

Declaration of Restrictions

Incorporates by Reference
Declaration of Restrictions
Made 3/13/70 and
Recorded 6/24/70 in
Book 122, Pages 224-247
(Pagosa)

Recorded FEB 18 1981 At 11.11. A.M.
Recpt. No. 103167 Mary Ann Callan - Recorder *MAC*

AMENDMENT TO DECLARATIONS OF RESTRICTIONS

INDEXED

EATON INTERNATIONAL CORPORATION is the owner of a portion of the lots in CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II, a subdivision of Archuleta County, Colorado. EATON INTERNATIONAL CORPORATION desires to amend the Declarations of Restrictions which apply to CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II, and has obtained consents in excess of 2/3 of all other parties who have an ownership interest in CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II, whether the ownership interest is recorded or not. EATON INTERNATIONAL CORPORATION thereby has the right to amend the Declarations of Restrictions recorded in Archuleta County, Colorado, in Book 132 at Page 243, Book 128 at Page 264, Book 122 at Page 224, Book 151 at Page 439, and Book 171 at Page 242, as said Restrictions affect CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II.

EATON INTERNATIONAL CORPORATION hereby declares that each parcel (listed as Parcels 1 through 37), which consists of two or more lots, as listed on the attachment hereto, shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved as if one lot and not subject to further division.

EATON INTERNATIONAL CORPORATION further declares that each such parcel shall be subject to the R-1-90 Single Family Residential District classification as set forth in said Restrictions recorded in Book 122 at Page 224, with each parcel as shown on the attachment hereto being for purposes of all applicable Restrictions considered a lot.

The Declarations of Restrictions affecting CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II, except as expressly herein modified, shall remain in full force and effect.

BOOK 178 PAGE 110

DATED this 5th day of February, 1981.



EATON INTERNATIONAL CORPORATION,
a Delaware corporation

By David H. Eaton
David H. Eaton, President

Attest:

Thomas H. Kent
Thomas H. Kent, Secretary

State of Arizona)
)ss
County of Maricopa)

This instrument was acknowledged before me this 5th
day of February, 1981, by David H. Eaton as President and Thomas
H. Kent as Secretary of EATON INTERNATIONAL CORPORATION

M. Carol Spaulding
Notary Public
M. Carol Spaulding

My commission expires:
1/13/84

103167

BOOK 178 PAGE 111

CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II

Parcel

1. Lots 277 and 278
2. Lots 279 and 280
3. Lots 281 and 282
4. Lots 284 and 285
5. Lots 286 and 287
6. Lots 288 and 289
7. Lots 290 and 291
8. Lots 292 and 293
9. Lots 294 and 295
10. Lots 296 and 297
11. Lots 298, 299 and 300
12. Lots 301 and 302
13. Lots 303 and 304
14. Lots 305 and 306
15. Lots 307, 308 and 309
16. Lots 310, 311 and 312
17. Lots 313 and 314
18. Lots 315 and 316
19. Lots 317 and 318
20. Lots 319 and 320
21. Lots 321 and 322
22. Lots 323 and 324
23. Lots 325 and 326
24. Lots 327 and 328
25. Lots 329 and 330
26. Lots 331 and 332
27. Lots 333 and 334
28. Lots 335 and 336
29. Lots 337 and 338
30. Lots 339 and 340

Parcel

31. Lots 341 and 342
32. Lots 343 and 344
33. Lots 345 and 346
34. Lots 347, 348 and 349
35. Lots 350 and 351
36. Lots 352 and 353
37. Lots 354 and 355

AMENDMENT TO DECLARATIONS OF RESTRICTIONS

INDEXED

EATON INTERNATIONAL CORPORATION is the owner of all lots in CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II, and hereby amends Declarations of Restrictions as recorded at Archuleta County, Colorado, in Book 132, at Page 243, and Book 128 at Page 264, and Book 122 at Page 224, as said Restrictions affect CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II.

EATON INTERNATIONAL CORPORATION hereby declares that each parcel (listed as Parcels 1 through 158), which consists of two or more lots, as listed on the attachment hereto, shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved as if one lot and not subject to further division.

