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Kristy Archuleta
Archuleta County

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SIXTH AMENDED
DECLARATION OF PROTECTIVE COVENANTS OF
EATON PAGOSA ESTATES SUBDIVISION

This Sixth Amended Declaration of Protective Covenants of Eaton Pagosa Estates Subdivision is made this 18 day of Nov, 2019, by the Eaton Pagosa Estates Property Owners Association, Inc., a Colorado nonprofit corporation, whose address is P.O. Box 2272, Pagosa Springs, Colorado 81147-2272 (Hereinafter referred to as "Declarant").

WHEREAS, Declarant is an organization whose members include all of the owners of the lots of 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 Archuleta County Clerk and Recorder on February 9, 1998 as Reception Number 98001014 and the Third Amendment to the Declaration of Protective Covenants dated April 24, 2006 and recorded in the office of Archuleta County Clerk and Recorder on April 25, 2006, as Reception Number 20603569 and the Fourth Amendment to the Declaration of Protective Covenants dated July 17, 2017 and recorded in the office of the Archuleta County Clerk and Recorder on July 17, 2017 as Reception Number 21704121 and the Fifth Amendment to the Declaration of Protective Covenants dated October 13, 2017 and recorded in the office of the Archuleta County Clerk and Recorder on October 13, 2017 as Reception Number 21706355.

WHEREAS, Section 38-33.3-217 of Colorado Common Interest Ownership Act (CCIOA) provides that the said Covenants may be amended by written consent of the owners of sixty seven percent (67%) or more of the Lots in Eaton Pagosa Estates Subdivision, and;

WHEREAS, the homeowners of Eaton Pagosa Estates Property Owners Association, Inc. wish to reaffirm their desire to maintain the single-family residential character of their community, consistent with Article 3, Section 2 of these covenants, and;

WHEREAS, timeshare properties are similar in nature to vacation rentals and short term home rentals which are marketed for purposes of short and infrequent stays, typically once per year for one week. Timeshare owners demonstrate little emotional connection to the property and have a lack of pride in ownership because they typically only use their property for one week per year. As a result, timeshare properties tend to decrease in value over time. Another feature of some timeshare properties is the ability to trade locations with other timeshare properties. Overall, timeshare properties, and especially the ones with the ability to trade, will create a high volume of outside, non-resident personnel into the neighborhood, and;

Rtn:
Kathleen Crawford
PO Box 5135
PS, CO 81147



WHEREAS, sixty-seven percent (67%) or more of the Lot Owners in Eaton Pagosa Estates have cast a written ballot in favor of the amendments set forth below, which written ballot also authorized the President and Secretary of 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 3, Section 6 shall be inserted as follows:

Section 6. Time Shares. No Time Share Estates shall be created with respect to any Lot. "Time Share Estate" means either an "Interval Estate" or a "Time-Span Estate." "Time-Span Estate" means a combination of: (a) an undivided interest in a present estate in fee simple in a unit, the magnitude of the interest having been established by the time of the creation of the time-span estate either by the project instruments or by the deed conveying the time-span estate; and (b) an exclusive right to possession and occupancy of the unit during an annually recurring period of time defined and established by a recorded schedule set forth or referred to in the deed conveying the time-span estate. "Interval Estate" means a combination of: (a) an estate for years terminating on a date certain, during which years title to a time share unit circulates among the interval owners in accordance with a fixed schedule, vesting in each such interval owner in turn for a period of time established by the said schedule, with the series thus established recurring annually until the arrival of the date certain; and (b) a vested future interest in the same unit, consisting of an undivided interest in the remainder in fee simple, the magnitude of the future interest having been established by the time of the creation of the interval estate either by the project instruments or by the deed conveying the interval estate. The estate for years shall not be deemed to merge with the future interest, but neither the estate for years nor the future interest shall be conveyed or encumbered separately from the other.

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

[Signature Page Follows]



Eaton Pagosa Property Owners Association, Inc.
A Colorado non-profit Corporation

By Desi G. Dundics
President

ATTEST: Kristy Archuleta
Secretary

STATE OF COLORADO ~~NEVADA~~
COUNTY OF ARCHULETA ~~CLARK~~

SUBSCRIBED AND SWORN to before me this 16TH day of NOVEMBER,
2019, by DESI G DUNDICS, President of the Eaton Pagosa Estates Property Owners
Association, Inc.

Witness my hand and official seal.



Anneliese Gamboa
Notary Public

My commission expires:

JAN-11, 2022

SUBSCRIBED AND SWORN to before me this 18 day of November,
2019, by Jocelyn Havens, Secretary of the Eaton Pagosa Estates Property Owners
Association, Inc.

Witness my hand and official seal.

Jocelyn Havens
Notary Public

My commission expires:

09/24/2023

