

**THE ARTICLES OF INCORPORATION  
OF THE  
RANCHO LAGARITA  
LAND OWNERS ASSOCIATION**

A State of Colorado Nonprofit Corporation

As Recorded November 26, 1971 at  
Reception Number 236011, Roll 185 Page 2070

We, the undersigned, natural persons of the age of twenty-one years or more, acting as Incorporators under the Colorado Nonprofit Corporation Act, being Article 24 of Chapter 31 of the Colorado Revised Statutes of 1963, as Amended, do hereby adopt the following Articles of Incorporation.

**I**

The name of this corporation is: RANCHO LA GARITA LAND OWNERS ASSOCIATION

**II**

The duration of this Corporation shall be perpetual

**III**

The purpose of this corporation is to provide recreation and recreation facilities and to own and maintain roads in or about or in the vicinity of that tract of land in Las Animas County, Colorado, platted, being platted as Rancho La Garita, pursuant to such rules and requirements as may be set forth in the Bylaws of the corporation

**IV**

The Corporation shall have all the powers enumerated in Section 5 of Article 24 of Chapter 31 of the Colorado Revised Statutes of 1963, as Amended.

**V**

The initial registered office of the corporation shall be 115 Park, Woodland Park, Colorado 80863 (El Paso County). The name of its initial registered agent at that address is Ronald P. Harris.

**VI**

The number of directors constituting the initial Board of Directors shall be three, their name and addresses as follows;

- Harold F. Blick            115 Park  
   Woodland Park, CO 80863
- Fred L. Frederick        115 Park  
   Woodland Park, CO 80863
- Ronald P. Harris         115 Park  
   Woodland Park, CO 80863

The number of a permanent Board of Directors to be as set forth in the Bylaws, the initial Board of Directors shall serve until the first meeting of the membership of the corporation, at which time a permanent Board of Directors shall be elected.

**DECLARATION OF RESTRICTIVE COVENANTS  
ON RANCHO LA GARITA**

Recorded: August 20, 1971  
at Reception Number 488945, Book 735, Page 605

KNOW ALL MEN BY THESE PRESENTS: That,

WHEREAS, La Garita Ranch, Inc., a Colorado corporation, is the owner of the following described real estate situate in the County of Las Animas and State of Colorado: All of the land encompassed within the plat of Rancho La Garita Filing No. 1 and Rancho La Garita Filing No. 2, as recorded in the office of the Clerk and Recorder of Las Animas County, Colorado; and all future filings.

WHEREAS, the owners desire to place certain restrictions on said premises for the use and benefit of themselves and their grantees, in order to establish and maintain such premises as a carefully protected residential community;

NOW THEREFORE, for themselves and their grantees, they hereby publish, acknowledge and declare, and agree with, to and for the benefit of all persons who may hereafter purchase and from time-to-time hold and own any of said tracts, that they own and hold said above-described tracts subject to the following restrictions, covenants and conditions, all of which shall be deemed to run with the land and to inure to the benefit of and be binding upon the owners at any time of any of the said tracts, their heirs, personal representatives, successors and assigns, to-wit:

4

1. **Firearms.** No hunting or discharging of firearms shall be allowed in the area.
2. **Nuisances.** No commercial, noxious, or offensive activity shall be carried on upon any tract, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
3. **Garbage and Refuse Disposal.** No tract shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept, except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
4. (a) **Building Location.** No building shall be located on any tract nearer to the front tract line or nearer to the side street line than the minimum set-back lines shown on the recorded plat. In any event no building shall be located on any tract nearer than 25-feet to the front tract line or nearer than 25-feet to any side street line. No building shall be located nearer than 20-feet to an interior line. No dwelling shall be located on any interior tract nearer than 20-feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a tract to encroach upon another tract.
- (b) **Building Appearance.** In order not to impair the appearance of the subdivision, the exterior of each dwelling, mobile home or other structure

5

located on any lot shall be maintained in good repair and painted condition. This is specifically intended to preclude and prohibit the location on the subject property of junk trailers.

- 5. **Signs.** No sign of any kind shall be displayed to the public view on any tract, except one sign of not more than five (5) square feet identifying the owner of said tract.

**Term.** These Covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years [August 20, 1996] from the date (of) these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the tracts has been recorded, agreeing to change said covenants in whole or in part.

**Enforcement.** Enforcement shall be by proceedings in law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

**Severability.** Invalidation of any one of these covenants by judgment or court shall in no wise effect any of the other provisions which shall remain in full force and effect.

Executed by :  
Harold F. Blick, President  
La Garita Ranch, Inc.

Attested to by :  
Phyllis J. Harris, Assistant Secretary  
La Garita Ranch, Inc.

**BY-LAWS**  
of the  
**RANCHO LaGARITA**  
**LAND OWNERS ASSOCIATION**

**BYLAW ONE**  
**OFFICES**

The principal office of the corporation in the State of Colorado shall be located at 210 First National Bank Building in the City of Trinidad, Las Animas County, Colorado.