EATON INTERNATIONAL CORPORATION further declares that each such parcel shall be subject to the R-I-90 Single Family Residential District classification as set forth in said Restrictions recorded in Book 122 at Page 224, with each parcel as shown on the attachment being for purposes of all applicable Restrictions being considered a lot.

The Declarations of Restrictions affecting CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II, except as expressly herein modified, shall remain in full force and effect.

DATED this 15th day of January, 1980.

EATON INTERNATIONAL CORPORATION,
a Delaware Corporation

By Robert H. Eaton
President

Attest:
[Signature]
Secretary

STATE OF COLORADO) ss. 98377
ARCHULETA COUNTY)


I hereby certify that this instrument was filed for Record in my office at 10:12 o'clock A. M. Jan 25 19 80, and is duly recorded in Book 131 Page 243-246
MARY ANN CALAN

Recorder [Signature]

STATE OF ARIZONA)
) ss
County of Maricopa)

This instrument was acknowledged before me this
15th day of January, 1980, by David H. Eaton
as President and Thomas H. Kent as
Secretary of EATON INTERNATIONAL CORPORATION.

Barbara [Signature]
Notary Public



My Commission expires:
My Commission Expires Feb. 6, 1983

98377

CHRI MOUNTAIN VILLAGE AT PAGOSA UNIT II

<u>Parcel</u>	<u>Parce.</u>
1. Lots 1 and 2	39. Lots 81 and 82
2. Lots 3 and 4	40. Lots 83 and 84
3. Lots 5 and 6	41. Lots 85, 86 and 87
4. Lots 7 and 8	42. Lots 88 and 89
5. Lots 9 and 10	43. Lots 90 and 91
6. Lots 11 and 12	44. Lots 92 and 93
7. Lots 13 and 14	45. Lots 94 and 95
8. Lots 15 and 16	46. Lots 96 and 97
9. Lots 17 and 18	47. Lots 98 and 99
10. Lots 19 and 20	48. Lots 100 and 101
11. Lots 21 and 22	49. Lots 102 and 103
12. Lots 23 and 24	50. Lots 104 and 105
13. Lots 25 and 26	51. Lots 106 and 107
14. Lots 27 and 28	52. Lots 108 and 109
15. Lots 29 and 30	53. Lots 110 and 111
16. Lots 31 and 32	54. Lots 112 and 113
17. Lots 33, 34 and 35	55. Lots 114 and 115
18. Lots 36 and 37	56. Lots 116 and 117
19. Lots 38 and 39	57. Lots 118 and 119
20. Lots 40 and 41	58. Lots 120 and 121
21. Lots 42 and 43	59. Lots 122 and 123
22. Lots 44 and 45	60. Lots 124 and 125
23. Lots 46 and 47	61. Lots 126 and 127
24. Lots 48, 49 and 50	62. Lots 128 and 129
25. Lots 51 and 52	63. Lots 130 and 131
26. Lots 53 and 54	64. Lots 132 and 133
27. Lots 55 and 56	65. Lots 134 and 135
28. Lots 57 and 58	66. Lots 136 and 137
29. Lots 59 and 60	67. Lots 138 and 139
30. Lots 61 and 62	68. Lots 140 and 141
31. Lots 63, 64 and 65	69. Lots 142, 143, and 144
32. Lots 66 and 67	70. Lots 145 and 146
33. Lots 68 and 69	71. Lots 147 and 148
34. Lots 70 and 71	72. Lots 149 and 150
35. Lots 72 and 73	73. Lots 151 and 152
36. Lots 74 and 75	74. Lots 153 and 154
37. Lots 76, 77 and 78	75. Lots 155, 156 and 157
38. Lots 79 and 80	76. Lots 158 and 159

