

FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR BUCKSKIN AT OLD WEST RANCH

THIS FIRST AMENDMENT is made this 7 day of January, 2020, by **Old West Ranch CO Partners, LLC**, a Colorado limited liability company ("Declarant"), and amends and supplements the Declaration of Protective Covenants for Buckskin at Old West Ranch recorded on August 16, 2019 at Reception No. 219096594, records of El Paso County, Colorado (the "Declaration").

Background and Purpose

A. Pursuant to Section 5.02 of the Declaration, Declarant and at least 75% of all owners of the Parcels subject to the Declaration may approve an amendment to the Declaration. Declarant and the Owners of at least 75% of all of the Parcels have agreed to amend the Declaration as set forth in this First Amendment.

B. The purpose of this First Amendment is to i) adjust the boundaries of Parcels 34, 35 and 36 described in Exhibit A to the Declaration; ii) annex three additional Parcels, Parcels 42, 43 and 44, to the Property so that Parcels 42, 43 and 44 will be subject to the Declaration; iii) add a provision for maintenance and repair of common facilities benefitting all Parcels, to include the entry arch, mailbox kiosk and bench located on the Private Road; and iv) amend certain sections of the Declaration to allow, under certain circumstances, heavy gauge metal as an acceptable exterior finish to a Residence.

Accordingly, Declarant amends the Declaration as follows:

Amendment

1. Adjustment of Boundaries of Parcels 34, 35 and 36 of the Property. The legal descriptions of Parcels 34, 35 and 36 shown in Exhibit A to the Declaration are hereby deleted and replaced in their entirety by the legal descriptions of Parcels 34, 35 and 36 contained in the attached **Exhibit 1** and incorporated by this reference.
2. Annexation of Parcels 42, 43 and 44 into the Property. Parcels 42, 43 and 44 are hereby annexed into the Property and made subject to all of the covenants, conditions, easements and restrictions contained in the Declaration. The legal descriptions of Parcels 42, 43 and 44 are set forth in the attached **Exhibit 1**.
3. Modification of Land Survey Plat of Buckskin at Old West Ranch. The definition of "Plat" contained in the Declaration is hereby modified by the addition of the Land Survey Plat for Buckskin Ranch, Phase 2, deposited on January 6, 2020 in the records of the El Paso County, Colorado Clerk and Recorder under Deposit No. 220900004 (the "Phase 2 Plat"). A portion of the Land Survey Plat for Buckskin Ranch, Phase 2, showing the affected Parcels is attached as **Exhibit 2** to this Amendment and incorporated by this reference.
4. Addition of Section 3.27 and Section 3.28 into Declaration. The Declaration is hereby amended to add the following sections to address common improvements constructed by Declarant that benefit all Parcels and Owners, and to clarify the allocation of maintenance and repair expenses among the Parcels, as follows:

3.27 Buckskin Ranch View Arch, Bench and Mailbox Kiosk. In addition to the roadway known as Buckskin Ranch View located within the Private Road, Declarant has constructed an entry arch adjacent to Judge Orr Road, a bench and a mailbox kiosk that benefit all Parcel Owners. These improvements are located on Parcels 21 and 39 and adjacent to the roadway known as Buckskin Ranch View located within the Private Road. At such time as maintenance or repair of these improvements is required, all Parcel Owners must contribute their fair share toward the maintenance and repair costs in the same manner as the cost-sharing and collection process for road maintenance and snow removal set forth in Section 3.26. Any damage to these improvements caused by the activities of an Owner, its family members, contractors or invitees shall be promptly repaired by the Owner responsible for the damage, using the same payment and collection process for road maintenance and snow removal set forth in Section 3.26.

