

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)



97001757 03/19/1997 03:55P APC
 1 of 3 R 16.00 D 0.00 N 0.00 ARCHULETA COUNTY

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**FIRST AMENDED
 DECLARATION OF RESTRICTIONS
 LAKEWOOD VILLAGE**

THIS FIRST AMENDED DECLARATION is made this 13th day of February, 1997, by The Pagosa Lakes Property Owners Association, Inc., a Colorado Nonprofit Corporation, whose address is 230 Port Avenue, Pagosa Lakes, Colorado 81147, hereinafter referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant is an organization whose members include all of the owners of the parcels in the Lakewood Village subdivision, desiring to amend the Declaration of Restrictions, previously filed of record on April 30, 1979, at Book 164, pages 574-577, Reception No. 94869, in the Office of the Clerk and Recorder of Archuleta County, Colorado, which Declaration incorporated the terms of the Declaration of Restrictions filed of record on June 24, 1970, in Book 122, pages 224-247, Reception No. 73297; and

WHEREAS, paragraph 2(A) of the Master Declaration of Restrictions, recorded on June 24, 1970, in Book 122 at Page 224, in the Office of the Clerk and Recorder of Archuleta County, Colorado, and adopted by reference by the aforesaid Declaration of Restrictions filed of record on April 30, 1979, as Reception No. 94869, in Book 164, pages 574-577, in the Office of the Clerk and Recorder of Archuleta County, Colorado, provides that said restrictions may be amended by the owners of record title of a majority of the lots subject thereto, which in this instance consists of the land comprising the Lakewood Village subdivision, and;

WHEREAS, the owners of record of a majority of the lots in Lakewood Village subdivision, voted by their execution of written instruments in favor of the restriction set forth below, such vote being by owners of a majority of the lots and by a majority of the owners of lots in Lakewood Village subdivision, which written instruments also authorized the undersigned President and Secretary of Declarant to execute an instrument suitable for recording setting forth the exact terms of the amendment adopted, in order to amend the previously existing Covenants, Conditions, and Restrictions referred to above;

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NOW, THEREFORE, under the amendment power reserved to the parcel owners, Declarant does hereby amend the said Covenants, Conditions and Restrictions by replacing Paragraphs numbered B-1(4), B-2(4), B-3(4) and B-4(4) of the Declaration of Restrictions of Lakewood Village, recorded on April 30, 1979, in Book 164, pages 574-577, Reception No. 94869, in the Office of the Clerk and Recorder of Archuleta County, Colorado.

Paragraphs B-1(4), B-2(4), B-3(4) and B-4(4), each entitled "Minimum Living Area", are hereby replaced by this amendment to state as follows:

No dwelling shall be constructed on any lot in the Lakewood Village Subdivision having less than the following minimum square footage of living space, exclusive of porch, garage, cabana, guest house or servant quarters.

One story houses shall have a minimum of 1,450 square feet of living space. Multiple-story houses shall have a minimum of 1,000 square feet of living space on the main floor.

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

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

By *Don R. Coats*
President



E. Apple
Vice Chair



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DECLARATION OF RESTRICTIONS

Lakewood Village
Lakeview Estates

THIS DECLARATION is made this 10th day of April, 1979, 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 plats entitled Lakewood Village and Lakeview Estates, subdivisions of Pagosa, recorded APRIL 30th, 1979, in the Public Records of Archuleta County, Colorado, Reception Numbers 94867 and 94868 through inclusive, and is 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 plats as lots, which lots comprise in the aggregate on (1) subdivision (herein called "Subdivision"), which is one (1) of several subdivisions in the Pagosa general development (herein called "Development"), which said lots in Lakewood Village and Lakeview Estates 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 Lakewood Village and Lakeview Estates are held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved, subject to the Declaration of Restrictions shall be amended to read as follows:

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

B-1. R-1-100 Single Family Residential District

- (1) Uses Permitted

All uses permitted in R-1-90.

- (2) Minimum Lot Size

10,000 square feet; no lot shall be divided into smaller lots or parcels.

- (3) Setback Requirements

Setback requirements are the same as for R-1-90

- (4) Minimum Living Area
Minimum living area requirements are the same as for R-1-90.
- (5) Lot Coverage
Lot coverage limitations are the same as for R-1-90.
- (6) Parking
There shall be provided upon each lot in this classification at least one off-street parking (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 standard size passenger car.

B-2. R-1-120 Single Family Residential District

- (1) Uses Permitted
All uses permitted in R-1-90.
- (2) Minimum Lot Size
12,000 square feet; no lot shall be divided into smaller lots or parcels.
- (3) Setback Requirements
Setback requirements are the same as for R-1-90.
- (4) Minimum Living Area
Minimum living area requirements are the same as for R-1-90.
- (5) Lot Coverage
Lot coverage limitations are the same as for R-1-90.
- (6) Parking
There shall be provided upon each lot in this classification at least one off-street parking space having an approved all-weather surface.

B-3. R-1-150 Single Family Residential District

- (1) Uses Permitted
All uses permitted in R-1-90.
- (2) Minimum Lot Size
15,000 square feet; no lot shall be divided into smaller lots or parcels.

(3) Setback Requirements

Setback requirements are the same as for R-1-90.

(4) Minimum Living Area

Minimum living area requirements are the same as for R-1-90.

(5) Lot Coverage

Lot coverage limitations are the same as for R-1-90.

(6) Parking

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

B-4. R-1-200 Single Family Residential District

(1) Uses Permitted

All uses permitted in R-1-90.

(2) Minimum Lot Size

20,000 square feet; no lot shall be divided into smaller lots or parcels.

(3) Setback Requirements

Setback requirements are the same as for R-1-90.

(4) Minimum Living Area

Minimum living area requirements are same as for R-1-90.

(5) Lot Coverage

Lot coverage limitations are the same as for R-1-90.

(6) Parking

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

Subsequent to subparagraph T of paragraph 7, the following shall be added:

- U. Repairs or overhauling of automobiles shall not be permitted on any lot or street in the subdivisions.

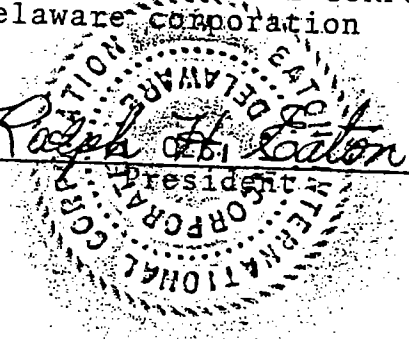
IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above written.

EATON INTERNATIONAL CORPORATION
a Delaware corporation

By: _____

Ralph H. Eaton

President



ATTEST:

David H. Eaton

Secretary

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me this 10th day of April, 1979 by Ralph H. Eaton and David H. Eaton as President and Secretary respectively of EATON INTERNATIONAL CORPORATION, a Delaware corporation.

My commission expires

My Commission Expires Nov. 3, 1981

Nancy E. Brooks

Notary Public

