



(2)

**THIRD AMENDED
DECLARATION OF
PROTECTIVE COVENANTS OF
EATON PAGOSA ESTATES SUBDIVISION**

This Third Amended Declaration of Protective Covenants of Eaton Pagosa Estates Subdivision is made this 24th day of April, 2006, by the Eaton Pagosa Estates Property Owners Association, Inc. a Colorado nonprofit corporation, whose address is P.O. Box 2272, Pagosa Springs, CO 81147, hereinafter referred to as "Declarant":

WHEREAS, Declarant is an organization whose members include all of the owners of the Lots in Eaton Pagosa Estates, which members have voted to amend those certain Declaration of Protective Covenants of Eaton Pagosa Estates Subdivision, previously recorded in the Office of the Archuleta County Clerk and Recorder on October 31, 1996 as Reception Number 1996008108, as amended by the First Amendment to Declaration of Protective Covenants dated February 5, 1997 and recorded in the Office of the Archuleta County Clerk and Recorder on February 13, 1997 as Reception Number 97001043 and the Second Amendment to Declaration of Protective Covenants dated October 30, 1997 and recorded in the Office of the Archuleta County Clerk and Recorder on February 9, 1998 as Reception Number 98001014 (collectively "Covenants"); and

WHEREAS, Article 16, Section 2 of the Covenants provides that the said Covenants may be amended by the written consent of the Owners of seventy-five percent (75%) or more of the Lots in Eaton Pagosa Estates Subdivision; and

WHEREAS, seventy-five percent (^{67%}75%) of the Lot Owners in Eaton Pagosa Estates have voted in writing in favor of the amendments set forth below, which writing also authorized the President and Secretary of the Eaton Pagosa Estates Property Owners Association, Inc. to execute and record the amended covenants on behalf of such owners;

NOW THEREFORE, the following provisions are hereby amended or added to the Covenants:

1. Article 7, Section 6 shall be amended as follows:

Section 6. TEMPORARY STRUCTURES AND PROHIBITED ACTIVITIES. No temporary structure, modular home, manufactured home, mobile home, trailer house, travel trailer, RV vehicle or any outbuildings shall be permitted on any Lot. All buildings or structures erected, placed or permitted upon said premises shall be of new construction and shall be approved by the Archuleta County Building Department under its then current Uniform Building code and no buildings or structures shall be moved from other locations onto the Property except with the written approval of the ARC. Owners



20603569
2 of 2

4/25/2006 9:15 AM
DCC R\$11.00 D\$0.00

June Madrid
Archuleta County

of RV vehicles, trailers of any type, and watercraft of any type must store them in an enclosure so that such RV vehicles, trailers and watercraft are not visible from the street or from any other Lot. All vehicles must be parked off street in driveways or garages. This Section 6 shall not be subject to variance. Guest RV parking is limited to a maximum of two weeks. This paragraph is not intended to prohibit the use of pre-assembled or manufactured components such as roof trusses, pre-cut logs, wall systems or similar components used in the construction of a Building. Notwithstanding anything contained in this Section 6 or the Declaration to the contrary, a temporary construction trailer or other such temporary unit or structure used for the purpose of storing construction tools, equipment or materials in connection with the construction of a residence or other permitted structure on a Lot or Lots shall be permitted, provided it is promptly removed upon the completion of such construction. The ARC shall maintain a policy regarding minimum quality and construction guidelines designed to prohibit low quality stick-built, modular, pre-manufactured or panelized buildings or structures addressing, among others, such issues as minimum size and spacing for floor joists, interior walls, roof structure and roof pitch.

IN WITNESS WHEREOF, the Declarant has executed this Third Amended Declaration of Covenants, Conditions and Restrictions of Eaton Pagosa Estates Subdivision on the day and year first set forth above.

EATON PAGOSA PROPERTY OWNERS
ASSOCIATION, INC., a Colorado
non-profit corporation

By

James H. Struck, President

ATTEST:

Pam Manatt, Secretary



STATE OF COLORADO)
)ss
COUNTY OF ARCHULETA)

SUBSCRIBED AND SWORN to before me this 24th day of April, 2006, by James H. Struck, President and Pam Manatt, Secretary, of the Eaton Pagosa Estates Property Owners Association, Inc.

Witness my hand and official seal.

Notary Public

My Commission Expires:

4/24/09