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**First Amendment
to The Declaration of Common Interest Community
of Piney Ridge Ranch**

Pursuant to the provisions of Article XIII of The Declaration of Common Interest Community for the Piney Ridge Ranch, recorded in the Offices of Huerfano County, Colorado on December 9, 1998 as Document No. 336954, the Declaration is hereby amended as follows:

(1) Section 1.4 of Article I is hereby deleted and the following substituted therefore:

1.4 ASSOCIATION. "Association" shall mean and refer to the Piney Ridge Ranch Unit Owners' Association, a Colorado nonprofit corporation, its successors and assigns, whose purpose shall be to govern the administration of the Ranch. The Association shall be organized in accordance with the provisions of §38-33.3-301 of the Act.

(2) Section 1.8 of Article I is hereby deleted and the following substituted therefore:

1.8 COMMON ELEMENTS. "Common Elements" shall mean all portions of the Ranch not within a Lot, in addition to the shared domestic well locations and associated equipment, pipelines and easements referred to in Article IV, Section 4.21 hereof; all General Common Elements and Limited Common Elements as defined herein.

(3) Section 1.15 of Article I is hereby deleted and the following substituted therefore:

1.15 GENERAL COMMON ELEMENTS. "General Common Elements"

shall mean all parts of the Ranch not identified as Lots or Units on the Map, except for those portions which are identified as reserved for the exclusive use of an Owner of a particular Lot or Lots to the exclusion of all others ("Limited Common Elements"), but including the Shared Domestic Water System referred to in Article IV, Section 4.21 which is included in the Common Elements.

(4) Section 1.16 of Article I is deleted and the following substituted therefore:

1.16 LIMITED COMMON ELEMENTS. "Limited Common Elements"

shall mean a portion of the Common Elements allocated by this Declaration or § 33-3-202 (1)(b) of the Act for the exclusive use of one or more Lots, but fewer than all of the Lots, but not including the Shared Domestic Water System referred to in Article IV, Section 4.21 which is included in the Common Elements. Limited Common Elements shall include, by way of example, but not limitation, that portion of any utility line, drainage facility, access drive, or walkway serving only one or more Lots, but not less than all Lots.

(5) Section 1.31 and 1.32 are added to Article I as follows:

1.31 SHARED DOMESTIC WATER SYSTEM. "Shared Domestic Water System" shall mean all parts of the individual wells owned by the Association each servicing one or more Lots; the wells and any future replacement thereof, and the associated easements for ingress and egress to the wells for maintenance of the wells, for utility and pipeline installation and maintenance, and all associated equipment used in connection with the operation or maintenance of the system, all of which are owned



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by the Unit Owners Association.

1.32 **SHARED WELL.** "Shared Well" shall refer to a domestic well permitted for use by the Unit Owners' Association in the Shared Domestic Water System.

(6) The title to Section 4.3 of Article IV is deleted and the following substituted therefore:

4.3 **ARCHITECTURAL CONTROL COMMITTEE.**

(7) Section 4.5.6 is added to Article IV as follows:

4.5.6 **WATER USAGE.** Water usage on a Lot serviced by a Shared Domestic Water System shall be limited or set forth in Article IV, Section 4.21 of the Declaration.

(8) Section 4.14.1 of Article IV is deleted and the following substituted therefore:

4.14.1 **LANDSCAPING GUIDELINES.** The ACC will maintain and provide to all Owners or their agents a list of appropriate plant materials that are acceptable at Piney Ridge Ranch. From time to time, the Committee shall review and modify the list. The Committee may prohibit planting that in its opinion will mar the natural beauty of the community. For example: *In the low grassland areas, a landscape scheme that calls for lining of the property line or driveway with rows of trees would alter the character of the low grasslands.* Except as limited by the provisions of Section 4.21 of this Article for a Lot serviced by the Shared Domestic Water System or as limited by the Board of Directors, a non-commercial garden placed on the Lot that is maintained strictly within the limits of the approved well permit assigned to the Lot (up to one [1] acre in size) may be installed for purposes of raising fruits, vegetables, and/or

flowers for personal use or consumption. No water may be used to irrigate open areas of farmland not associated with a home garden or for pastureland for feeding livestock. No illegal substances may be cultivated, or allowed to remain on any Lot or common area of the Piney Ridge Subdivision.

