

SIERRA ANTIGUA PROTECTIVE COVENANTS

Declaration of Protective Covenants on lots 1 through 18 of Sierra Antigua, a subdivision of a part of Section 21, T1N, R71W, of the 6th P.M., Boulder County, Colorado, and also on that part of the Iron Lode No. 15296 which falls in said section 21, and also to each lot of land described in Schedule A, Schedule B, and Schedule C, attached hereto and made a part thereof. Making a total of 22 lots covered by these Covenants.

KNOW ALL MEN BY THESE PRESENTS, That Necton Bylinium, Inc. and/or Selby & Underhill hereby declare, represent, agree, restrict, and covenant that the use, enjoyment and ownership of the above described real property shall be and the same is hereby restricted, limited, conditioned, and protected by the imposition of the following restrictions and limitations, to-wit:

1. LAND USE. All lots shall be limited to single family residential dwellings. Guest houses may be permitted (as prescribed in Sec. 2 below) and a horse shelter where horses are allowed. No lot shall be used for anything other than residential purposes. Mining operations of any kind, oil drilling, or quarrying shall not be permitted upon or in any of the tracts described herein, nor shall tunnels, mineral excavations or shafts be permitted upon or in any of the tracts covered by these covenants. Individual owners may by conveyance change their boundaries to suit their needs; however, in no event can or will this create a new lot or building site. No building shall be located nearer than 35 feet to any other lot line. No dwelling shall be maintained or constructed on a lot unless the surface area of the lot exceeds one acre. Trees shall not be removed on any lot except as follows: actual land occupied for buildings, leach fields and roadways, plus a 5' clearance strip adjacent to the perimeter thereof. Other trees may be removed if permission is granted by the Architectural Control Committee.

2. STRUCTURES. No dwelling shall be allowed, constructed, or maintained unless such dwelling contains an area on the main floor of not less than 900 square feet and a construction cost of not less than \$18,000.00. Exceptions may be granted by the Architectural Control Committee, where terrain dictates. Porches, breezeways, patios, and garages are not to be included in determining the floor area of the structure. Cost of land is not to be included in determining the construction cost. Maximum height of all structures shall be 1-1/2 stories, except that the Architectural Control Committee may grant an exception where terrain dictates. Each building must be completed on or before 180 days after the date of issuance of building permits. All structures shall have an exterior surface of natural wood, stone or glass or a combination thereof that will blend into the surrounding scenery. No structure shall have an exterior surface of tar paper, asbestos, cinder block, or sheet metal. Cinder block as used herein shall include any building blocks or other manufactured material that exceeds 4 inches in face height. Exceptions may be made by the Architectural Control Committee if the materials used are designed and located in harmony with surrounding structures and natural land features. No work shall be done on any structure or lot until plot plan, elevation, materials, and design of structure of all buildings and excavations have been submitted to the Architectural Control Committee and approved by it. Approval of the committee must be in writing. If no action has been taken by the committee within 30 days of receipt of the required information, no approval will be necessary and this covenant will be deemed to have been complied with. The Architectural Control Committee shall consist of Brian Underhill, Howard Selby, and/or their designated representatives until such time as 50% of the above described lots shall have been sold, and thereafter the members of the Architectural Control Committee shall be those owners of the lots described above as may be elected by a majority vote as provided for in paragraph 10 below of all of the owners of such sites at a meeting of such owners for the purpose, called by at least five of such site owners by a written ten-day notice thereof to all site owners, and attended in person or by proxy by the owners of at least 50% of such sites, with the owner of each site or sites entitled to one vote for each site owned.

The chimney design and construction for each dwelling shall provide for and contain an approved spark arresting device. Any and all storage tanks, pumps and associated structures must be buried underground or kept screened so as to conceal them from view from neighboring lots and streets. No basement, trailer, garage, barn, or other outbuilding erected on a building site covered by these covenants shall at any time be used for human habitation, temporarily or permanently, nor shall any structure of a temporary character be used for human habitation. Any and all utility connecting lines and pipes (from storage tanks and utility trunks) must be buried underground or kept screened so as to conceal them from view from neighboring lots and streets. A guest house may be constructed if it contains an area of 400 square feet on the main floor and if it is designed to conform in appearance and structure with the main dwelling. Construction of guest house may not be started until after completion of the main dwelling.

