

AMENDMENTS
TO
DEED RESTRICTIONS
ASPEN MESA - UNIT II

KNOW ALL MEN BY THESE PRESENTS THAT:

Pursuant to and in accordance with the provisions of paragraph 38 of the Deed Restrictions, Aspen Mesa, Unit II, recorded March 3, 1970, in Book 217 at Page 168 as Document Number 112730 of the records in the office of the Clerk and Recorder of Eagle County, Colorado, the Aspen Mesa Home Owners Association amends the aforesaid Deed Restrictions as follows, to-wit:

I. Paragraph 1 of the aforementioned Deed Restrictions is hereby amended to read as follows:

1. Resubdivisions and Residential Use. No lot shall be resubdivided except as permitted in this paragraph. Any lot may be resubdivided by the owner thereof into two or more separate lots provided that the resubdivision does not create any lot less than two acres in size. Boundary lines between two existing lots may be changed by the owners of such lots with the approval of the Architectural Control Authority. The provisions of this paragraph shall in no way affect the validity of the Refiling of Lots 25 through 29 of Aspen Mesa Estates First Filing appearing in Book 215 at Page 434, Document Number 110936 in the Eagle County records nor of the Refiling of Lots 8 through 13 of Aspen Mesa Estates - First Filing appearing in Book 217 at Page 568, Document Number 113148 of the Eagle County records.

No parcel shall be used for any purposes other than residential purposes. No buildings, improvements or structures shall be constructed on any parcel other than a single family dwelling and such improvements or structures as are incidental or appurtenant to a single family dwelling. No parcel shall be occupied at any time by more than a single family, its guests and its domestic servants. No store, office, or other place of business of any kind, and no institution or other place for the care or treatment of the sick or disabled, physically or mentally, shall be placed or permitted to remain on any of said parcels, nor shall any theatre, bar, restaurant, saloon or other place of entertainment ever be erected or permitted upon the premises or any part thereof, and no business of any kind or character whatsoever shall be conducted in or from any residence, nor shall any unsightly object or nuisance be erected, placed or maintained on any of said parcels, nor shall any use or thing be permitted which may endanger the health or unreasonably disturb the holder of any parcel in the property. Notwithstanding the foregoing, any parcel may be used by Mid-Valley Land Company or its nominee for a model home or sales office for the purpose of selling parcels or homes.

II. Paragraph 4 of the aforementioned Deed Restrictions is amended to read as follows:

4. Animals: No animals, livestock or poultry, other than household pets shall be kept on any parcel, except that two horses for each parcel shall be allowed, provided, that no horses shall be kept on any parcel of less than one acre after facilities become available at the Aspen Mesa community stables. Any lot owner desiring to keep one or two horses on his lot must submit plans to the Architectural Control Authority showing the location and construction plans for any stable and fencing, satisfactory methods of confining such horses on the owners property and plans for maintaining all areas containing such horses in a safe and sanitary condition. No horses shall be kept on any lot until such plans are approved by the Architectural Control Authority.

All animal owners are responsible for the control of their animals. The board of directors of Aspen Mesa Home Owners Association shall have the authority to require any owner to restrain or otherwise prevent any animal from interfering with the pleasurable use and occupancy of any property within the subdivision.

III. Paragraph 9 of the aforementioned Deed Restrictions is amended to read as follows:

9. Drainage Control: Lot owners shall provide culverts where driveways cross road ditches and irrigation ditches. The minimum size culvert shall be twelve inches in diameter.

IV. Paragraph 11 of the aforementioned Deed Restrictions is amended to read as follows:

11. Enclosure of Unsightly Facilities and Equipment: Any trailer, boat, truck, tractor, snow removal or garden equipment, and any similar items shall be kept at all times, except when in actual use, in the most inconspicuous place possible. Any refuse or trash container, utility meter or other utility facility, gas, oil or water tank, service area, storage pile, or area for hanging clothing or other household fabrics shall be enclosed or appropriately screened from view by planting or fencing approved by the Architectural Control Authority, and adequate to conceal the same from neighbors, streets and private roads and access drives. No lumber, metals, bulk materials, scrap, refuse or trash shall be kept, stored or allowed to accumulate on any parcel except building materials during the course of construction and only for such reasonable period of time as is necessary. No unsightly weeds shall be permitted to grow or remain on any parcel. No inoperable motor vehicles shall be kept on any parcel at any time.

V. Paragraph 23 of the aforementioned Deed Restrictions is amended to read as follows:

23. Minimum Requirements - Primary Structures: "Primary Structure" shall mean any enclosed structure which occupies more than 80 square feet in area or more than 600 cubic feet in volume. The primary structures permitted on any single lot shall consist of no more than one single family dwelling house together with no more than two non-dwelling unit unconnected enclosed structures such as swimming or tennis cabanas, stables, garages or greenhouses. No structure shall be erected or installed except concurrently

with or after construction of the single family dwelling house and all primary structures shall conform in appearance with the dwelling house.

No structure shall be built unless all the following minimum requirements are met:

- (a) The interior living floor area, exclusive of accessory buildings, garages, porches and patios shall contain not less than 1240 square feet;
- (b) Any multilevel dwelling unit shall have a minimum of 1000 square feet of living area on one level;
- (c) All dwelling units shall have a garage or carport of sufficient size to enclose one full-size automobile;
- (d) All electric, telephone, cable TV and other utility lines shall be run underground from the service pole to any structure or any lot.

No construction, site work or remodeling of any structure shall commence prior to written approval thereof by the Architectural Control Authority. The Architectural Control Authority may impose additional requirements for the construction of structures not inconsistent with the minimum requirements contained herein.

VI. Paragraph 24 of the aforementioned Deed Restrictions is hereby amended to read as follows:

24. Procedure for Approval of Structures: The Architectural Control Authority may impose reasonable requirements with respect to information to be furnished and the form and manner of presenting the same in order to obtain approval for any structure, including, but not limited to, all landscaping. For all primary structures, two sets of complete plans and specifications shall be submitted to the Architectural Control Authority, which plans shall be drawn to a minimum scale of 1/4 inch equals one foot; shall show location of all existing and proposed structures on the parcel, all parcel lines; all existing and proposed contours and contour elevations, renderings of all sides of the structures; shall indicate materials and colors to be used; shall be accompanied by samples of materials and colors to be used upon request; shall be submitted in duplicate together with a fee of \$100.00 to be paid the Architectural Control Authority to compensate it for the time and effort required for review prior to approval. \$75.00 of said fee shall be waived if said plans are signed by a licensed architect. Prior to the submission of complete plans and specifications as provided above, preliminary or tentative plans and specifications, including preliminary plot plan and preliminary renderings of all sides of all structures, shall be submitted to the Architectural Control Authority, which shall clearly and completely show and set forth the essential features and intent of the construction subject to the preparation, submission and approval of the final building plans, plot plan and specifications as provided herein. The Architectural Control Authority will approve and initial final plans including any changes made by it and retain one set. Actual construction shall conform to the plans.

VII. Paragraph 28 of the aforementioned Deed Restrictions is hereby amended to read as follows:

161648

STATE OF COLORADO }
County of EAGLE } ss.
I hereby certify that this instrument was
filed for record in my office on

JAN 17, 1978

1.00 of cost and recorded
in file 265 Page 277
MICHAEL E. GARD, County Clerk & Recorder
Steve Holt Deputy

\$8.00 pd