**BYLAW TWO**  
**PURPOSE AND OBJECTS**

In amplification of the purposes for which the corporation has been formed as set forth in the Articles of Incorporation, the purposes and objects are as follows:

- (a) To develop a community designed for safe, healthful, and harmonious living.
- (b) To promote the collective and individual property and civic interests and rights of all persons, firms, and corporations owning property in Las Animas County as said property is shown on that certain map and filed for record on April 30, 1971, at Reception No. 487598 in the office of the County Clerk and Recorder of Las Animas County, Colorado.

- (c) To care for the improvements and maintenance of the community center, gateways, public easements, parkways, grass plots, parking areas, and any facilities of any kind dedicated to the community use and other open spaces and other ornamental features of the above-described subdivision known as Rancho LaGarita, which now exists or which may hereafter be installed or constructed therein.
- (d) To cooperate with the owners of all vacant and unimproved lots and plots now existing or that hereafter shall exist in the tract in keeping them in good order and condition, in preventing them from becoming a nuisance and a detriment to the beauty of the tract and to the value of the improved property therein, and to take any action with reference to such vacant and unimproved lots and plots as may be necessary or desirable to keep them from becoming such nuisance or detriment.
- (e) To aid and cooperate with the members of this corporation and all property owners in the tract in the enforcement of such conditions, covenants, and restrictions on and appurtenant to their property as are now in existence, as well as any other conditions, covenants, and restrictions as shall hereafter be approved by a majority vote of the members of the corporation, and to counsel with the Planning Commission of Las Animas County having jurisdiction in relation to any zoning that may affect any portion of the subject property.

- (f) In general, but in connection with the foregoing, to do any and all things necessary to promote the general welfare of the residents and owners of any portions of Rancho LaGarita and their property interests therein.
- (g) To acquire, own, or lease such real and personal property as may be necessary or convenient for the transaction of its business and the fulfillment of its purposes and objects, and to exercise all rights, powers, and privileges of ownership to the same extent as natural persons might or could do.
- (h) To arrange social and recreational functions for its members.
- (i) To exercise any and all powers that may be delegated to it from time to time by the owners of real property in the tract.
- (j) This corporation shall not engage in political activity or pursue political purposes of any kind or character.

### BYLAW THREE MEMBERS

- (a) **Class of Members.** The corporation shall have one class of members. The qualifications and rights shall be as follows:
- (1) Every person, partnership, corporation or association, owning either by Contract of Sale, by Deed of Trust or Warranty Deed, lots or tracts of land in the Rancho LaGarita Land Owners Association shall be entitled to membership in this association.
  - (2) Membership shall include any undertaking by the applicant to comply with and be bound by the Articles of Incorporation, these Bylaws and amendments thereto, and the policies, rules, and regulations at any time adopted by the corporation in accordance with these Bylaws. Membership shall be accompanied by payment of the first year's dues in advance.
  - (3) Membership in this corporation shall terminate on such member's ceasing to be a beneficial owner of a residential building site, lot, or unit in or on the property described herein.
- (b) **Voting Rights.** Each member in good standing shall be entitled to vote on each matter submitted to a vote of the members, provided however, that each member shall be the sole owner of a residential building site or residential unit in Rancho LaGarita. A member shall have one vote for each

10

residential building site of which he is an owner. Where two or more owners own a lot, or in the event of resubdivision, only one vote for such lot or unit owned shall be allowed, and such joint owners shall designate and register with the secretary of the corporation the name of that owner entitled to cast such single vote.

- (1) At membership meetings all votes shall be cast in person, or by proxy registered with the secretary.
  - (2) The Board of Directors is authorized to establish regulations providing for voting by mail.
- (c) **Assignment of Rights.** An owner who is a member of the corporation may assign his membership rights to the tenant residing in or on the owner's building site or unit. Such assignment shall be effected by filing with the secretary of the corporation a written notice of assignment signed by the beneficial member.

### BYLAW FOUR MEETINGS OF MEMBERS

- (a) **Annual Meeting.** An annual meeting of the members for the purpose of hearing reports from all officers and standing committees and for electing directors shall be held in the County of Las Animas, State of Colorado, in August of each year, beginning with the year 1975. The time and place shall be fixed by the directors.

11

- (b) **Regular Meetings.** In addition to the annual meetings, regular meetings of the members shall be had at such time and place as shall be determined by the board of directors, provided however, that there shall be no regular meetings held during the months of December, January and February.
- (c) **Special Meetings.** A special meeting of the members may be called by the board of directors. A special meeting of the members must be called within twenty (20) days by the president, or the board of directors, if requested by not less than twenty-five percent (25%) of the members having voting rights.
- (d) **Notice of Meetings.** Written notice stating the place, date and hour of any meeting of members shall be delivered either personally or by mail to each member entitled to vote at such meeting, not less than fifteen (15) days before the date of such meeting, or at the direction of the secretary.
- (e) **Quorum.** The members holding twenty-five percent (25%) of the votes that may be cast at any meeting shall constitute a quorum at any meeting of the members. In the absence of a quorum, a majority of the members present may adjourn the meeting from time to time without further notice.
- (f) **Proxies.** At any meeting of the members a member entitled to vote may vote by proxy executed in writing by the member. No proxy shall be valid after twelve (12) months from the date of its execution, unless otherwise provided in the proxy.

