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BOOK 5507 PAGE 602

ARDIS W SCHMITT
EL PASO COUNTY
CLERK & RECORDER
Declaration of Protective Covenants

BENT TREE, FILING 2

State of Colorado)
County of El Paso)

KNOW ALL MEN BY THESE PRESENTS

That whereas the Declarant, Arrowwood Development Corporation, hereinafter called Declarant, is the owner of Tracts Sixty-four (64) through One Hundred Twenty-four (124) inclusive, BENT TREE Filing 2 (hereinafter BENT TREE), situate in the County of El Paso and State of Colorado ("Tracts" may be referred to as "lots" in these covenants and on the plat, and if so, these terms are interchangeable) and

Whereas Protective Covenants exist on all tracts in Filing 1, said covenants having been recorded in El Paso County, Colorado August 1, 1985, Reception #1281854, Book 5042, Pages 780 through 791, and as amended March 10, 1987, Reception #1534526, Book 5328, Page 359, and

Whereas it is desired that covenants be placed on the aforesaid tracts in Filing 2,

NOW THEREFORE

Those covenants applied to Filing 1 are hereby extended to cover all of the aforesaid tracts in Filing 2

In addition, the following additions or changes shall apply to all Tracts in Filing 2 and to all remaining Tracts in Filing 1 which are unsold and owned by Declarant as of the date of recording of this instrument

1 Reference Par 3 DWELLING SIZE Delete the last sentence of the first paragraph and substitute the following "The ACC may grant requests for minor variances to size criteria or give size credit for special construction amenities when, in its opinion, such variances and credits enhance the quality of the structure and the BENT TREE development "

Also add the following sentence at the end of the second paragraph in Par 3 "Automobiles and small boats will not habitually be parked overnight outside of garages "

2 Reference Par 6 TIME OF CONSTRUCTION Add the following at the end of the second paragraph "In no event, other than inclement weather, shall final grading and clean up (debris, stumps, limbs, left over building items, etc) be delayed more than 30 days after completion of a home "

3 Reference Par 8 B WATER AUGMENTATION PLAN REQUIREMENTS Add the following after the first sentence "Well permits for each lot must be submitted to the Division of Water Resources, Office of the State Engineer for approval. Normally well drilling companies furnish the required well application form, assist in its preparation and can provide information on types of casing, pumps, etc. Lot owners may contact a ground water consultant of their choice for specific recommendations as to depth, casing, casing diameter and pumping equipment " All other portions of said paragraph remain the same

4 Reference Par 9 E (9) Driveways Add the following at the end of the paragraph "Flared end extensions are required on all driveway culverts, or else concrete, masonry or stone headwalls to prevent bent culvert pipes and a consequently unattractive approach to a home. Plans submitted to the ACC must include the manner in which the driveway shall be constructed, and approval must be obtained from the ACC "

5 Reference Par 10 CLEARING OF TREES Delete last sentence of paragraph and substitute "Owners are responsible for prompt treatment or removal of trees affected by pine beetle or other insects which can kill trees within a year and might spread to adjacent trees and lots, and to reasonably contain any trees with slow parasitic growth such as mistletoe "

6 Reference Par 16 SIGNS Add at the end of the third sentence and division decors, "however, neither Declarant nor ACC shall require real estate signs to be smaller than provided herein, and this restriction shall run with the land and may only be changed by Declarant "

7. Add new paragraph as follows

"28. COMMERCIAL USAGES on contiguous property owned by Declarant and/or its associated companies or successors in ownership is logical as the area develops. Purchasers of tracts in Bent Tree, all filings, are hereby made aware of the intent of Declarant to develop and/or market the southwest corner of State Highway 105 and Roller Coaster Road, consisting of approximately 58 acres, as commercial property. In addition, the northwest corner of Higby and Roller Coaster Roads consisting of approximately 18 acres is presently planted in small pines/seedlings, some of which shall be commercially marketed, and further it is the present intent of Declarant to permit continued controlled marketing of trees by nearby lot owners. In the southwest portion of land planned for future subdivision are considerable gravel deposits located primarily in steep ridges and which are being used to gravel BENT TREE roads as well as furnish material under contract to the El Paso County Public Works Department. Commercial extraction of these deposits may be continued, but shall be performed so as to enhance the terrain for future use and with reasonable buffer to existing lots in BENT TREE. Purchasers in BENT TREE agree to such commercial development as stated above. This covenant runs with the land and may only be changed by Declarant."

8 Any change, alteration or deletion to Paragraph 3 of the Declaration of Protective Covenants Bent Tree Filing No 2, or Paragraph 8 of the Declaration of Protective Covenants Bent Tree Filing No 1, must first be approved by the El Paso County Board of County Commissioners

9 No effort will be made by the Declarant to sever the rights to the Dawson-Arkose aquifer from the individual lot owner

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this 19th day of July, 19 88

Kenneth H. Barber
Kenneth H. Barber, Secretary

ARROWWOOD DEVELOPMENT CORPORATION

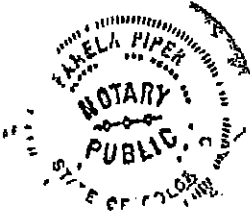
R Burns Moore
R Burns Moore, President

STATE OF COLORADO)
) ss
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 19th day of July, 19 88, by Kenneth H Barber, Secretary, and R Burns Moore, President, of Arrowwood Development Corporation