CHRI MOUNTAIN VILLAGE AT PAGOS UNIT II

<u>Parcel</u>	<u>Parcel</u>
77. Lots 160, 161 and 162	114. Lots 240 and 241
78. Lots 163 and 164	115. Lots 242 and 243
79. Lots 165 and 166	116. Lots 244 and 245
80. Lots 167 and 168	117. Lots 246 and 247
81. Lots 169 and 170	118. Lots 248 and 249
82. Lots 171 and 172	119. Lots 250 and 251
83. Lots 173 and 174	120. Lots 252 and 253
84. Lots 175 and 176	121. Lots 254, 255 and 256
85. Lots 177 and 178	122. Lots 257 and 258
86. Lots 179 and 180	123. Lots 259 and 260
87. Lots 182 and 183	124. Lots 261 and 262
88. Lots 184, 185 and 186	125. Lots 263 and 264
89. Lots 187 and 188	126. Lots 265 and 266
90. Lots 189 and 190	127. Lots 267 and 268
91. Lots 191, 192 and 193	128. Lots 269 and 270
92. Lots 194 and 195	129. Lots 271 and 272
93. Lots 196 and 197	130. Lots 273 and 274
94. Lots 198 and 199	131. Lots 275 and 276
95. Lots 201 and 202	132. Lots 356 and 357
96. Lots 203 and 204	133. Lots 358 and 359
97. Lots 205 and 206	134. Lots 360 and 361
98. Lots 207 and 208	135. Lots 362 and 363
99. Lots 209, 210 and 211	136. Lots 364 and 365
100. Lots 212 and 213	137. Lots 366 and 367
101. Lots 214 and 215	138. Lots 368, 369 and 370
102. Lots 216 and 217	139. Lots 372 and 373
103. Lots 218 and 219	140. Lots 374 and 375
104. Lots 220 and 221	141. Lots 376 and 377
105. Lots 222 and 223	142. Lots 378 and 379
106. Lots 224 and 225	143. Lots 380 and 381
107. Lots 226 and 227	144. Lots 382 and 383
108. Lots 228 and 229	145. Lots 384 and 385
109. Lots 230 and 231	146. Lots 386 and 387
110. Lots 232 and 233	147. Lots 388 and 389
111. Lots 234 and 235	148. Lots 390 and 391
112. Lots 236 and 237	149. Lots 392 and 393
113. Lots 238 and 239	150. Lots 394 and 395

CHRIS MOUNTAIN VILLAGE AT PAGOSA. UNIT II

Parcel

- 151. Lots 396 and 397
- 152. Lots 398 and 399
- 153. Lots 400, 401 and 402
- 154. Lots 403 and 404
- 155. Lots 405 and 406
- 156. Lots 407 and 408
- 157. Lots 409 and 410
- 158. Lots 412 and 413

98377

BOOK 171 PAGE 246

Recorded June 4, 1973 At 3:20 PM
Recpt. # 7787 Palma Gardner order INDEXED

DECLARATION OF RESTRICTIONS

CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II

THIS DECLARATION is made this 4th day of FEBRUARY, 1973 by EATON INTERNATIONAL CORPORATION, a Delaware corporation, herein referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of all the real property set forth and described on those certain plats (herein collectively called "the plat") entitled CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II, a subdivision of Pagosa, recorded June 4, 1973, Reception # 77868 in the Public Records of Archuleta County, Colorado, on ~~Plat File 154~~ Plat File 154, through F inclusive, and are made a part hereof and incorporated herein by reference; and

WHEREAS, the real property described in the plats has been subdivided into numbered parcels identified on the plat as lots, which lots comprise one (1) subdivision (herein called "Subdivision"), which is one (1) of several subdivisions in the Pagosa general development (herein called "Development"), which said lots in CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II Declarant desires to be subject to the terms of a Declaration of Restrictions made on the ninth (9th) day of May, 1972 and recorded on the sixth (6th) day of June, 1972 in the Public Records of Archuleta County, Colorado, in Book 128, at pages 264 through 270 inclusive, which are made a part hereof and are incorporated herein by reference.

NOW, THEREFORE, Declarant hereby declares that all of said lots in CHRIS MOUNTAIN VILLAGE AT PAGOSA, UNIT II are held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved, subject to the Declaration of Restrictions referred to above.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above written.

EATON INTERNATIONAL CORPORATION
a Delaware corporation

By: Ralph H. Eaton
President

ATTEST:
J. P. Elzey
Asst. Secretary

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me this 6th day of February 1973 by Ralph H. Eaton and Jarrell P. Elzey as President and Assistant Secretary respectively of EATON INTERNATIONAL CORPORATION, a Delaware corporation.