12

- (g) **Voting by Mail.** Where directors or officers are to be elected by members, or where there is an act requiring the vote of the members, such election or vote on such proposed action may be conducted by mail in such manner as the board of directors shall determine.

#### BYLAW FIVE BOARD OF DIRECTORS

- (a) **General Powers.** The affairs of the corporation shall be managed by the board of directors, subject to instructions of the members of the corporation at a regular meeting, or subject to the approval of the membership as expressed by a vote of the membership.
- (b) **Number, Tenure and Qualifications.** The number of directors shall be not less than five (5). Each director shall be a member of the corporation, and shall hold office until two (2) annual meetings of the members following his original qualification shall have been held, and until his successor shall have been elected and qualified.
- (c) **Regular Meetings.** The board of directors shall meet regularly at least every other month, at a time and place it shall select.
- (d) **Special Meetings.** A special meeting of the board of directors may be called by or at the request of the president or of any three (3) directors.

13

- (e) **Notices.** Notice of any special meeting of the board of directors shall be given at least fifteen (15) days prior thereto, by written notice delivered personally or sent by mail to each director. Any director may waive notice of any meeting.
- (f) **Quorum.** A majority of the board of directors shall constitute a quorum for the transaction of business at any meeting of the board, but if less than a majority of the directors are present at said meeting, a majority of the directors present may adjourn the meeting from time to time, and without further notice.
- (g) **Manner of Acting.** The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by law or by these Bylaws.
- (h) **Vacancies.** Any vacancy occurring in the board of directors, and any directorship to be filled by reason of the increase in the number of directors, shall be filled by election by the board of directors. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

#### **BYLAW SIX OFFICERS**

- (a) **Officers.** The officers of the corporation shall be a president, vice-president, a secretary, and a treasurer.

14

- (b) **Qualifications and Method of Election.** The officers shall be members of the corporation, shall be elected by the board of directors, and shall serve for a term of one (1) year. The president and vice-president shall be members of the board of directors.
- (c) **President.** The president shall preside at all meetings of the corporation and of the board of directors at which he is present, shall exercise general supervision of the affairs and activities of the corporation, and shall serve as a member ex-officio of all standing committees.
- (d) **Vice-President.** The vice-president shall assume the duties of the president during his absence.
- (e) **Secretary.** The secretary shall keep the minutes of all of the meetings of the corporation and of the board

#### **BYLAW SEVEN FEES AND DUES**

- (a) **Admission without Fee.** Record ownership of a residential building site or in the event of resubdivision, of any of the sites as shown on any unit or units of the property particularly described, without payment of an admission fee, shall establish the owner as a member of this corporation.

15

- (b) **Annual Dues.** The annual dues shall be the same for each member and shall be one and 50/100's dollars (\$1.50) per acre, per year, subject to such modification as a majority of the directors may require, provided, however, that no increase above one and 50/100's dollars (\$1.50) per acre, per year, may be determined without majority of the members approving such increase.
- (c) **Payment of Dues.** The annual dues shall be payable in one installment.
- (d) **Assignment of Dues.** In the event any member whose dues are paid shall, during the year in which such dues are paid, terminate his membership by sale of his lot or unit in Rancho LaGarita he shall be entitled to assign to the buyer of such building the benefit of the paid up dues. Any such buyer can acquire the benefit of such paid up dues by becoming a member of the corporation on the payment of a fee of one dollar (\$1.00), without the necessity of paying pro-rata dues to the end of the year.

#### **BYLAW EIGHT FISCAL YEAR**

The fiscal year of the corporation shall be from August to August.

#### **BYLAW NINE AMENDMENTS**

Any proposed amendment to these Bylaws may be submitted in writing at any meeting of the members of the corporation. Such proposed amendments shall be discussed at the meeting of the members following the meeting at which the proposed amendment was submitted, and shall be voted on by the members of the corporation at a date that shall not be earlier than the second meeting following the initial submission of the proposed amendment. Such proposed amendment must be signed by three (3) members of the corporation, shall be read to the meeting by the secretary, and shall be printed on ballots distributed to all members by mail.

A proposed amendment shall become effective when approved by a two-thirds (2/3) majority of the members entitled to vote.



**AMENDMENTS**

1. Annual Meeting, September 2 1979  
Ref: Bylaw 7 – Fees and Dues  
Motion was made to amend the Fees and Dues (b),  
Bylaw to read \$10 per year, per property owner; billing  
to be from August to August, passed by show of  
hands.
2. Annual Meeting August 1999,  
Ref. Bylaw 7 – Fees and Dues  
Voted to amend the Fees and Bylaw 7 (b) to read \$25  
per year per property owner.