3.28. Clarification of Owners' Fair Share Contribution of Maintenance and Repair Expenses. For purposes of maintenance and repair expenses of the roadway known as Buckskin Ranch View, the fair share contribution of each Parcel Owner using Buckskin Ranch Road to access their Parcel will be 1/21 of all expenses incurred to maintain the roadway in a good, clean and safe condition and repair for vehicular travel. Because Parcels 41, 42 and 43 are adjacent to Judge Orr Road and will not use Buckskin Ranch View for access, the Owners of Parcels 41, 42 and 43 do not have to contribute toward the roadway maintenance and repair costs for Buckskin Ranch View. For the common facilities (entry arch, bench and mailbox kiosk) described in Section 3.27, all Parcel Owners benefit from the maintenance and repair of those common facilities, so the fair share contribution of each Parcel Owner subject to the Declaration will be 1/24 of all maintenance and repair expenses for the common facilities. The Parcel Owners may modify the fair share contribution of each Owner described in this Section 3.28 if all affected Parcel Owners agree.

5. Amendment of Section 2.05 - Design Standards and Right to Review. Section 2.05 (d) is hereby deleted in its entirety and replaced with the following:

(d) The primary exterior finish will be wood or wood siding, stucco, brick or stone. Heavy gauge metal may be allowed for a Residence depending upon several factors, including without limitation, design, architecture, colors and additional exterior finishes.

6. Amendment of Section 2.06 - Modular Homes. Section 2.06 (f) is hereby deleted in its entirety and replaced with the following:

(f) Vinyl siding materials are prohibited. Smart lap, smart panel, Hardie siding, or similar lightweight concrete board is acceptable. Heavy gauge metal may be allowed for a Residence depending upon several factors, including without limitation, design, architecture, colors and additional exterior finishes.

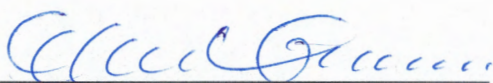
7. Capitalized Terms. Capitalized terms used in this First Amendment shall have the same meaning ascribed to it in the Declaration.

8. Conflicting Provisions. If the provisions of this First Amendment conflict with any of the provisions set forth in the Declaration, the provisions of this First Amendment shall control.

This First Amendment is approved by Declarant and at least 75% of all the Owners of the Property, effective as of the date set forth above.


DECLARANT:

OLD WEST RANCH CO PARTNERS, LLC
a Colorado limited liability company

By: 
Dan Carless, Sr., Manager

OWNER:

OLD WEST RANCH CO PARTNERS, LLC
a Colorado limited liability company

By: 
Dan Carless, Sr., Manager

Old West Ranch CO Partners, LLC, is the Owner of the following Parcels: Parcels 21 through 29, 32 through 38, and 40 through 44, constituting 21 out of 24 Parcels in the Property, or 87% of all Parcels.

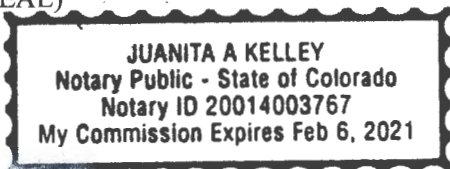
STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

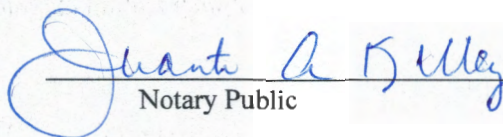
The foregoing instrument was acknowledged before me this 2 day of January, 2020, by Dan Carless, Sr., as Manager of Old West Ranch CO Partners, LLC, a Colorado limited liability company, the Declarant and the Owner of Parcels within the Property.

Witness my hand and official seal.

My commission expires 02-06-21

(SEAL)




Notary Public

OWNER:

HI-POINT HOME BUILDERS, LLC
a Colorado limited liability company

By: Wayne Intermill
Wayne Intermill, Manager

Hi-Point Home Builders, LLC is the Owner of Parcels 31 and 39.

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

The foregoing instrument was acknowledged before me this 2 day of January, 2020, by Wayne Intermill, as Manager of Hi-Point Home Builders, LLC, a Colorado limited liability company, the Owner of Parcels 31 and 39 within the Property.

Witness my hand and official seal.