The use of commercial fertilizers and other chemical treatments for gardens and landscape shall be strictly limited by the ACC to those approved for use within the Ranch.

(9) The second sentence of Section 4.15.13 of Article IV is deleted and the following substituted therefore:

"...of Colorado agencies. The Owner of the Lot shall use a qualified well driller licensed in the State of Colorado to construct a well and all necessary pumps, equipment and underground domestic water lines for use on the Lot. The use of water,

(10) The following Section is hereby added to Article IV:

4.21. SHARED DOMESTIC WATER SYSTEM:

4.21.1 GENERAL. A Shared Domestic Water System has been developed within the Community, with one well shared by up to three (3) Lots servicing not more than three (3) residences pursuant to provisions of § 32.92.602 3(B)(II)(A) of the Colorado Revised Statutes, as amended. Subject to limitations on annual withdrawals from the wells which may be imposed by the State of Colorado or by the Board of Directors, the withdrawal of water from each well may be used for ordinary household purposes inside up to three (3) single family dwellings, fire protection, the watering of

domestic animals and livestock and the irrigation of not over one (1) acre of home gardens and lawns. Use of the wells is further burdened and restricted as set forth in this Section 4.21.

4.21.2 WELLS. The wells and all associated equipment and easements are the property of the Unit Owners' Association. The Association may designate up to three (3) single family dwellings on up to three (3) Lots to be serviced from each well, and shall record a document reflecting the designation and any changes thereto in the records of Huerfano County.

The Owner of Lot 4 has elected not to receive water from the Shared Domestic Water System.

4.21.3 GENERAL COMMON ELEMENT. The Shared Domestic Water System providing domestic water to the Lots and the associated easements are hereby declared to be a General Common Element.

4.21.4 COST OF OPERATION, MAINTENANCE, REPLACEMENT AND REPAIRS. The cost of operation, maintenance, replacement or repairs of the Shared Domestic Water System is a Common Expense which shall be included in the annual budget for which assessments will be made pursuant to Article IX hereof. All Lots within the subdivision, including any Lot whose Owner elects not to participate in the Shared Domestic Water System, shall share pro rata in the cost of operation, maintenance, replacement and repair of the Shared Domestic Water System; provided, however, that the Board of Directors of the Unit Owners' Association may make equitable adjustments of the costs allocated to an individual Lot if there are



significant changes in system energy costs, the use or occupancy of a property, or other unforeseen circumstances.

4.21.5 CONNECTION TO THE SYSTEM.

A pipeline from each of the individual wells will be extended from the wells to the Lot Lines of any Lot served by a well which is located outside of the Lot Line boundaries. Each Owner is responsible for the cost of extending a pipeline past the Lot Line or from the well or water main on an Owner's Lot to the residential construction area. In addition, each Lot Owner will be required to install and maintain in good working order such equipment and water conservation devices as may be required by the ACC, which equipment may include, but not be limited to the following:

- (i) A shut-off valve and a U-joint and by-pass connection for the purpose of maintenance of the pipes on a site to be provided near the point at which the pipeline enters the Lot.
- (ii) A volume sub-meter to indicate the total gallons used for all water provided to each Lot.
- (iii) On-site water storage for domestic consumption of not less than 1500 gallons as specified by the ACC.
- (iv) A back-flow preventer to be installed at the low point in the water distribution system on the Lot.
- (v) Pressure tank/booster pumps, filters and accessories necessary to distribute water on the Lot, as may be necessary.
- (vi) Water treatment and/or purification equipment.



4.21.6 LIMITATIONS ON WITHDRAWALS. Each tract served by a Shared Well shall draw no more than a pro rata share of the water permitted to be withdrawn pursuant to the any future limitation imposed by rules and regulations of the State of Colorado, the County of Huerfano or the Board of Directors. A total of not more than one (1) acre of non-commercial garden may be watered from a Shared Well, allocated by one-third (1/3) acre to each Lot served by a Shared Well, subject to further limitation by the Board of Directors. No water may be used to irrigate open areas of farmland not associated with a home garden or for pastureland for feeding livestock. Unless otherwise agreed by the Owners of the Lots served by a Shared Well, each Lot shall be limited to a pro rata share of the permitted garden area.