18

**CHANGES TO THE COVENANTS AND BYLAWS****Notes from the Board of Directors 2007/8**

Since the Articles of Incorporation in 1971, when the Covenants and Bylaws were formulated, there have been changes in Office location, ownerships, land usage, physical conditions on and around the La Garita Rancho's, and questions brought about by some ambiguities in the language, (some members believe).

The Bylaws are plainly put in regard to the method to be used in amending these Bylaws, but are silent in some areas; e.g. what exactly is a "member in good standing"? *(Most of those members commenting on this believe that the phrase "membership shall be accompanied by payment of the first year's dues in advance", describes a "member in good standing")*

This then explicitly denies voting rights to members not current in their annual dues since they are not "in good standing".

Changes in wording and intent, believed necessary due to various other circumstances such as State Law requirements, will be explored by your board of Directors, and if deemed necessary, changes in the form of amendments will be offered at upcoming meetings, following the procedures as given in the Bylaws.

This is not to exclude any suggestions and proposed amendments from the general membership which are properly presented, acting within the bylaws as written.

19

BYLAWS  
OF

RANCHO LAGRITA LAND OWNERS ASSOCIATION

BYLAW ONE  
OFFICERS

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BYLAW TWO  
PURPOSES AND OBJECTS

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- (a) To develop a community designed for safe, healthful, and harmonious living.
- (b) To promote the collective and individual property and civic interests and rights of all persons, firms, and corporations owning property in Las Animas County as said property is shown on that certain map and filed for record on April 30, 1971, at Reception No. 487598 in the office of the County Clerk and Recorder of Las Animas County, Colorado.
- (c) To care for the improvements and maintenance of the community center, gateways, public easements, parkways, grass plots, parking areas, and any facilities of any kind dedicated to the community use and other open spaces and other ornamental features of the above-described subdivision known as Rancho La Garita, which now exists or which may hereafter be installed or constructed therein.

- (d) To cooperate with the owners of all vacant and unimproved lots and plots now existing or that hereafter shall exist in the tract in keeping them in good order and condition, in preventing them from becoming a nuisance and a detriment to the beauty of the tract and to the value of the improved property therein, and to take any action with reference to such vacant and unimproved lots and plots as may be necessary or desirable to keep them from becoming such nuisance or detriment.

RANCHO LA GARITA  
BYLAW SIX  
OFFICERS

(a) Officers. The officers of the corporation shall be a president, vice-president, a secretary, and a treasurer.

(b) Qualifications and Method of Election. The officers shall be members of the corporation, shall be elected by the board of directors, and shall serve for a term of one year. The president and vice-president shall be members of the board of directors.

(c) President. The president shall preside at all meetings of the corporation and of the board of directors at which he is present, shall exercise general supervision of the affairs and activities of the corporation, and shall serve as a member ex officio of all standing committees.

(d) Vice-president. The vice-president shall assume the duties of the president during his absence.

(e) Secretary. The secretary shall keep the minutes of all of the meetings of the corporation and of the board of directors, which shall be an accurate and official record of all business transacted. The secretary shall be custodian of all corporate records.

(f) Treasurer. The treasurer shall receive all corporate funds, keep them in a bank approved by the board of directors, and pay out funds only on notice signed by him and by one other officer. The treasurer shall be a member ex officio of the finance committee.

(g) Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by any member of the board of directors for the unexpired portion of the term.

BYLAW SEVEN  
FEES AND DUES

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instructions of the members of the corporation at a regular meeting, or subject to the approval of the membership as expressed by a vote of the membership.

(b) Number, Tenure and Qualifications. The number of directors shall be not less than five. Each director shall be a member of the corporation, and shall hold office until two annual meetings of the members following his original qualification shall have been held, and until his successor shall have been elected and qualified.

(c) Regular Meetings. The board of directors shall meet regularly at least every other month, at a time and place it shall select.

(d) Special Meetings. A special meeting of the board of directors may be called by or at the request of the president or of any three directors.

(e) Notices. Notice of any special meeting of the board of directors shall be given at least fifteen days prior thereto, by written notice delivered personally or sent by mail to each director. Any director may waive notice of any meeting.

(f) Quorum. A majority of the board of directors shall constitute a quorum for the transaction of business at any meeting of the board, but if less than a majority of the directors are present at said meeting, a majority of the directors present may adjourn the meeting from time to time, and without further notice.

(g) Manner of Acting. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by law or by these bylaws.

(h) Vacancies. Any vacancy occurring in the board of directors, and any directorship to be filled by reason of the increase in the number of directors, shall be filled by election by the board of directors. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

corporation at a date that shall not be earlier than the second meeting following the initial submission of the proposed amendment. Such proposed amendment must be signed by three members of the corporation, shall be read to the meeting by the secretary, and shall be printed on ballots distributed to all members by mail.

A proposed amendment shall become effective when approved by a two-thirds majority of the members entitled to vote.

(e) To aid and cooperate with the members of this corporation and all property owners in the tract in the enforcement of such conditions, covenants, and restrictions on and appurtenant to their property as are now in existence, as well as any other conditions, covenants, and restrictions as shall hereafter be approved by a majority vote of the members of the corporation, and to counsel with the Planning Commission of Las Animas County having jurisdiction in relation to any zoning that may affect any portion of the subject property.