My commission expires 10/25/2022

(SEAL)

HUNTER MITCHELL
Notary Public
State of Colorado
Notary ID # 20184041868
My Commission Expires 10-25-2022

Hunter Mitchell
Notary Public

EXHIBIT 1
LEGAL DESCRIPTIONS OF PARCELS 34, 35, 36, 42, 43 AND 44

Parcel 34:

A portion of Parcels 34 and 35, as shown upon the Land Survey Plat recorded under Reception Number 219900131 of the Official Records of El Paso County, State of Colorado, lying within the SE1/4 of Section 1, Township 13 South, Range 64 West of the 6th Principal Meridian, being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 1; thence along the east line of said Section 1, N00°39'37"W (Bearings are relative to the East line of Section 1, Township 13 South, Range 64 West of the 6th P.M., being monumented at the North end with a No. 6 rebar, set flush with grade, with a 2" aluminum cap, stamped "PLS 11624", and at the South end with a found No. 6 rebar, set flush with grade, with a 3-1/2" aluminum cap, stamped "PLS 4842", and measured to bear S00°39'37"E, a distance of 5290.52 feet), a distance of 989.66 feet, to the **POINT OF BEGINNING**; thence leaving said East line, N82°42'48"W, a distance of 621.34 feet, to a point on the East line of Parcel 26 of said Land Survey Plat; thence along said East line, along the arc of a non-tangent curve to the left, whose center bears S59°22'14"W, having a radius of 1749.99 feet, a central angle of 42°03'47", a distance of 1284.74 feet; thence along said East line, N16°31'58"E, a distance of 507.79 feet; thence N89°20'23"E, a distance of 1441.45 feet, to a point on the East line of said Section 1; thence along said East line, S00°39'37"E, a distance of 1361.46 feet, to the **POINT OF BEGINNING**.

Containing 1,536,034 Sq. Ft. or 35.263 acres, more or less.

Parcel 35:

A portion of Parcels 34, 35 and 36, as shown upon the Land Survey Plat recorded under Reception Number 219900131 of the Official Records of El Paso County, State of Colorado, lying within the East 1/2 of Section 1, Township 13 South, Range 64 West of the 6th Principal Meridian, being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 1; thence along the East line of said Section 1, N00°39'37"W (Bearings are relative to the East line of Section 1, Township 13 South, Range 64 West of the 6th P.M., being monumented at the North end with a No. 6 rebar, set flush with grade, with a 2" aluminum cap, stamped "PLS 11624", and at the South end with a found No. 6 rebar, set flush with grade, with a 3-1/2" aluminum cap, stamped "PLS 4842", and measured to bear S00°39'37"E, a distance of 5290.52 feet), a distance of 2351.12 feet, to the **POINT OF BEGINNING**; thence leaving said East line, S89°20'23"W, a distance of 1411.45 feet; thence S16°31'58"W, a distance of 507.79 feet, to a point on the East line of Parcel 26 of said Land Survey Plat; thence along said East line, along the arc of a non-tangent curve to the left, which center bears S17°18'26"W, having a radius of 1750.00 feet, a delta angle of 03°16'30", and an arc length of 100.02 feet; thence leaving said East line, N16°31'58"E, a distance of 1721.38 feet, to a point on the south line of Parcel 40 of said Land Survey Plat; thence along the said South line and the South line of Parcel 41 of said Land Survey Plat, S79°58'14"E, a distance of 1199.52

feet, to a point on the East line of said Section 1; thence along said East line, S00°39'37"E, a distance of 964.98 feet, to the **POINT OF BEGINNING**.

Containing 1,535,974 Sq. Ft. or 35.261 acres, more or less.