My commission expires Dec. 31, 1975

Mildred J. Shuler
Notary Public

STATE OF COLORADO 75935
ARCHULETA COUNTY

I hereby certify that this instrument was filed
for Record in my office at 10:10 o'clock A.M.
June 6 1972, and is duly
recorded in Book 128, Page 264-270

DECLARATION OF RESTRICTIONS

CHRIS MOUNTAIN VILLAGE AT PAGOSA

Felina Gardner
Recorder

THIS DECLARATION is made this 9th day of May, 1972 by EATON INTERNATIONAL CORPORATION, a Delaware corporation, herein referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant is the owner of all the real property set forth and described on that certain plat entitled CHRIS MOUNTAIN VILLAGE AT PAGOSA, a subdivision of Pagosa, recorded June 6, 1972, Plat in the Public Records of Archuleta County, Colorado, on folio pages 142 through 142 2/2 inclusive, and is made a part hereof and incorporated herein by reference; and

WHEREAS, the real property described in the plat has been subdivided into numbered parcels identified on the plat as lots, which lots comprise in the aggregate one (1) subdivision (herein called "Subdivision"), which is one (1) of several subdivisions in the Pagosa general development (herein called "Development"), which said lots in CHRIS MOUNTAIN VILLAGE AT PAGOSA Declarant desires to be subject to the terms of a Declaration of Restrictions made on the thirteenth (13th) day of March 1970 and recorded on the twenty-fourth (24th) day of June 1970 in the Public Records of Archuleta County, Colorado, in Book 122, at pages 224 through 247 inclusive, as provided in paragraph 15 thereof, which are made a part hereof and are incorporated herein by reference; and

WHEREAS, the Declarant desires to amend said Declaration of Restrictions in certain respects.

NOW, THEREFORE, Declarant hereby declares that all of said lots in CHRIS MOUNTAIN VILLAGE AT PAGOSA are held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved, subject to the Declaration of Restrictions referred to above, which Declaration of Restrictions shall be amended to read as follows:

Subsequent to subparagraph A. of paragraph 5, the following shall be added:

A-1. R-1-50 Single Family Residential District

(1) Uses Permitted

(a) All uses permitted in R-1-75.

BOOK 128 PAGE 264

(2) Minimum Lot Size

5,000 square feet; no lot shall be divided into smaller lots or parcels.

(3) Setback Requirements

(a) Front Yard - No building or structure shall be located within twenty (20) feet of the front property line.

(b) Rear Yard - No building or structure shall be located within twenty (20) feet of the rear property line. In no event shall any building or structure be located less than thirty (30) feet from the high waterline or the golf course boundary on any lot contiguous to a lake or golf course.

(c) Side Yard - There shall be a side yard setback of not less than five (5) feet from the side property lines to the nearest building or structure. On corner lots the side setback on the street side shall be not less than ten (10) feet or ten percent (10%) of the lot width at its widest point, whichever is greater. No eave or overhang of any roof shall be closer than three and one-half (3½) feet from any side lot line.

(4) Minimum Living Area

Minimum living area requirements are the same as for R-1-75.

(5) Lot Coverage

No building or structure shall be constructed on any lot which covers more than sixty percent (60%) of the total area of such lot.

Subparagraphs C and D of paragraph 5 shall be deleted and the following subparagraphs C and D shall be substituted therefor.

C. R-1-T Single Family Townhouses

(1) Uses Permitted

(a) All uses permitted in R-1-75.

(b) There shall be but one (1) main building or structure on each of the designated lots, excepting that with prior written approval of the Committee, a series of

consecutive lots may be purchased for the express purpose of constructing "cluster" type townhouse residences which do not adhere to the property lines as delineated on the plat of the Subdivision.

- (c) Cabana or pool houses provided that such separate structures do not exceed the setback requirements delineated below.
- (2) Minimum Lot Size
2,400 square feet.
- (3) Setback Requirements
 - (a) Front Yard - No building or structure shall be located within fifteen (15) feet of the front property line. The second floor space may project over the driveway or parking space to within ten (10) feet of the property line without columns on the ground.
 - (b) Rear Yard - No building or structure shall be located within twenty (20) feet of the rear property line. In no event shall any building or structure be located less than thirty (30) feet from the high waterline or the golf course boundary on any lot contiguous to a lake or golf course.
 - (c) Side Yard - There is no side yard setback requirement with the exception that the side wall of any townhouse may not infringe upon the adjoining property. There is no side yard setback requirement between lots owned by a single owner or conforming to the Condominium Ownership Act excepting that, if the end lot is a corner lot, the setback on the street side shall be ten (10) feet.