(f) In general, but in connection with the foregoing, to do any and all things necessary to promote the general welfare of the residents and owners of any portions of Rancho La Garita and their property interests therein.

(g) To acquire, own, or lease such real and personal property as may be necessary or convenient for the transaction of its business and the fulfillment of its purposes and objects, and to exercise all rights, powers, and privileges of ownership to the same extent as natural persons might or could do.

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BYLAW THREE  
MEMBERS

(a) Class of Members. The corporation shall have one class of members. The qualifications and rights shall be as follows:

(1) Every person, partnership, corporation or association, owning either by Contract of Sale, by Deed of Trust or Warranty Deed, lots or tracts of land in the Rancho La Garita Land Owners Association shall be entitled to membership in this Association.

(2) Membership shall include any undertaking by the applicant to comply with and be bound by the articles of incorporation, these bylaws and amendments thereto, and the policies, rules, and regulations at any time adopted by the corporation in accordance with these bylaws. Membership shall be accompanied by payment of the first year's dues in advance.

(3) Membership in this corporation shall terminate on such member's ceasing to be a beneficial owner of a residential building site, lot, or unit in or on the property described herein.

(b) Voting Rights. Each member in good standing shall be entitled to vote on each matter submitted to a vote of the members, provided however, that each member shall be the sole owner of a residential building site or residential unit in Rancho La Garita. A member shall have one vote for each residential building site or which he is an owner. Where two or more owners own a lot, or in the event of resubdivision, only one vote for such lot or unit owned shall be allowed, and such joint owners shall designate and register with the secretary of the corporation the name of that owner entitled to cast such single vote.

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BYLAW FOUR  
MEETINGS OF MEMBERS

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with the year 1975. The time and place shall be fixed by the directors.

(b) Regular Meetings. In addition to the annual meetings, regular meetings of the members shall be had at such time and place as shall be determined by the board of directors, provided however, that there shall be no regular meetings held during the months of December, January and February.

(c) Special Meetings. A special meeting of the members may be called by the board of directors. A special meeting of the members must be called within twenty days by the president, or the board of directors, if requested by not less than twenty-five percent of the members having voting rights.

(d) Notice of Meetings. Written notice stating the place, date and hour of any meeting of members shall be delivered either personally or by mail to each member entitled to vote at such meeting, not less than fifteen days before the date of such meeting, or at the direction of the secretary.

(e) Quorum. The members holding twenty-five per cent (25%) of the votes that may be cast at any meeting shall constitute a quorum at any meeting of the members. In the absence of a quorum, a majority of the members present may adjourn the meeting from time to time without further notice.

(f) Proxies. At any meeting of the members, a member entitled to vote may vote by proxy executed in writing by the member. No proxy shall be valid after twelve months from the date of its execution, unless otherwise provided in the proxy.

(g) Voting by Mail. Where directors or officers are to be elected by members, or where there is an act requiring the vote of the members, such election or vote on such proposed action may be conducted by mail in such manner as the board of directors shall determine.

BYLAW FIVE  
BOARD OF DIRECTORS

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(b) Annual Dues. The annual dues shall be the same for each member and shall be one and 50/100's dollars (\$1.50) per acre, per year, subject to such modification as a majority of the directors may require, provided, however, that no increase above one and 50/100's dollars (\$1.50) per acre, per year may be determined without majority of the members approving such increase. NOTICE: Amended by Board of Directors. Dues now are \$10.00 per year per property owner, billed from Aug to Aug  
(c) Payment of Dues. The annual dues shall be payable in one installment.

(d) Assignment of Dues. In the event any member whose dues are paid shall, during the year in which such dues are paid, terminate his membership by sale of his lot or unit in Rancho La Garita he shall be entitled to assign to the buyer of such building the benefit of the paid up dues. Any such buyer can acquire the benefit of such paid up dues by becoming a member of the corporation on the payment of a fee of one dollar (\$1.00), without the necessity of paying pro rata dues to the end of the year.

BYLAW EIGHT  
FISCAL YEAR

The fiscal year of the corporation shall be from August to August.

BYLAW NINE  
AMENDMENTS

Any proposed amendment to these bylaws may be submitted in writing at any meeting of the members of the corporation. Such proposed amendments shall be discussed at the meeting of the members following the meeting at which the proposed amendment was submitted, and shall be voted on by the members of the

201600705067  
 Filed for Record in  
 LAS ANIMAS CO  
 FERNANDO J. GONZALES  
 07-03-2016 At 09:38 AM.  
 BY LARS M. OH  
 ON Book 1093 Page 1212 - 1212  
 Instrument Book Page  
 201600705067 OR 1093 1212

# Rancho La Garita Land Owners Association

Established November 26, 1971



Articles of Incorporation  
 Declaration of Restrictive Covenants  
 Bylaws

~~201600705067~~

THE ARTICLES OF INCORPORATION  
 OF THE

Instrument 20100709067 OR  
Book Page 1093 1213

We, the undersigned, natural persons of the age of twenty-one years or more, acting as Incorporators under the Colorado Nonprofit Corporation Act, being Article 24 of Chapter 31 of the Colorado Revised Statutes of 1963, as Amended, do hereby adopt the following Articles of Incorporation.