4.21.7 EASEMENTS. The Unit Owners' Association is granted such easements as may be necessary in the judgment of the Board of Directors from time to time, for ingress and egress to the well locations, sufficient working space for maintenance of any common equipment used in connection with the production of water from the wells, and for the installation, maintenance and repair of pipelines from the wells to the Lot Lines of Lots served by each well. No landscaping or improvements shall be placed which will impair the use of the easements. The Officers of the Association may record in the records of Huerfano County, Colorado, all necessary documents which may be required from time to time in the judgment of the Board of Directors to describe the easements.

4.21.8 REPLACEMENT WELLS. The Board of Directors may direct the Officers of the Association to apply for any and all necessary applications to the



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Division of Water Resources of the State of Colorado in the event that a replacement well is required for inclusion in the Shared Domestic Water System.

4.21.9 POWER COUPLED WITH AN INTEREST. Each Lot Owner whose Lot is provided water from the Shared Domestic Water System, by acceptance to title to a Lot, grants to the Unit Owners' Association an irrevocable power coupled with an interest to execute any and all documents deemed necessary in the judgment of the Board of Directors of the Association to operate and maintain the Shared Domestic Water System, including by way of illustration, but not limitation, designations, easements or applications as required by sections 4.21.2, 4.21.7 and 4.21.8 hereof.

4.21.10 EMERGENCIES. Any Lot Owner may act to correct an emergency situation in the absence of the Managing Agent, or the failure of the Managing Agent to take required action after reasonable notice. An emergency situation is defined as "the failure of the system to deliver water on demand," if the Managing Agent or President of the Association cannot be notified within a reasonable time. Any Owner who acts to correct an emergency situation shall give notice within three (3) working days to the Managing Agent, or in the absence of a Managing Agent, to the President of the Association, of the action taken and the cost incurred. The expense of any emergency work may be reimbursed with the approval of the Board of Directors, and upon presentation of a paid receipt.

4.21.11 WATER SAMPLING AND TESTING. An Owner may request a responsible local authority to sample and test the water quality of the wells at any time. If the testing reveals a significant water quality deficiency, corrective measures will be



implemented with the consent of the Board of Directors of the Association.

4.21.12 SEPTIC SYSTEMS. A sewage disposal or septic system shall not be located or relocated within one hundred feet (100') of a Shared Well, or as further restricted by the State of Colorado or Huerfano County.

4.21.13 DAMAGE TO SHARED WELL SYSTEM. Each Owner shall be responsible to repair, at the Owner's expense, any detected leak in the Owner's portion of the water service line or plumbing system and to pay all costs to correct any system damage caused by a resident or guest on a Lot and make all necessary repairs or replacements of the service line connecting the system to the dwelling on the Lot.

4.21.14 ARBITRATION. Any controversy, dispute or question arising out of or in connection with or in relation to the requirements of this Declaration for the Shared Domestic Water System, or its interpretation, performance or non-performance, or any breach thereof, shall be determined by arbitration conducted in accordance with the existing rules of the Colorado Uniform Arbitration Act ("C.R.S. 13-22-201").

4.21.15 INDIVIDUAL WELLS. Notwithstanding participation in the Shared Domestic Water System, each Lot Owner may drill a domestic well on the Owner's Lot, if a Shared Well is not located on the Lot and if permitted by the State of Colorado, provided however that the Lot Owner will be required to continue to pay the necessary pro rata assessments for the operation, maintenance, replacement and repair of the Shared Domestic Water System.

(11) The third sentence of Section 5.2 of Article V is deleted and the following substituted therefore:



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" . . Directors of the Association. The Declarant shall, at all times, be a member of the ACC and not subject to removal, subject however to Declarant's right to permanently resign at any time. The ACC shall. . ."