Dwellings may be constructed with no side yard between them, subject to the approval of the Committee and provided that the buildings are designed to be architecturally and aesthetically amenable and compatible, with proper consideration given to roof overhangs and drainage, fire protection, fencing, noise control and other consideration to the comfort and well-being of adjacent property owners. The architectural theme and color must be maintained and can be changed only with the written approval of the Committee.

(4) Height

All buildings and structures will be limited to a maximum of two (2) stories or a maximum height of thirty-five (35) feet.

(5) Minimum Living Area

No dwelling shall be constructed on any R-1-T lot in the Subdivision having less than the following minimum square footage of living space exclusive of porch, garage, cabana, guesthouse or servant quarters.

One-story houses shall have a minimum of 800 square feet of living space.

Two-story houses shall have a minimum of 600 square feet of living space on the first floor.

(6) Lot Coverage

No building or structure shall be constructed on any lot which covers more than eighty percent (80%) of the total area of such lot.

(7) Parking

There shall be provided upon each lot in this classification at least one off-street parking space (which term when used herein shall be defined as an area located entirely on private property consisting of a rectangle measuring no less than 9' x 20') having an approved all-weather surface of sufficient size upon which to park one (1) standard-size passenger car.

(8) Approval of any conditions not covered above shall be decided upon by the Committee and its decision shall be final.

D. R-1-P Single Family Patio Residences

(1) Uses Permitted

(a) All uses permitted in R-1-75.

(b) There shall be but one (1) main building or structure on each of the designated lots, excepting that with the prior written approval of the Committee, a series of consecutive lots may be purchased for the express purpose of constructing "cluster" type patio residences

which do not adhere to the property lines as delineated on the plat of the Subdivision.

- (c) Cabana or pool houses, provided that such separate structures do not exceed the setback requirements as delineated below.
- (2) Minimum Lot Size
3,500 square feet.
- (3) Setback Requirements
 - (a) Front Yard - No building or structure shall be located within twenty (20) feet of the front property line.
 - (b) Rear Yard - No building or structure shall be located within twenty (20) feet of the rear property line. In no event shall any building or structure be located less than thirty (30) feet from the high waterline or the golf course boundary on any lot contiguous to a lake or golf course. The rear yard may be completely enclosed with privacy walls or fences that may abut the rear property line, unless the lot is contiguous to a lake or golf course. Such fences or privacy walls shall not be more than six (6) feet in height.
 - (c) Side Yard - There is no side yard setback requirement on one (1) side; on the opposite side there shall be a side yard setback of not less than eight (8) feet. On corner lots the side setback on the street side shall be not less than ten (10) feet. Choice of the side with no side yard setback shall be subject to the approval of the Committee. If the adjacent lot is not a R-1-P lot, the eight (8) foot setback shall be maintained on the common lot line.

Dwellings may be constructed with no side yard between them, subject to the approval of the Committee and provided that the buildings are designed to be architecturally and aesthetically amenable and compatible, with proper consideration given to roof overhangs and drainage, fire protection, fencing, noise control and other consideration to the comfort and well-being of adjacent property owners. In the event dwellings are built without any space between them, the architectural theme and color must be maintained and can be changed only with the written approval of the Committee.

(4) Height

All buildings and structures will be limited to a maximum of two (2) stories or a maximum height of thirty-five (35) feet.

(5) Minimum Living Area

No dwelling shall be constructed on any R-1-P lot in the Subdivision having less than the following minimum square footage of living space exclusive of porch, garage, cabana, guesthouse or servant quarters.

One-story houses shall have a minimum of 800 square feet of living space.

Two-story houses shall have a minimum of 600 square feet of living space on the first floor.

(6) Lot Coverage

No building or structure shall be constructed on any lot which covers more than sixty percent (60%) of the total area of such lot.

