOOR AREA OF EACH DWELLING, EXCLUSIVE OF GARAGES AND PORCHES, SHALL NOT BE LESS THAN 2,100 SQUARE FEET FOR A ONE-STORY. IF THERE IS ONE AND ONE-HALF (1-1/2) OR MORE STORIES TO THE HOMES, THE TOTAL FLOOR SPACE, EXCLUSIVE OF BASEMENT, MUST BE NO LESS THAN 2,500 SQUARE FEET.

E. TRACT LANDSCAPE DEVELOPMENT

APPROVAL SHALL BE OBTAINED FROM THE BOARD OR ITS ASSIGNS TO CUT DOWN, CLEAR, OR KILL ANY TREES ON ANY LOT, PROVIDED, HOWEVER, THAT TREES MAY BE REMOVED UPON WRITTEN ORDER OF THE COUNTY PEST CONTROL OFFICER OR OTHER APPROPRIATE OFFICIAL FOR THE PURPOSE OF CONTROLLING DISEASE WITHOUT BOARD PERMISSION. FURTHER, EACH AND EVERY GRANTEE AGREES THAT ALL THE TREES CLEARED BY HIM WILL BE DISPOSED OF IN SUCH A MANNER THAT ALL TRACTS SHALL BE KEPT FREE OF ACCUMULATIONS OF BRUSH, TRASH OR OTHER MATERIALS WHICH MAY CONSTITUTE A FIRE HAZARD OR ENDANGER A SITE TO BECOME UNSIGHTLY. FURTHER, EACH AND EVERY GRANTEE AGREES THAT ALL DISTURBED AREA WILL BE RESEEDED BY "THE FIRST PLANTING SEASON".

F. CLOTHESLINES AND EXTERIOR TANKS

NO PROPERTY OWNER SHALL PLACE UPON HIS PREMISES CLOTHESLINES, SWIMMING POOL FILTER TANKS, FUEL OIL TANKS OR SIMILAR TANKS WHICH MAY BE VISIBLE FROM STREET. ALL TANKS MUST BE ENCLOSED OR OTHERWISE APPROPRIATELY SCREENED SO THAT THEY WILL NOT BE VISIBLE FROM THE STREET OR FROM ADJOINING TRACTS. PROTECTIVE ENCLOSURES TO SCREEN THE ABOVE MUST BE APPROVED BY THE SUBDIVIDER AS A PART OF THE PLANS FOR THE IMPROVEMENTS TO BE LOCATED ON THE PROPERTY.

G. USED OR TEMPORARY STRUCTURES

NO TEMPORARY HOUSES, MOBILE HOME OR TRAILER SHALL BE ALLOWED AS A RESIDENCE ON ANY RESIDENTIAL TRACT. NO NEW DWELLING SHALL BE OCCUPIED IN ANY MANNER PRIOR TO ITS COMPLETION.

H. EXTERIOR LIGHTING

ALL EXTERIOR LIGHTING AND STANDARDS SHALL BE APPROVED BY THE BOARD IN THE SUBDIVISION.

I. OFF STREET PARKING

1. EACH DWELLING SHALL BE CONSTRUCTED WITH AN OFF-STREET PARKING AREA FOR AT LEAST TWO (2) VEHICLES, ON AN ALL WEATHER DRIVEWAY SURFACE PER ELBERT COUNTY DRIVEWAY STANDARDS.
2. NO OVERNIGHT PARKING SHALL BE ALLOWED WITHIN THE ROAD RIGHT-OF-WAY. (TEMPORARY WAIVERS MAY BE GRANTED FOR CONSTRUCTION OR REFINISHING OF DRIVEWAYS.)
3. NO UNLICENSED OR INOPERABLE VEHICLES OR TRAILERS SHALL BE PARKED OUTSIDE, EXCEPT FOR OPERABLE FARM EQUIPMENT.
4. PARKING ON UNIMPROVED AREAS SHALL BE PERMITTED PROVIDED THE AREAS AROUND AND UNDER THE VEHICLE ARE PROPERLY MAINTAINED.
5. LOCATION OF PARKED VEHICLES SHALL NOT CREATE A NUISANCE.

J. GARBAGE DISPOSAL, SANITARY SYSTEM, WATER SYSTEMS

EACH DWELLING OR STRUCTURE CONTAINING A KITCHEN SHALL BE EQUIPPED WITH A GARBAGE DISPOSAL UNIT. NO SEWAGE DISPOSAL SYSTEM SHALL BE CONSTRUCTED, ALTERED OR ALLOWED TO REMAIN OR USED UNLESS FULLY APPROVED AS TO DESIGN, CAPACITY, LOCATION AND CONSTRUCTION BY THE PROPER PUBLIC HEALTH AGENCIES OF THE STATE OF COLORADO, ELBERT COUNTY AND THE BOARD.