3. NUISANCES, GARBAGE, AND TRASH. No noxious or offensive activities shall be conducted on any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. Signs must be in good taste, and must complement the natural character of the land. No sign may have an area greater than 10 square feet. No firearms shall be discharged at any time within the area covered by these covenants. Boats, trailers, cars not in operating condition, or other such objects shall not be permitted to be stored on the street but shall be kept within the lot area and screened from view from main streets. Clotheslines and equipment service yards shall be screened so as to conceal them from view from neighboring lots or streets. Garbage and refuse disposal: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for storage or disposal of such material shall be kept in a clean and sanitary condition and out of sight of neighboring lots and streets.

4. LIVESTOCK AND ANIMALS. No animals, livestock or poultry of any kind shall be raised, bred or kept on the property for commercial purposes. No swine or other animals which may be offensive to the neighborhood may be kept on the property. Dogs must be leashed or confined to the lot area. Horses may be kept on any lot exceeding two acres in size provided that a corral is constructed not less than seventy feet from any lot line such that the owner can and will at all times keep his horse(s) under control. Where livestock is kept, animals and corrals must be sprayed to control insects.

5. TERMS. The restrictions and limitations herein set forth are to be construed as covenants running with the land and shall be binding on all parties and all persons claiming any part of the above described real property for a period of 15 years from the date first recorded in the office of the Clerk and Recorder of Boulder County, State of Colorado, after which time they shall be automatically extended for successive periods of ten years unless an instrument is signed by a majority of the property owners and recorded before the County Clerk and Recorder agreeing to change the restrictive covenants in whole or in part.

6. EASEMENTS. Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

7. ENFORCEMENT. The owner or owners of any of the described real property may enforce the restrictions and limitations herein set forth by proceedings at law or in equity against any person or persons violating or attempting to violate any of the said restrictions and limitations either to recover damages for such violations or to restrain such violations or attempted violations.

8. SEVERABILITY. Invalidity of any one of the restrictions and limitations herein set forth shall not affect any of the other provisions which shall remain in full force and effect.

9. AMENDMENTS AND REVISIONS. Sierra Antigua Protective Covenants may be amended or revised with the consent and approval by at least 12 of the eligible 23 votes. The amendment or revision must then be signed by the owner or owners casting all 12 or more of the approving votes and recorded in the Office of the Boulder County Clerk and Recorder, Boulder County, State of Colorado and will then go into effect and become legally binding one day after the date of recording.

10. VOTING ELIGIBILITY. The owner of each lot, as described above, is entitled to 1 vote for each lot owned, thus making a total of 23 votes.

11. All earlier covenants on all the above described land shall be superseded and rescinded and made null and void by these Covenants.

NECTON BYLINNIUM INC.

President

Attested by:

Date Nov 21/1969

Secretary

SEAL

Nov 21/69

Nov 21/69

Dec. 1, 1969

Dec. 1, 1969

Tenants in Common

Joint tenants

Sierra Antigua Protective Covenants

James J. Jespersen

Lou Ann Jespersen

12/14/69

12/14/69

Joint Tenants

Date Nov. 16, 1969

Signed

Jo Ann Benacquist

GREMILLION & PANETTA

*Aerial and Land Surveyors*1424 PEARL STREET
BOULDER, COLORADO

PHONE 444-1535

May 10, 1969

CHOL J. GREMILLION
RES. 443-3645VINCE P. PANETTA
RES. 442-0803

SCHEDULE C

Description of a tract of land in the NW $\frac{1}{4}$ of Section 21, T1N, R71W, of the 6th P.M.

Beginning at the NW corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 21, T1N, R71W, of the 6th P.M., thence N2°55'40"E, 446.08 ft. along the West line of said Section 21, to a point on line 3-4 of the Iron Lode Survey No. 15296;

Thence S66°19'40"E, 65.00 ft. along line 3-4 of said Iron Lode;

Thence S27°32'20"E, 446.50 ft.;

Thence S2°41'00"W, 240.00 ft. to a point on the approximate centerline of Four Mile Canyon Road;

Thence N79°45'50"W, 82.00 ft. to a point of curve to the right;

Thence Westerly along the arc of said curve to the right, to a point tangent, said arc having a radius of 210.27 ft. and a delta angle of 21°32'30" Right;

Thence N58°13'20"W, 150.42 ft. to a point on the West line of said Section 21;

Thence N2°41'00"E, 94.40 ft. along the West line of said Section 21, to the place of beginning.