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The name of this corporation is: RANCHO LA GARITA LAND OWNERS ASSOCIATION

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The Corporation shall have all the powers enumerated in Section 5 of Article 24 of Chapter 31 of the Colorado Revised Statutes of 1963, as Amended,

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The initial registered office of the corporation shall be 115 Park, Woodland Park, Colorado 80863 (El Paso County). The name of its initial registered agent at that address is Ronald P. Harris.

VI

The number of directors constituting the initial Board of Directors shall be three, their name and addresses as follows;

Harold F. Blick            115 Park  
   Woodland Park, CO 80863

Instrument  
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 Book Page  
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Fred L. Frederick      115 Park  
    Woodland Park, CO 80863

Ronald P. Harris      115 Park  
    Woodland Park, CO 80863

The number of a permanent Board of Directors to be as set forth in the Bylaws, the initial Board of Directors shall serve until the first meeting of the membership of the corporation, at which time a permanent Board of Directors shall be elected.

### DECLARATION OF RESTRICTIVE COVENANTS ON RANCHO LA GARITA

Recorded: August 20, 1971  
 at Reception Number 488946, Book 735, Page 606

KNOW ALL MEN BY THESE PRESENTS: That,

WHEREAS, La Garita Ranch, Inc., a Colorado corporation, is the owner of the following described real estate situate in the County of Las Animas and State of Colorado: All of the land encompassed within the plat of Rancho La Garita Filing No. 1 and Rancho La Garita Filing No. 2, as recorded in the office of the Clerk and Recorder of Las Animas County, Colorado; and all future filings.

WHEREAS, the owners desire to place certain restrictions on said premises for the use and benefit of themselves and their grantees, in order to establish and maintain such premises as a carefully protected residential community;

NOW THEREFORE, for themselves and their grantees, they hereby publish, acknowledge and declare, and agree with, to and for the benefit of all persons who may hereafter purchase and from time-to-time hold and own any of said tracts, that they own and hold said above-described tracts subject to the following restrictions, covenants and conditions, all of which shall be deemed to run with the land and to inure to the benefit of and be binding upon the owners at any time of any of the said tracts, their heirs, personal representatives, successors and assigns, to-wit:

1. **Firearms.** No hunting or discharging of firearms shall be allowed in the area.
2. **Nuisances.** No commercial, noxious, or offensive activity shall be carried on upon any tract, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.



Book Page  
1093 1215Instrument  
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3. **Garbage and Refuse Disposal.** No tract shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept, except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
4. (a) **Building Location.** No building shall be located on any tract nearer to the front tract line or nearer to the side street line than the minimum set-back lines shown on the recorded plat. In any event no building shall be located on any tract nearer than 25-feet to the front tract line or nearer than 25-feet to any side street line. No building shall be located nearer than 20-feet to an interior line. No dwelling shall be located on any interior tract nearer than 20-feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a tract to encroach upon another tract.  
  
(b) **Building Appearance.** In order not to impair the appearance of the subdivision, the exterior of each dwelling, mobile home or other structure located on any lot shall be maintained in good repair and painted condition. This is specifically intended to preclude and prohibit the location on the subject property of junk trailers.
5. **Signs.** No sign of any kind shall be displayed to the public view on any tract, except one sign of not more than five (5) square feet identifying the owner of said tract.

**Term.** These Covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years [August 20, 1996] from the date (of) these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the tracts has been recorded, agreeing to change said covenants in whole or in part.

**Enforcement.** Enforcement shall be by proceedings in law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

**Severability.** Invalidation of any one of these covenants by judgment or court shall in no wise effect any of the other provisions which shall remain in full force and effect.

Executed by :

Harold F. Blick, President  
La Garita Ranch, Inc.

Instrument: 201000799067 DR  
Book Page 1093 1216

Attested to by :  
Phyllis J. Harris, Assistant Secretary  
La Garita Ranch, Inc.

**BY-LAWS  
of the  
RANCHO LaGARITA  
LAND OWNERS ASSOCIATION**

**BYLAW ONE**

"The Office of the Corporation shall be located at the address of the current Secretary, and to record that address as PO Box 63, Weston, CO 80191."