(12) Section 6.14 of Article VI is hereby deleted and the following substituted therefore:

6.14 PERMANENT BARBECUES. No permanent barbecue facilities or fire pits are permitted.

(13) The last sentence of Section 6.21 of Article VI is deleted and the following substituted therefore:

" . . continuing natural watershed. Lot Owners shall not interrupt natural waterway flows without the written permission of the ACC and any approved interruption must be in conformance with all applicable federal, state and local laws, rules and regulations."

(14) Section 14.4 of Article XIV is deleted and the following substituted therefore:

14.4 AMENDMENT. Amendments to this Declaration shall be in accordance with the terms of Article XIII above, except as may be reserved by Declarant in Article XV or elsewhere herein.



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IN WITNESS HEREOF the Declarant hereby executes this First Amendment to
the Declaration of Common Interest Community of Piney Ridge Ranch on this 2nd day
of March, 2001.

PINEY RIDGE RANCH LIMITED LIABILITY COMPANY

By Leland T. Brewer Member/Manager
LELAND T. BREWER, Member/Manager

PINEY RIDGE RANCH UNIT OWNERS' ASSOCIATION

By Leland T. Brewer - Pres
LELAND T. BREWER, President

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss:

The foregoing instrument was acknowledged before me this 2nd day of
March, 2001, by Leland T. Brewer, as Member/Manager, for and on behalf of Piney
Ridge Ranch Limited Liability Company and as President of the Piney Ridge Ranch
Unit Owners' Association.

Witness my hand and official seal.

Kenneth Bateman
KENNETH BATEMAN



*Piney Ridge Ranch -- First Amendment to
Declaration of Common Interest Community*



**Second Amendment
to The Declaration of Common Interest Community
of Piney Ridge Ranch**

Pursuant to the provisions of Article XIII of The Declaration of Common Interest Community for the Piney Ridge Ranch, recorded in the Offices of Huerfano County, Colorado on December 9, 1998 as Document No. 336954, the Declaration is hereby amended as follows:

(1) Subparagraph 4.15.13 of Article IV is hereby deleted and the following substituted therefore:

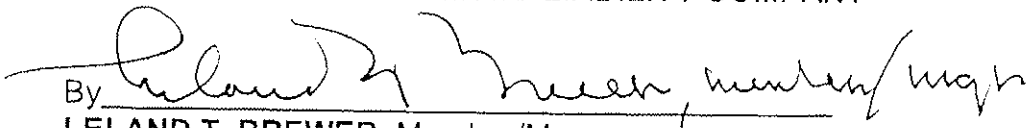
“4.15.13 WATER SYSTEMS. Subject to the limitation set forth in subparagraph 4.21.15 of this Article, the Owner of each Lot may provide domestic water supply by obtaining a legal well permit from the appropriate State of Colorado agencies. The Owner of the Lot shall use a qualified well-driller licensed in the State of Colorado to construct such well and provide all necessary pumps, equipment, and underground domestic water lines for use on the Lot. The use of water-saving appliances, plumbing fixtures, low-flow faucets and other devices such as drip irrigation is encouraged. The use of water within the subdivision is strictly limited to those applications allowed under the State of Colorado Well Permit and as further restricted by these Covenants. The intent of the Covenant is not to



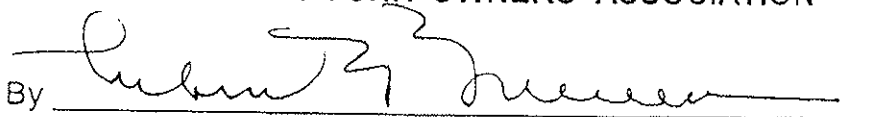
restrict water usage to less than that allowed under the well use permit, except in case of extreme drought or other natural disaster that may require that the Board implement restrictions on water use that apply to All Lot Owners. The location of all elements of a separate domestic water supply system shall be submitted to the ACC as part of the building design review package."

IN WITNESS HEREOF the Declarant hereby executes this Second Amendment to the Declaration of Common Interest Community of Piney Ridge Ranch on this 6th day

PINEY RIDGE RANCH LIMITED LIABILITY COMPANY

By 
LELAND T. BREWER, Member/Manager

PINEY RIDGE RANCH UNIT OWNERS' ASSOCIATION

By 
LELAND T. BREWER, President