K. FOUNDATIONS

NO FOUNDATION CINDERBLOCK OR CONCRETE SHALL BE EXPOSED. FACING MUST BE OF WOOD, BRICK OR STONE.

L. NEW CONSTRUCTION

ONLY NEW CONSTRUCTION WILL BE ALLOWED. NO USED BUILDINGS AND NO METAL BUILDINGS THAT DO NOT, THROUGH THEIR APPEARANCE, ENHANCE THE ENVIRONMENTAL SURROUNDINGS WILL BE ALLOWED. THE BOARD MUST APPROVE OR DISAPPROVE STRUCTURES OF THIS TYPE.

M. FIREPLACES, CHIMNEYS, BARBEQUES

ALL FIREPLACES, CHIMNEYS AND BARBEQUES SHALL BE EQUIPED AND MAINTAINED WITH SPARK ARRESTING SCREENS.

N. FIRE RETARDANT SHINGLES

ALL STRUCTURES UTILIZING WOOD SHINGLES SHALL USE SHINGLES WITH AN APPROVED FIRE RETARDANT CAPACITY.

O. NATURAL GAS

NATURAL GAS IS AVAILABLE TO EACH HOME SITE IN AMANDA PINES AT THE UTILITY EASEMENT IN THE STREET. IT WILL BE THE RESPONSIBILITY OF THE HOMEOWNER OR BUILDER TO CONTACT PUBLIC SERVICE COMPANY FOR THE TIE-IN FROM THE HOUSE TO THE STREET.

P. LAND USES

NEITHER IMPROVEMENTS NOR ANY NOXIOUS ACTIVITY SHALL BE PERMITTED ON ANY RESIDENTIAL LOT WHICH IS OR MIGHT BECOME A NUISANCE TO ADJOINING RESIDENTIAL TRACTS. IN ADDITION, NO OPEN FIRES WILL BE PERMITTED AND NO HUNTING WILL BE PERMITTED WITHIN AMANDA PINES SUBDIVISION.

Q. ENCLOSED GARAGE FACILITIES

1. ALL UNLICENSED OR INOPERABLE VEHICLES OR TRAILERS (EXCEPT FOR OPERABLE FARM EQUIPMENT) SHALL BE PARKED IN ENCLOSED FACILITIES.
2. THE NUMBER OF VEHICLES / TRAILERS / FARM EQUIPMENT NOT PARKED IN ENCLOSED FACILITIES SHALL BE LIMITED TO A MAXIMUM OF 4 TOTAL PER LOT, IN ANY COMBINATION.
3. ALL COMMERCIAL VEHICLES SHALL BE PARKED IN ENCLOSED FACILITIES.
4. SEASONAL VEHICLES / MACHINERY SHALL BE STORED INDOORS DURING THE OFF-SEASON.

R. SINGLE FAMILY DWELLINGS

SINGLE FAMILY SHALL BE INTERPRETED TO MEAN ONE FAMILY PER DWELLING. MULTIPLE FAMILIES UNDER ONE ROOF ARE EXPRESSLY PROHIBITED.

ARTICLE VII – EASEMENTS

A. UTILITY EASEMENTS

AMANDA PINES HOMEOWNERS ASSOCIATION, INC., HEREBY RESERVES TO ITSELF, ITS SUCCESSORS AND ASSIGNS, PERPETUAL EASEMENTS AS INDICATED ON THE INSIDE OF THE PROJECT BOUNDARY AND ON BOTH SIDES OF EACH PROPERTY LINE, AS DESCRIBED ON THE RECORDED PLAT, EXCEPT ANY PORTION OF SAID PERIMETER WHICH ABUTS ON A DEDICATED COUNTY ROAD, FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE, OPERATING, IRRIGATION, STORM DRAINAGE, SEWER, GAS AND SIMILAR LINES, PIPES, WIRES, CONDUITS DITCHES, WALKING AND RIDING TRAILS.

B. DRAINAGE AREAS

AMANDA PINES HOMEOWNERS ASSOCIATION, INC., HEREBY RESERVES TO ITSELF, ITS SUCCESSORS AND ASSIGNS, PERPETUAL EASEMENTS ACROSS LANDS WHERE DRAINAGE SWALES AND DITCHES PRESENTLY ARE IN EXISTENCE, OR HEREAFTER CONSTRUCTED OR CONFINED WITH THE CONSENT OF THE LANDOWNERS ACROSS WHICH THE WATER FLOWS FOR THE PURPOSE OF CONSTRUCTION, MAINTAINING AND OPERATION OF THE DITCHES FOR PROPER DRAINAGE PURPOSES.