Witness my hand and official seal
My Commission expires 7/3/90

Pamela Piper
Notary Public



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ARDIS W. SCHMITT
EL PASO COUNTY
Declaration of Protective Covenants

BOOK 5537 PAGE 231

BENT TREE, FILING 2

State of Colorado)
County of El Paso)

KNOW ALL MEN BY THESE PRESENTS:

That whereas the Declarant, Arrowwood Development Corporation, hereinafter called Declarant, is the owner of Tracts Sixty-four (64) through One Hundred Twenty-four (124) inclusive, BENT TREE Filing 2 (hereinafter BENT TREE), situate in the County of El Paso and State of Colorado. ("tracts" may be referred to as "lots" in these covenants and on the plat, and if so, these terms are interchangeable.) and

Whereas Protective Covenants exist on all tracts in Filing 1, said covenants having been recorded in El Paso County, Colorado August 1, 1985, Reception #1281854, Book 5042, Pages 780 through 791, and as amended March 10, 1987, Reception #1534526, Book 5328, Page 359, and

Whereas it is desired that covenants be placed on the aforesaid tracts in Filing 2,

NOW THEREFORE:

Those covenants applied to Filing 1 are hereby extended to cover all of the aforesaid tracts in Filing 2.

In addition, the following additions or changes shall apply to all Tracts in Filing 2 and to all remaining Tracts in Filing 1 which are unsold and owned by Declarant as of the date of recording of this instrument.

1. Reference Par. 3. DWELLING SIZE. Delete the last sentence of the first paragraph and substitute the following: "The ACC may grant requests for minor variances to size criteria or give size credit for special construction amenities when, in its opinion, such variances and credits enhance the quality of the structure and the BENT TREE development."

Also add the following sentence at the end of the second paragraph in Par. 3: "Automobiles and small boats will not habitually be parked overnight outside of garages."

2. Reference Par. 6. TIME OF CONSTRUCTION. Add the following at the end of the second paragraph: "In no event, other than inclement weather, shall fine/final grading and clean up (debris, stumps, limbs, left over building items, etc.) be delayed more than 30 days after completion of a home."

3. Reference Par. 8.B. WATER AUGMENTATION PLAN REQUIREMENTS. Add the following after the first sentence: "Well permits for each lot must be submitted to the Division of Water Resources, Office of the State Engineer for approval. Normally well drilling companies furnish the required well application form, assist in its preparation and can provide information on types of casing, pumps, etc. Lot owners may contact a ground water consultant of their choice for specific recommendations as to depth, casing, casing diameter and pumping equipment." All other portions of said paragraph remain the same.

4. Reference Par. 9.E.(9) Driveways. Add the following at the end of the paragraph: "Flared end extensions are required on all driveway culverts, or else concrete, masonry or stone headwalls to prevent bent culvert pipes and a consequently unattractive approach to a home. Plans submitted to the ACC must include the manner in which the driveway shall be constructed, and approval must be obtained from the ACC."

5. Reference Par. 10. CLEARING OF TREES. Delete last sentence of paragraph and substitute: "Owners are responsible for prompt treatment or removal of trees infected by pine beetle or other insects which can kill trees within a year and might spread to adjacent trees and lots, and to reasonably contain any trees with slow parasitic growth such as mistletoe."

6. Reference Par. 16. SIGNS. Add at the end of the third sentence: "...and subdivision decor; however, neither Declarant nor ACC shall require real estate signs to be smaller than provided herein, and this restriction shall run with the land and may only be changed by Declarant."

7. Add new paragraph as follows:

"28. COMMERCIAL USAGES on contiguous property owned by Declarant and/or its associated companies or successors in ownership is logical as the area develops. Purchasers of tracts in Bent Tree, all filings, are hereby made aware of the intent of Declarant to develop and/or market the southwest corner of State Highway 105 and Roller Coaster Road, consisting of approximately 58 acres, as commercial property. In addition, the northwest corner of Higby and Roller Coaster Roads consisting of approximately 18 acres is presently planted in small pines/seedlings, some of which shall be commercially marketed, and further it is the present intent of Declarant to permit continued controlled marketing of trees by nearby lot owners. In the southwest portion of land planned for future subdivision are considerable gravel deposits located primarily in steep ridges and which are being used to gravel BENT TREE roads as well as furnish material under contract to the El Paso County Public Works Department. Commercial extraction of these deposits may be continued, but shall be performed so as to enhance the terrain for future use and with reasonable buffer to existing lots in BENT TREE. Purchasers in BENT TREE agree to such commercial development as stated above. This covenant runs with the land and may only be changed by Declarant."

8. Any change, alteration or deletion to Paragraph 3 of the Declaration of Protective Covenants Bent Tree Filing No. 2, or Paragraph 8 of the Declaration of Protective Covenants Bent Tree, must first be approved by the El Paso County Board of County Commissioners.

9. No effort will be made by the Declarant to sever the rights to the Dawson-Arkose aquifer from the individual lot owner.

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this 16th day of December, 1987.

ARROWWOOD DEVELOPMENT CORPORATION

Kenneth H. Barber
Kenneth H. Barber, Secretary

R. Burns Moore
R. Burns Moore, President

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 16th day of December, 1987, by Kenneth H. Barber, Secretary, and R. Burns Moore, President, of Arrowwood Development Corporation.

Witness my hand and official seal.
My Commission expires 7/3/90.

Pamela Piper
Notary Public