(7) Parking

There shall be provided upon each lot in this classification at least one off-street parking space having an approved all-weather surface.

(8) Approval of any conditions not covered above shall be decided upon by the Committee and its decision shall be final.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above written.

EATON INTERNATIONAL CORPORATION,
a Delaware corporation

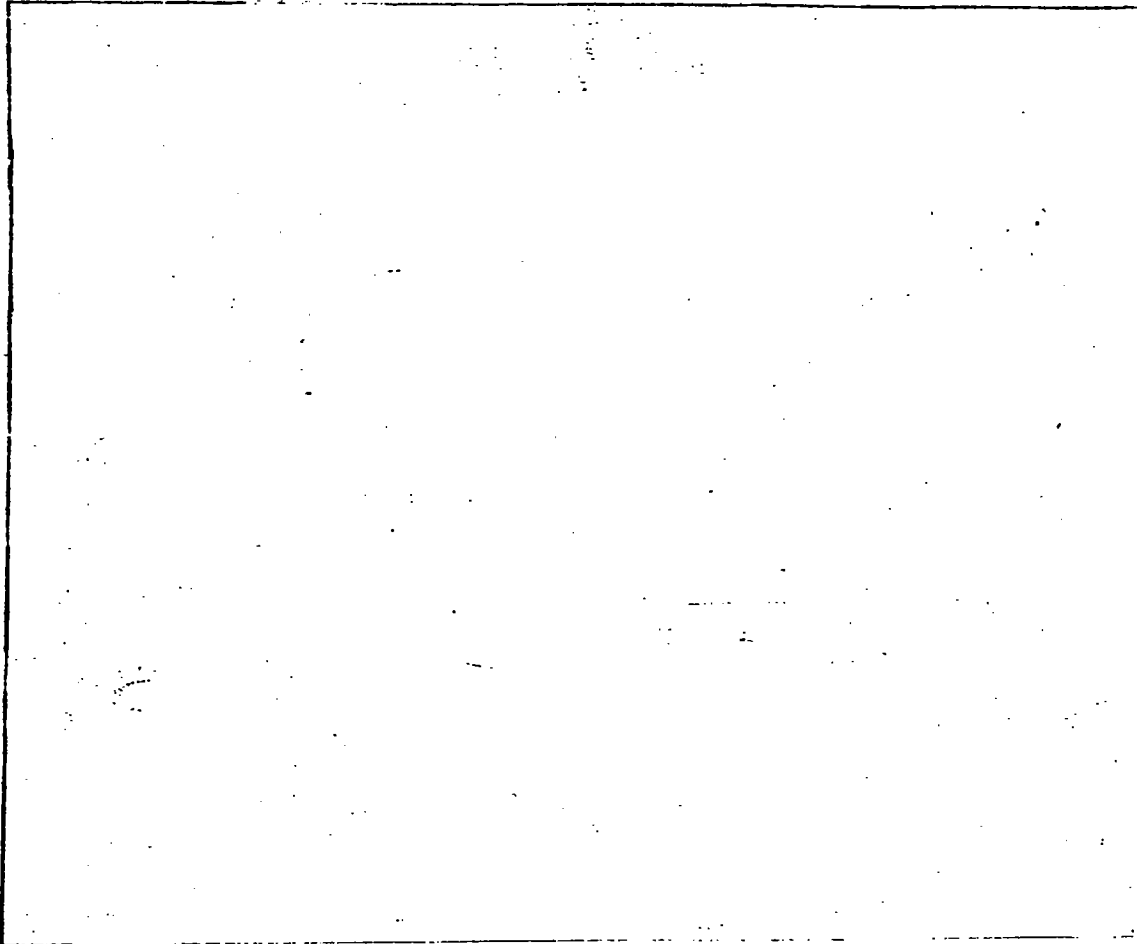
By:

Ralph H. Eaton
President

ATTEST:

David N. Eaton
Secretary

75935 BOOK 128 PAGE 269



- 7 -

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me this 9th day of MAY, 1972 by Ralph H. Eaton and David H. Eaton as President and Secretary respectively of EATON INTERNATIONAL CORPORATION, a Delaware corporation.


Notary Public

My commission expires February 5, 1976.

75935 BOOK 128 PAGE 270