**BYLAW TWO  
PURPOSE AND OBJECTS**

In amplification of the purposes for which the corporation has been formed as set forth in the Articles of Incorporation, the purposes and objects are as follows:

- (a) To develop a community designed for safe, healthful, and harmonious living.
- (b) To promote the collective and individual property and civic interests and rights of all persons, firms, and corporations owning property in Las Animas County as said property is shown on that certain map and filed for record on April 30, 1971, at Reception No. 487598 in the office of the County Clerk and Recorder of Las Animas County, Colorado.
- (c) To care for the improvements and maintenance of the community center, gateways, public easements, parkways, grass plots, parking areas, and any facilities of any kind dedicated to the community use and other open spaces and other ornamental features of the above-described subdivision known as Rancho LaGarita, which now exists or which may hereafter be installed or constructed therein.
- (d) To cooperate with the owners of all vacant and unimproved lots and plots now existing or that hereafter shall exist in the tract in keeping them in good order and condition, in preventing them from becoming a nuisance and a detriment to the beauty of the tract and to the value of the improved property therein, and to take any action with reference to such vacant and unimproved lots and plots as may be necessary or desirable to keep them from becoming such nuisance or detriment.

Instrument 201800709067 OR  
Book Page 1093 1217

- (e) To aid and cooperate with the members of this corporation and all property owners in the tract in the enforcement of such conditions, covenants, and restrictions on and appurtenant to their property as are now in existence, as well as any other conditions, covenants, and restrictions as shall hereafter be approved by a majority vote of the members of the corporation, and to counsel with the Planning Commission of Las Animas County having jurisdiction in relation to any zoning that may affect any portion of the subject property.
- (f) In general, but in connection with the foregoing, to do any and all things necessary to promote the general welfare of the residents and owners of any portions of Rancho LaGarita and their property interests therein.
- (g) To acquire, own, or lease such real and personal property as may be necessary or convenient for the transaction of its business and the fulfillment of its purposes and objects, and to exercise all rights, powers, and privileges of ownership to the same extent as natural persons might or could do.
- (h) To arrange social and recreational functions for its members.
- (i) To exercise any and all powers that may be delegated to it from time to time by the owners of real property in the tract.
- (j) This corporation shall not engage in political activity or pursue political purposes of any kind or character.

### **BYLAW THREE MEMBERS**

- (a) **Class of Members.** The corporation shall have one class of members. The qualifications and rights shall be as follows:
  - (1)a. Every person, partnership, corporation or association, owning either by Contract of Sale, by Deed of Trust or Warranty Deed, lots or tracts of land in the Rancho LaGarita Land Owners Association shall be entitled to one voting membership in this association.

Instrument  
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 Book Page  
 1093 1218

- b. Each member in good standing shall be entitled to vote on each matter submitted to a vote of the members. Where two or more owners own a lot, or in the event of resubdivision, only one vote for such lot or unit owned shall be allowed, and such joint owners shall designate & register with the secretary of the corporation the name of the owner entitled to cast such a single vote.
- (2) Membership shall include any undertaking by the applicant to comply with and be bound by the Articles of Incorporation, these Bylaws and amendments thereto, and the policies, rules, and regulations at any time adopted by the corporation in accordance with these Bylaws. Membership shall be accompanied by payment of the first year's dues in advance.
- (3) Membership in this corporation shall terminate on such member's ceasing to be a beneficial owner of a residential building site, lot, or unit in or on the property described herein.

**(b) Voting Rights.** Each member in good standing shall be entitled to vote on each matter submitted to a vote of the members, provided however, that each member shall be the sole owner of a residential building site or residential unit in Rancho LaGaita. A member shall have one vote for each residential building site of which he is an owner. Where two or more owners own a lot, or in the event of resubdivision, only one vote for such lot or unit owned shall be allowed, and such joint owners shall designate and register with the secretary of the corporation the name of that owner entitled to cast such single vote. "A member is considered in good standing when current in Annual Dues."

- (1) At membership meetings all votes shall be cast in person, or by proxy registered with the secretary.
- (2) The Board of Directors is authorized to establish regulations providing for voting by mail, "email and other electronic means."
- (c) **Assignment of Rights.** An owner who is a member of the corporation may assign his membership rights to the tenant residing in or on the owner's building site or unit. Such assignment shall be effected by filing with the secretary of the corporation a written notice of assignment signed by the beneficial member.

**BYLAW FOUR  
MEETINGS OF MEMBERS**

Instrument 201000709067 OR  
Book Page 1093 1219

- (a) **Annual Meeting.** An annual meeting of the members for the purpose of hearing reports from all officers and standing committees and for electing directors shall be held in the County of Las Animas, State of Colorado, in August of each year, beginning with the year 1976. The time and place shall be fixed by the directors.
- (b) **Regular Meetings.** In addition to the annual meetings, regular meetings of the members shall be had at such time and place as shall be determined by the board of directors, provided however, that there shall be no regular meetings held during the months of December, January and February.
- (c) **Special Meetings.** A special meeting of the members may be called by the board of directors. A special meeting of the members must be called within twenty (20) days by the president, or the board of directors, if requested by not less than twenty-five percent (25%) of the members having voting rights.
- (d) **Notice of Meetings.** Written notice stating the place, date and hour of any meeting of members shall be delivered either personally or by mail to each member entitled to vote at such meeting, not less than fifteen (15) days before the date of such meeting, or at the direction of the secretary.
- (e) **Quorum.** The members holding twenty-five percent (25%) of the votes that may be cast at any meeting shall constitute a quorum at any meeting of the members. In the absence of a quorum, a majority of the members present may adjourn the meeting from time to time without further notice.
- (f) **Proxies.** At any meeting of the members a member entitled to vote may vote by proxy executed in writing by the member. No proxy shall be valid after twelve (12) months from the date of its execution, unless otherwise provided in the proxy.
- (g) **Voting by Mail.** Where directors or officers are to be elected by members, or where there is an act requiring the vote of the members, such election or vote on such proposed action may be conducted by mail in such manner as the board of directors shall determine.