ARTICLE VIII – ENFORCEMENT

A. ENFORCEMENT ACTION

THE BOARD SHALL HAVE THE RIGHT TO PROSECUTE ANY ACTION AND ENFORCE THE PROVISIONS OF ALL COVENANTS BY INJUNCTIVE RELIEF ON BEHALF OF ITSELF AND ALL OR PART OF AMANDA PINES LANDOWNERS. IN ADDITION, EACH LANDOWNER SHALL HAVE THE RIGHT TO PROSECUTE FOR INJUNCTIVE RELIEF AND FOR DAMAGES BY REASON OF ANY COVENANT VIOLATION.

B. LIMITATIONS ON ACTIONS

IN THE EVENT ANY CONSTRUCTION ALTERATION OR SITE LANDSCAPE WORK IS COMMENCED UPON ANY PORTION OF AMANDA PINES IN VIOLATION OF THESE COVENANTS AND NO ACTION IS COMMENCED WITHIN THIRTY (30) DAYS THEREAFTER TO RESTRAIN SUCH VIOLATION, THEN INJUNCTIVE OR EQUITABLE RELIEF SHALL BE DENIED, BUT AN ACTION FOR DAMAGES SHALL STILL BE AVAILABLE TO ANY PARTY AGGRIEVED. SAID THIRTY (30) DAYS LIMITATION SHALL NOT APPLY TO INJUNCTIVE OR EQUITABLE RELIEF AGAINST OTHER VIOLATIONS OF THESE COVENANTS.

ARTICLE IX – GENERAL PROVISIONS

A. SEPARABILITY

SHOULD ANY PART OR PARTS OF THESE COVENANTS BE DECLARED INVALID OR UNENFORCEABLE BY ANY COURT OF COMPETANT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING COVENANTS.

B. EFFECT AND DURATION OF COVENANTS

THE CONDITIONS, RESTRICTIONS, STIPULATIONS, AGREEMENTS AND COVENANTS CONTAINED HEREIN SHALL BE FOR THE BENEFIT OF AND BINDING UPON EACH TRACT IN AMANDA PINES, AND EACH TRACT IN AMANDA PINES, AND EACH OWNER OF PROPERTY THEREIN, HIS SUCCESSORS, REPRESENTATIVES AND ASSIGNS AND SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL 31 DECEMBER 2023.

C. AMENDMENT

THE CONDITIONS RESTRICTIONS, STIPULATIONS, AGREEMENTS AND COVENANTS CONTAINED HEREIN SHALL NOT BE WAIVED, ABANDONED, TERMINATED OR AMENDED EXCEPT BY WRITTEN CONSENT OF SIXTY-SIX AND TWO-THIRDS PERCENT (66-2/3%) OF THE RESIDENTS-OWNERS OF THE PRIVATELY OWNED LAND INCLUDED WITHIN THE BOUNDARIES OF AMANDA PINES, AS THE SAME MAY THEN BE SHOWN BY THE PLAT ON FILE IN THE OFFICE OF THE CLERK AND RECORDER OF ELBERT COUNTY, CO. EACH LOT OWNER SHALL BE ENTITLED TO ONE (1) VOTE PER LOT OWNED. IN THE EVENT THAT THERE ARE MULTIPLE OWNERS OF A LOT, ANY LOT OWNER MAY CAST THE ENTIRE VOTE FOR THE LOT. IN THE EVENT THAT TWO OR MORE OWNERS OF A LOT DESIRE TO CAST SEPARATE VOTES, EACH OWNER SHALL BE ENTITLED TO A FRACTIONAL VOTE IN RELATION TO THEIR RESPECTIVE FRACTIONAL SHARE OF LOT OWNERSHIP. VOTING MAY BE BY THE LOT OWNER IN PERSON OR BY PROXY.

D. ENFORCEMENT

THE BOARD SHALL BE EMPOWERED BY THE AMANDA PINES HOMEOWNERS' ASSOCIATION, INC. TO ENFORCE ANY OF THE PROVISIONS OF THIS INSTRUMENT, INCLUDING THE COLLECTION OF HOMEOWNERS DUES BY ANY LEGAL MEANS INCLUDING THE FILING OF LIENS, AND THE ASSESSMENT OF FINES FOR DUES DELINQUENCY AND OTHER COVENANTS VIOLATIONS, AS SPELLED OUT IN THE BOARD POLICIES AND PROCEDURES DOCUMENT. IF THE BOARD MUST SEEK ENFORCEMENT BY FILING A CIVIL ACTION IN ANY COURT OF LAW, THE PREVAILING PARTY SHALL BE ENTITLED TO ITS COSTS OF SUIT INCLUDING REASONABLE ATTORNEYS' FEES. ANY LOT OWNERS MAY SEEK PRIVATE ENFORCEMENT OF THE PROVISIONS OF THIS INSTRUMENT IN ACCORDANCE WITH COLORADO LAW.