

**PROTECTIVE COVENANTS
OF
HOLIDAY ACRES
ARCHULETA COUNTY, COLORADO**

Sworn to on March 8, 1974 - Recorded May 17, 1974 - Book 137, Pages 103-105, Reception No. 80066

Holiday Acres, a partnership, being the owner of the lands described on Exhibit A attached hereto makes and declares the following limitations upon its use, which will run with the land and restrict its use by all future owners.

PURPOSE:

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These covenants are made for the purpose of creating and keeping, insofar as possible, Holiday Acres desirable, attractive, and beneficial; to guard against unnecessary interference with the natural beauty and to provide an atmosphere which will be to the mutual benefit and protection of all the owners of tracts in the subdivision.

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1. These covenants are to run with the land, and shall be binding upon all parties and all persons claiming an interest in said property and shall be binding upon all successive owners thereof until January 1, 2000, thereafter they are automatically extended in 10 year periods except for amendments per paragraph 17.

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2. No offensive activity of any kind, such as creating loud noises or offensive odors shall be conducted on any tract. No business or commercial activity of any kind shall be conducted on any tract at any time except a tract which is specifically designated as a commercial or business tract on the subdivision plat.

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3. Except on a designated commercial tract, only single-family residences shall be permitted, plus private garage and outbuildings necessary for the use and benefit of the owner.

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4. Garages and outbuildings shall harmonize in construction and design with the construction and design of the main building.

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5. Butane or propane storage tanks must conform to State regulations, and they or other outbuildings must be located so as not to detract from the appearance of the tract on which located, or other tracts.

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Amended July 17, 2005 - Recorded August 7, 2005 - Book 144, Pages 425-430, Reception No. 83665

6. No building, fence, patio, or other structure shall be erected on any tract until the plans and/or specifications have been delivered to Holiday Acres, and the same have been approved by Holiday Acres. Matters to be considered in giving approval shall include position of proposed structure on the tract, types of materials to be used, including footing and foundation materials and design, the general color and appearance of the structure after completion, and the size of the structure. All dwellings must conform to the Uniform Building Code currently in effect and may not be less than six hundred (600) square feet, measured in accordance with accepted appraisal and construction principles, and exclusive of porches and garages. Approval of plans and specifications shall not be unreasonably withheld by Holiday Acres. Any disapproved plans or specifications shall be returned accompanied by a list of specifications of the unsatisfactory items and suggestions for changes or alterations which, if adopted, would be approved. It is the general purpose of Holiday Acres in requiring such approval to provide for the establishment and maintenance of a high standard of architectural design and general construction practices which in turn will assure lasting and stable values for the owners. Approval or disapproval shall be given within thirty (30) days.

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7. Any construction and installation of an individual sewer and/or water system must be approved by the Health Department official having jurisdiction.

***The above text has been extracted from recorded documents and,
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8. No time limit is set within which construction of improvements must begin, however, after start of construction, a dwelling or other structure must be closed in and weather-proofed within one year.

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Amended October 25, 1976 - Recorded October 26, 1976 - Book 149, Page 263, Reception No. 86525

9. No trailer, camper, mobile home larger than eight feet by thirty three feet shall be on the premises at any time either temporarily or permanently, except use of a trailer, camper, mobile home may be permitted during the above mentioned one year period permitted for construction and, in addition, may be used for periods of up to thirty (30) days for vacation use, but total use by any one owner may not exceed two (2) months in any calendar year.

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10. No part of any structure shall be located nearer than twenty-five (25) feet from the nearest point of any property line of the tract on which it is located.

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11. A ten (10) foot wide easement if reserved along all lot boundaries for the installation and maintenance of utility lines. Such reservations include the perpetual right of ingress and egress for installation, maintenance and replacement of such lines.

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12. No tract may be redivided into a tract smaller than that approved by the applicable State and/or County requirements. In no instance shall a residential tract of less than one acre be permitted.

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13. Domestic house pets shall be permitted but the owner of any and all property upon which pets are kept or maintained shall be responsible for controlling said pets. Domestic farm-type animals may be allowed with the exception of swine. Any farm-type animal kept or brought into the subdivision must be controlled and confined in such a manner as to avoid any nuisance or damage to any other property.

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14. No trees may be cut with greater than a three inch base except the minimum amount necessary for construction of improvements; without the written permission of Holiday Acres. This shall not prevent the establishment of gardens, lawns, and other desirable landscaping and exterior living areas.

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15. Invalidation of any one of these covenants by appropriate legal action shall in no way effect any of the other provisions which shall remain in full force and effect.

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16. When sixty (60) per cent or more of the tracts in the above described lands have been sold, the owners of such tracts may form a committee of such size and representation as may be agreed upon by a majority of such owners, which committee may undertake the obligation imposed upon Holiday Acres by Paragraph 6 of these covenants. The committee may undertake the endorsement (sic) of this covenant on behalf of all tract owners.

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17. These covenants may be amended at any time or from time to time by the recording of an instrument in writing making such amendment signed by the owners of two-thirds or more of lots in the subdivision. In making such amendment each lot shall have one vote, and each owner of unsubdivided land shall have one vote for each three acres owned.

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paragraph appears here.***