#### **BYLAW FIVE BOARD OF DIRECTORS**

- (a) **General Powers.** The affairs of the corporation shall be managed by the board of directors, subject to instructions of the members of the corporation at a regular meeting, or subject to the approval of the membership as expressed by a vote of the membership.

Book Page  
1093 1220  
Instrument  
201000709067 OR

- (b) **Number, Tenure and Qualifications.** The number of directors shall be not less than five (5). Each director shall be a member of the corporation, and shall hold office until two (2) annual meetings of the members following his original qualification shall have been held, and until his successor shall have been elected and qualified.
- (c) **Regular Meetings.** The board of directors shall meet regularly at least every other month, at a time and place it shall select.
- (d) **Special Meetings.** A special meeting of the board of directors may be called by or at the request of the president or of any three (3) directors.
- (e) **Notices.** Notice of any special meeting of the board of directors shall be given at least fifteen (15) days prior thereto, by written notice delivered personally or sent by mail to each director. Any director may waive notice of any meeting.
- (f) **Quorum.** A majority of the board of directors shall constitute a quorum for the transaction of business at any meeting of the board, but if less than a majority of the directors are present at said meeting, a majority of the directors present may adjourn the meeting from time to time, and without further notice.
- (g) **Manner of Acting.** The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by law or by these Bylaws.
- (h) **Vacancies.** Any vacancy occurring in the board of directors, and any directorship to be filled by reason of the increase in the number of directors, shall be filled by election by the board of directors. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

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#### **BYLAW SIX OFFICERS**

- (a) **Officers.** The officers of the corporation shall be a president, vice-president, a secretary, and a treasurer.
- (b) **Qualifications and Method of Election.** The officers shall be members of the corporation, shall be elected by the board of directors, and shall serve for a term of one (1) year. The president and vice-president shall be members of the board of directors.

Book Page  
1093 1221Instrument  
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- (c) **President.** The president shall preside at all meetings of the corporation and of the board of directors at which he is present, shall exercise general supervision of the affairs and activities of the corporation, and shall serve as a member ex-officio of all standing committees.
- (d) **Vice-President.** The vice-president shall assume the duties of the president during his absence.
- (e) **Secretary.** The secretary shall keep the minutes of all of the meetings of the corporation and of the board

#### **BYLAW SEVEN FEES AND DUES**

- (a) **Admission without Fee.** Record ownership of a residential building site or in the event of resubdivision, of any of the sites as shown on any unit or units of the property particularly described, without payment of an admission fee, shall establish the owner as a member of this corporation.
- (b) **Annual Dues** *The annual dues shall be the same for each member and shall be twenty five dollars, (\$25.00) per year, subject to such modification as a majority of the members may require, and by amendment as described in By-law nine*
- (c) **Payment of Dues.** The annual dues shall be payable in one installment.
- (d) **Assignment of Dues.** In the event any member whose dues are paid shall, during the year in which such dues are paid, terminate his membership by sale of his lot or unit in Rancho LaGarita he shall be entitled to assign to the buyer of such building the benefit of the paid up dues. Any such buyer can acquire the benefit of such paid up dues by becoming a member of the corporation on the payment of a fee of one dollar (\$1.00), without the necessity of paying pro-rata dues to the end of the year.

#### **BYLAW EIGHT FISCAL YEAR**

The fiscal year of the corporation shall be from August to August.

#### **BYLAW NINE AMENDMENTS**

Any proposed amendment to these Bylaws may be submitted in writing at any meeting of the members of the corporation. Such proposed amendments shall be discussed at the meeting of the members following the meeting at which the proposed amendment was submitted, and shall be voted on by the members of the corporation at a date that shall not be earlier than the second meeting following the

Book Page  
1093 1222

Instrument  
201000709067 OR

Initial submission of the proposed amendment. Such proposed amendment must be signed by three (3) members of the corporation, shall be read to the meeting by the secretary, and shall be printed on ballots distributed to all members by mail.

A proposed amendment shall become effective when approved by a two-thirds (2/3) majority of the members who have voted.

These By-laws have been voted on and formally adopted on Aug 29 2010,  
By the Rancho La Garita Board of directors.

President- *Toni Dayley*

Vice-President- *Ed Wanda*

Treasurer- *Sharray Bailey*

Secretary- *Fernanda Dayley*

Board Members- *Beeley Daniel*

*Tremaine Clemons*

*Carol Cuts*

*Joseph Mattel*

*Molana Greene*

*Diana Thorsberg*