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*CARTER*

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Judith Benine, Clerk &amp; Recorder

Huerfano County, CO

RP: \$0.00

07-09-2007 11:56 AM Recording Fee \$16.00

**DECLARATION OF PROTECTIVE COVENANTS  
AND AGREEMENT TO FORM  
SOUTH MIDDLE CREEK LANDOWNERS ASSOCIATION  
Prepared 6-1-98**

COME NOW, the undersigned, constituting some of the Owners of property located in Lots 10 A through 29, South La Veta Ranch, South Middle Creek Road, west of La Veta, in Huerfano County, Colorado, consent and agree to the declaration of protective covenants and formation of a land owners association as follows:

**WITNESSETH**

WHEREAS, the property Owners of Lots 10 A through 29, South La Veta Ranch, South Middle Creek Road, west of La Veta, in Huerfano County, Colorado, purchased land in the subdivision known as La Veta Ranch as shown in the south portion of the La Veta Ranch Plat Map, # 115, Pocket #3, Folder #2, Record #277,295, card 2 of 2, recorded by the Huerfano County Clerk on December 28, 1979. At the time of purchase, no restrictive covenants applied to these properties; and

WHEREAS, the undersigned property owners, (hereinafter "Owners") now agree that covenants are needed and appropriate to preserve the private, secluded and natural environment that attracted them to South La Veta Ranch; and

WHEREAS, it is the intent of the Owners to preserve the natural beauty, privacy and tranquility of this area. It is not the intent of these property owners to infringe on the rights of individual owners to build homes and live as they please on their own property within the laws of Huerfano County, Colorado, and the United States of America.

**IT IS THEREFORE AGREED AS FOLLOWS:**

1. In furtherance of the common, lawful and nonprofit purpose of insuring that the following covenants are enforced as intended, an unincorporated landowners association shall be formed known as South Middle Creek Landowners Association (hereinafter "Association") pursuant to the Colorado Uniform Unincorporated Nonprofit Association Act.
2. The following represent a set of rules and regulations regarding the formation and operation of the Association.
  - (a) Members of the association are those Owners who have signed this Declaration, their successors, heirs and assigns.
  - (b) Multiple Owners of lots and Owners of multiple lots shall be entitled to only one vote in matters that are voted upon by the association, and there will be no recognition of fractional votes.
  - (c) A meeting of the Association will occur annually on the first or second weekend in July, whichever is closer to the fourth. If the fourth falls on Wednesday, the meeting shall be held on the following weekend. Meeting place and time will be announced by mail no later than May 31.

- (d) At the annual meeting of the Association, two coordinators and a secretary will be elected to one year terms of office. These officers shall comprise the Executive Committee.
  - (e) Members may vote in person or in writing, or through a proxy, provided that any written ballot or proxy is received by the secretary of the Association prior to the meeting.
  - (f) The Association is authorized to collect dues, which shall be paid by each and every voting membership of the Association, provided the amount of such dues assessment is approved by seventy-five percent of the members of the Association.
  - (g) Written complaints of a breach of the hereinafter described protective covenants shall be addressed to the executive committee of the association, and if that committee passes a resolution, the Association may seek enforcement by proceedings at law and / or in equity against any person or persons violating or attempting to violate any covenant, to restrain violation, and / or to recover damages, provided seventy-five percent of the members approve such enforcement action.
  - (I) Notwithstanding the foregoing, the Association may adopt, by a seventy-five percent vote of the members, other rules and regulations concerning the administration and operation of the Association, as long as those rules and regulations do not impose any additional restrictions on the properties.
  - (j) The Association may file a statement of authority as to real property and appoint an agent to receive service of process as authorized in the Colorado Uniform Unincorporated Nonprofit Association Act.
3. The included properties in the South La Veta Ranch shall be protected by locked gates with fencing adequate to restrict access into the subdivision, to property owners and their invited guests.
4. Activities which damage neighboring properties or increase air, water, or noise pollution of neighboring properties beyond levels caused by native wildlife and normal rural homeowner activities shall not be permitted. In determining a response to complaints about activities that may violate this provision, the Executive Committee may refer to guidelines set forth by the State of Colorado and Huerfano County. Any application for uses of the properties which are permitted only by review, according to the Huerfano County Zoning resolution, shall not be permitted unless the Association first approves the application. Any attempt to re-zone the included properties shall require the approval of the Association. Nothing contained herein is meant to preclude activities in existence as of June 1, 1998, or infrequent activities such as construction, family reunions, or cottage industry activities that do not require access by potential customers or regular heavy transport.
5. Any lot may be subdivided and any two or more lots may be combined, reconfigured and / or subdivided, so long as each resulting lot is 35 acres or larger.


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AGREEMENT

6. This Declaration of Protective Covenants and Agreement to Form The South Middle Creek Landowners Association may be executed in counterparts with the approval of Owners shown on separate papers, constituting one whole Declaration. The undersigned adopt and approve this Declaration as set forth above, prepared on June 1, 1998. (Reception # 339277)

La Veta Ranch Lot No 1313, legally described in Book \_\_\_\_\_ Page(s) \_\_\_\_\_ of the Huerfano County Records.

  
Owner \_\_\_\_\_  
Address 4022 Saint Paul St  
Denver CO 80206  
City, State, Zip:

STATE OF CO )  
  ) SS.  
COUNTY OF Del Norte )

The foregoing instrument was acknowledged before me this 17~~th~~ day of June, ~~1998~~ by Linda A. Merritt

Witness my hand and seal.  
My commission expires Oct 30, 2009

**KIMM A. MERRITT**  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires Oct. 30, 2007

Linda A. Merritt  
Notary Public