Parcel 36:

A portion of Parcel 36, as shown upon the Land Survey Plat recorded under Reception Number 219900131 of the Official Records of El Paso County, State of Colorado, lying within Section 1, Township 13 South, Range 64 West of the 6th Principal Meridian, being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 1; thence along the East line of said Section 1, N00°39'37"W (Bearings are relative to the East line of Section 1, Township 13 South, Range 64 West of the 6th P.M., being monumented at the North end with a No. 6 rebar, set flush with grade, with a 2" aluminum cap, stamped "PLS 11624", and at the South end with a found No. 6 rebar, set flush with grade, with a 3-1/2" aluminum cap, stamped "PLS 4842", and measured to bear S00°39'37"E, a distance of 5290.52 feet), a distance of 3316.10 feet, to the Southwest corner of Parcel 41 of said Land Survey Plat; thence leaving said East line, along the South line of said Parcel 41 and the south line of said Parcel 40 of said Land Survey Plat, N79°58'14"W, a distance of 1199.52 feet, to the **POINT OF BEGINNING**; thence leaving said South line, S16°31'58"W, a distance of 1721.38 feet, to a point on the East line of Parcel 26 of said Land Survey Plat; thence along said East line and the North line of Parcel 25 of said Land Survey Plat, along the arc of a non-tangent curve to the left, whose center bears S14°01'56"W, having a radius of 1750.00 feet, a delta angle of 12°03'33", and an arc length of 368.32 feet; thence continuing along said North line, along the arc of a non-tangent curve to the right, which center bears N02°31'29"E, having a radius of 1650.00 feet, a delta angle of 23°14'02", and an arc length of 669.09 feet, to the Southeast corner of Parcel 37 of said Land Survey Plat; thence along the East line of said Parcel 37, N25°45'31"E, a distance of 1693.93 feet, to a point on the South line of Parcel 38 of said Land Survey Plat; thence along said South line, N89°44'26"E, a distance of 252.80 feet, to the Southwest corner of said Parcel 40; thence along the South line of said Parcel 40, S79°58'14"E, a distance of 517.24 feet, to the **POINT OF BEGINNING**.

Containing 1,535,834 Sq. Ft. or 35.258 acres, more or less.

Parcel 42:

A portion of that parcel as described in that Sheriff's Confirmation Deed recorded June 13, 2018 under Reception No. 218067583 in the records of the El Paso County Clerk and Recorder Office, State of Colorado, lying within Section 6, Township 13 South, Range 63 West, of the 6th Principal Meridian, County of El Paso, State of Colorado, being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 6; thence along the North line of said Section 6, S89°40'02"E (Bearings are relative to the East line of Section 6, Township 13 South, Range 63 West of the 6th P.M., being monumented at the North end with a No. 6 rebar, set flush with grade, with a 2" aluminum cap, stamped "PLS 11624", and at the South end with a found No. 6 rebar, set flush with grade, with a 3-1/2" aluminum cap, stamped "PLS 4842", and measured to bear S00°39'37"E, a distance of 5290.52 feet), a

distance of 611.36, feet to the Northwest corner of that Parcel as describe in that Quit Claim Deed recorded March 13, 2014 under Reception No. 214020694; thence leaving said North line, along the West line of said Quit Claim Deed recorded March 13, 2014 under Reception No. 214020694, S00°33'33"E, a distance of 2377.73 feet; thence continuing along said West line, along the arc of a non-tangent curve to the left, whose center bears N89°20'39"E, having a radius of 3483.40 feet, a central angle of 02°16'29", a distance of 138.30 feet; thence leaving said West line, S89°20'23"W, a distance of 609.80 feet, to a point on the West line of said Section 6; thence along said West line, N00°39'37"W, a distance of 2526.59 feet, to the **POINT OF BEGINNING**.

Containing 1,535,738 Sq. Ft. or 35.256 acres, more or less.

Parcel 43:

