**#356796** 05/12/93 15:02 Rec \$15.00 BK **712** PG **35** Silvia Davis, Pitkin Cuty Clerk, Doc \$.00

## FIRST AMENDMENT TO PROTECTIVE COVENANTS FOR CASTLE CREEK VALLEY RANCH P.U.D./SUBDIVISION PITKIN COUNTY, COLORADO

WHEREAS, the Protective Covenants for Castle Creek Valley Ranch P.U.D./Subdivision, Pitkin County, Colorado (the "Protective Covenants"), were recorded April 26, 1993 in Book 709 at Page 812 in the office of the Clerk and Recorder of Pitkin County, Colorado; and

WHEREAS, Declarant wishes to amend those Protective Covenants.

NOW, THEREFORE, the Protective Covenants are modified as follows:

Article IX, <u>CONMON AREA</u>.

Paragraph 1, Common Area, the first sentence is hereby deleted and replaced with the following language:

All Common Areas may be used for access and utility installation, non-motorized trails, open space, agricultural, water storage and recreational purposes; and, construction and berming is permitted in the Common Area to the west of South Hayden Road, and from a point one hundred twenty-five feet (125') south of the platted driveway entrance to Lot 10 to accommodate avalanche and other natural hazard mitigation techniques. A shed for the storage of skis, snowmobiles, snow machines, and related recreational equipment will be permitted in the Common Area to the west of South Hayden Road, specifically in the area of the Highlands Bowl Access Easement.

A new paragraph 4 is added to read as follows:

- 4. Reservation of Declarant's Rights in the Common Area. Declarant reserves the right at its cost to construct avalanche and other natural hazard mitigation techniques, including berming in the Common Area to the west of South Hayden Road. This right is reserved until the date of recordation of the deed for the sale of the eleventh lot in the subdivision, or two (2) years from the date hereof, whichever date is later.
- 2. Article XVII, GENERAL PROVISIONS.

Paragraph 3, <u>Access to South Hayden Road</u>. The first sentence is deleted and replaced with the following language:

The Managing Partner of Castle Creek Valley Ranch

#356796 05/12/93 15:02 Rec \$15.00 BK **712** PG **36** Silvia Davis, Fitkin Coty Clerk, Doc \$.00

Partnership, Phil Holstein, reserves the right to grant perpetual easements to utilize South Hayden Road and a Utility Easement extending south from the cul-de-sac on South Hayden Road along the west boundary of Lot 13 to the end of the Subdivision, for his own use and the use of his immediate family, and for perpetual access to the purchasers, lot owners, or tenants of the two (2) additional single-family lots located in the south side of the Subdivision.

IN WITNESS WHEREOF, this First Amendment to Protective Covenants for Castle Creek Valley Ranch P.U.D./Subdivision Pitkin County, Colorado, had been executed this 12 day of May, 1993.

## DECLARANT:

CASTLE CREEK VALLEY RANCH PARTNERSHIP, a Colorado general partnership, by: HOLSTEIN INVESTMENT CORPORATION, a Colorado corporation, a General Partner

sulto Philip M. Molstein, Jr., President

## ACCEPTED AND AGREED TO BY:

MID-RANCH HOLDINGS, INC., Delaware corporation

Philip M Holstein, Jr., 🖊 as attorney-in-fact, pursuant to Power of Attorney recorded in Book 709 at Page 354 in the office of the Clerk and Recorder of Pitkin County, Colorado

ROSCOMARE, LTD., a California limited partnership

Philip M. Molstein, Jr. as attorney-in-fact, pursuant to Power of Attorney recorded in Book 709 at Page 353 in the office of the Clerk and Recorder of Pitkin County, Colorado

STATE OF COLORADO SS. COUNTY OF PITKIN

The foregoing instrument was acknowledged before me this 1/2day of May, 1993, by Philip M. Holstein, Jr., as President of HOLSTEIN INVESTMENT CORPORATION, a Colorado corporation, as a General Partner of CASTLE CREEK VALLEY RANCH PARTNERSHIP, a Colorado general partnership, on behalf of said partnership.

CARMICALESS my hand and official seal.

My commission expires: *5/əə/9*3

Notary

#356796 05/12/93 15:02 Rec \$15.00 BK 712 PG 37 Silvia Davis, Fitkin Coty Clerk, Doc \$.00

STATE OF COLORADO SS. COUNTY OF PITKIN

The foregoing instrument was acknowledged before me this Aday of May, 1993, by Philip M. Holstein, Jr., as attorney-in-fact for ROSCOMARE, LTD., a California limited partnership, on behalf of said partnership

NOTINEES my hand and official seal.

O'My commission expires:

5/88/93

STATE OF COLORADO

ss.

COUNTY OF PITKIN

The foregoing instrument was acknowledged before me this day of May, 1993, by Philip M. Holstein, Jr., as attorney-in-fact for MID-RANCH HOLDINGS, INC., a Delaware corporation, on behalf of said partnership

WITNESS my hand and official seal. My commission expires:

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