Subject to an existing road right-of-way for Four Mile Canyon Road.

Subject to an existing road right-of-way for Arroyo Chico.

GREMILLION & PANETTA

*Aerial and Land Surveyors*1424 PEARL STREET
BOULDER, COLORADO

May 10, 1966

PHONE 444-1535

CHOL J. GREMILLION
RES. 443-3645VINCE P. PANETTA
RES. 442-0803

SCHEDULE B

Description of a tract of land in the NW $\frac{1}{4}$ of Section 21, T1N, R71W, of the 6th P.M.

Commencing at the NE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 21, T1N, R71W, of the 6th P.M., thence S2°27'55"W, 653.95 ft. along the East line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 21, to the true point of beginning;

Thence S2°27'55"W, 395.05 ft. along the East line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 21, to a point on the approximate centerline of Four Mile Canyon Road;

Thence S65°17'W, 122.54 ft. to a point of curve to the right;

Thence Westerly along the arc of said curve to the right to a point tangent, said arc having a radius of 102.72 ft. and a delta angle of 93°55'20" right;

Thence N20°47'40"W, 149.01 ft. to a point of curve to the left;

Thence Northerly along the arc of said curve to the left, to a point tangent, said arc having a radius of 575.29 ft. and a delta angle of 13°52'30" left;

Thence N34°40'10"W, 5.00 ft.;

Thence N63°13'00"E, 245.44 ft.;

Thence N85°54'10"E, 168.97 ft. to the true point of beginning.

Subject to an existing road right-of-way for Four Mile Canyon Road.

GREMILLION & PANETTA

*Aerial and Land Surveyors*1424 PEARL STREET
BOULDER, COLORADO

May 10, 1966

PHONE 444-1535

CHOL J. GREMILLION
RES. 443-3645VINCE P. PANETTA
RES. 442-0903

SCHEDULE A

Description of a tract of land in the NW $\frac{1}{4}$ of Section 21, T1N, R71W, of the 6th P.M.,

Commencing at the NE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 21, T1N, R71W, of the 6th P.M., thence S2°27'55"W, 312.95 ft. along the East line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 21, to the true point of beginning;

Thence S2°27'55"W, 157.00 ft. along the East line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 21;

Thence S81°42'20"W, 361.10 ft.;

Thence S59°23'40"W, 176.60 ft. to a point on the approximate centerline of Four Mile Canyon Road;

Thence N34°40'10"W, 53.98 ft. to a point of curve to the right;

Thence Northerly along the arc of said curve to the right to a point tangent, said arc having a radius of 249.03 ft. and a delta angle of 31°24' right;

Thence N3°16'10"W, 12.00 ft.;

Thence N69°13'50"E, 177.16 ft.;

Thence N83°00'30"E, 428.87 ft. to the true point of beginning.

Subject to an existing road right-of-way for Four Mile Canyon Road.

FILM 686

GREMILLION & PANETTA

*Aerial and Land Surveyors*1424 PEARL STREET
BOULDER, COLORADO

May 10, 1966

PHONE 444-1535

CHOL J. GREMILLION
RES. 443-3645VINCE P. PANETTA
RES. 442-0803

SCHEDULE D

Description of a tract of land in the NW $\frac{1}{4}$ of Section 21, T1N, R71W, of the 6th P.M.

Commencing at the NE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 21, T1N, R71W, of the 6th P.M., thence S2°27'55"W, 469.95 ft. along the EAST line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 21, to the true point of beginning;

Thence S2°27'55"W, 184.00 ft. along the East line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 21;

Thence S85°54'10"W, 168.97 ft.;

Thence S63°13'00"W, 245.44 ft. to a point on the approximate centerline of Four Mile Canyon Road;

Thence N34°40'10"W, 200.00 ft.;

Thence N59°23'40"E, 176.60 ft.;

Thence N81°42'20"E, 361.10 ft. to the true point of beginning.

Subject to an existing road right-of-way for Four Mile Canyon Road.