A portion of that parcel as described it that Sheriff's Confirmation Deed recorded June 13, 2018 under Reception No. 218067583 in the records of the El Paso County Clerk and Recorder Office, State of Colorado, lying within Section 6, Township 13 South, Range 63 West, of the 6th Principal Meridian, County of El Paso, State of Colorado, being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 6; thence along the West line of said Section 6, S00°39'37"E (Bearings are relative to the East line of Section 6, Township 13 South, Range 63 West of the 6th P.M., being monumented at the North end with a No. 6 rebar, set flush with grade, with a 2" aluminum cap, stamped "PLS 11624", and at the South end with a found No. 6 rebar, set flush with grade, with a 3-1/2" aluminum cap, stamped "PLS 4842", and measured to bear S00°39'37"E, a distance of 5290.52 feet), a distance of 2526.59 feet, to the **POINT OF BEGINNING**; thence leaving said West line, N89°20'23"E, a distance of 609.80 feet, to a point on the West line of that Parcel as describe in that Quit Claim Deed recorded March 13, 2014 under Reception No. 214020694; thence along said West line, along the arc of a non-tangent curve to the left, whose center bears N87°04'10"E, having a radius of 3483.40 feet, a central angle of 34°41'48", a distance of 2109.44 feet; thence leaving said West line, N82°42'48"W, a distance of 1319.97 feet, to a point on the West line of said Section 6; thence along said West line, N00°39'37"W, a distance of 1774.27 feet, to the **POINT OF BEGINNING**.

Containing 1,535,886 Sq. Ft. or 35.259 acres, more or less.

Parcel 44:

A portion of Parcel 34, as shown upon the Land Survey Plat recorded under Reception Number 219900131 of the Official Records of El Paso County, State of Colorado, lying within the SE1/4 of Section 1, Township 13 South, Range 64 West of the 6th Principal Meridian and a portion of that parcel as described it that Sheriff's Confirmation Deed recorded June 13, 2018 under Reception No. 218067583 in the records of the El Paso County Clerk and Recorder Office, State of Colorado, lying within Section 6, Township 13 South, Range 63 West, of the 6th Principal Meridian, County of El Paso, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 6; thence along the North line of Parcel 33 as shown on said Land Survey Plat, N89°46'07"W (Bearings are relative to the East line of Section 6, Township 13 South, Range 63 West of the 6th P.M., being

monumented at the North end with a No. 6 rebar, set flush with grade, with a 2" aluminum cap, stamped "PLS 11624", and at the South end with a found No. 6 rebar, set flush with grade, with a 3-1/2" aluminum cap, stamped "PLS 4842", and measured to bear S00°39'37"E, a distance of 5290.52 feet), a distance of 123.03 feet, to a point on the East line of Parcel 27 of said Land Survey Plat, said point also being the **POINT OF BEGINNING**; thence along said East line, N23°06'16"W, a distance of 68.69 feet; thence continuing along said East line, along the arc of a curve to the left having a radius of 800.00 feet, a central angle of 17°55'30", a distance of 250.28 feet; thence continuing along said East line, N41°01'46"W, a distance of 119.49 feet; thence continuing along said East line, along the arc of a non-tangent curve to the right, whose center bears N48°56'14"E, having a radius of 330.72 feet, a central angle of 33°07'16", a distance of 191.18 feet; thence continuing along said East line, N07°52'46"W, a distance of 30.22 feet; thence continuing along said East line, along the arc of a non-tangent curve to the left, whose center bears S82°05'55"W, having a radius of 1202.28 feet, a central angle of 16°17'26", a distance of 341.83 feet, to the common Parcel corner of Parcels 26 & 27 of said Land Survey Plat; thence along the northeasterly line of said Parcel 26, along the arc of a non-tangent curve to the left whose center bears S65°48'30"W, having a radius of 1750.00 feet, a central angle of 6°26'16", a distance of 196.63 feet; thence leaving said East line, S82°42'48"E, a distance of 1941.31 feet to a point on the Westerly line of that Parcel described in that Deed recorded under Reception No. 214020694 of the Official Records of El Paso County, State of Colorado; thence along said West line, along the arc of a non-tangent curve to the left, whose center bears N52°22'22"E, having a radius of 3483.40 feet, a central angle of 03°11'06", a distance of 193.64 feet; thence continuing along said Westerly line, S30°05'41"W, a distance of 781.71 feet, to a point on the north line of said Parcel 33; thence along said North line, N89°46'07"W, a distance of 1151.39 feet, to the **POINT OF BEGINNING**.

Containing 1,536,311 Sq. Ft. or 35.269 acres, more or less.

Stewart L. Mapes, Jr.
Colorado Professional Land Surveyor No. 38245
For and on behalf of Clark Land Surveying, Inc.
October 4, 2019

