

AMENDMENT TO THE PROTECTIVE COVENANTS
OF
HOLIDAY ACRES
ARCHULETA COUNTY, COLORADO

WHEREAS, Holiday Acres Subdivision ("Holiday Acres") was originally created by Holiday Acres Limited Partnership ("Declarant") in 1974; and

WHEREAS, the Declarant identified the real property comprising Holiday Acres on the plat recorded with the Archuleta County Clerk and Recorder at Reception No. 80067 on May 17, 1974, and supplemented with additional plats at Reception No. 83664 on August 7, 1975, and Reception No. 104449 on May 15, 1981 (collectively "Plats"); and

WHEREAS, the Declarant recorded certain Protective Covenants ("Covenants") relating to Holiday Acres with the Archuleta County Clerk and Recorder at Reception No. 80066 on May 17, 1974; and

WHEREAS, Covenant Number 16 states:

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.

; and

WHEREAS, Covenant Number 17 states:

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.

; and

WHEREAS, the Plats identified certain GREENBELT areas within Holiday Acres; and

WHEREAS, by 1996, more than sixty (60) percent of the lands in Holiday Acres had been sold; and

WHEREAS, on August 29, 1996, the owners of the lands in Holiday Acres held a meeting pursuant to Covenant Number 16 and the majority of such owners agreed to form the Holiday Acres Property Owners Association ("Association") as a Colorado Nonprofit Corporation to serve as the "committee" described in Covenant Number 16; and



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Kristy Archuleta
Archuleta County

WHEREAS, the Association was formed on September 24, 1996 with the filing of the Article of Incorporation with the Colorado Secretary of State; and

WHEREAS, the Article VI of the Articles of Incorporation states:

Every person or entity who is a record owner or contract purchaser of a fee or undivided fee interest in any property which is currently subject to or subsequently becomes subject to the Covenants of Holiday Acres, Archuleta County, Colorado shall be a member of said Association. The foregoing is not indented to include persons or entities who hold an interest merely as security for the performance of an obligation. The membership shall be appurtenant to and may not be separated from ownership of any property which is subject to the Declaration. The Association shall have one class of voting membership and each lot shall be entitled to one vote, subject to the voting provisions of the Bylaws.

; and

WHEREAS, Declarant granted title to the GREENBELT property to the Association by a Bargain and Sale Deed that was recorded with the Archuleta County Clerk and Recorder on July 10, 1998 at Reception No. 98005753 ("Deed"); and

WHEREAS, by virtue of that Deed, the Association is obligated to pay for insurance premiums, maintenance, or improvement on the GREENBELT property; and

WHEREAS, the owners of the lands in Holiday Acres determined that it is in the best interest of Holiday Acres to amend the Covenants to clarify the status of the Association and its members.

THEREFORE IT IS THEREBY RESOLVED by the owners of the lands in Holiday Acres of the Holiday Acres Property Owners Association, Inc. that:

Covenant Number 1 shall be deleted in its entirety and replaced as follows:

These covenants are to run with the land, and shall be binding upon all parties and all persons claiming an interest in said property. These covenants and the Holiday Acres community may only be terminated in the manner as provided for and allowed for in the Colorado Common Interest Ownership Act ("CCIOA").

Covenant Number 16 shall be deleted in its entirety and replaced as follows:

On August 29, 1996, after more than sixty (60) per cent of the tracts in the above described lands had been sold, the owners of such tracts formed the "Holiday Acres Property Owners Association," ("Association") and incorporated it under the laws of the State of Colorado for the purpose of exercising the functions as set forth in these covenants. Every person or entity who is a record owner of a fee interest in any lot subject to these covenants is a member of the Association. Membership is appurtenant to and may not be separated from ownership of any lot, and ownership of a lot is the sole qualification for membership. Membership does not include persons or entities who hold an interest as security for the performance of an obligation, but granting a security interest does not terminate the owner's membership.



Covenant Number 17 shall be deleted in its entirety and replaced as follows:

The owners have elected to accept the provisions of CCIOA and have elected to be treated as a common interest community under that article. This election was authorized by more than sixty-seven percent of the votes of the owners.

Covenant Number 18 shall be added as follows:

The Association has the power to levy assessments as provided for under CCIOA. The assessments shall be used to fulfill the Association's obligations to promote the common benefit and enjoyment of the owners and residents in the Holiday Acres community as may be more specifically defined and authorized from time to time by the Association.

Covenant Number 19 shall be added as follows:

The Association is to maintain and keep in good repair as a common expense the lots identified as GREENBELT on the Plats recorded with the Archuleta County Clerk and Recorder on May 17, 1974 at Reception No. 80067 and subsequently conveyed to the Association by the Bargain and Sale Deed recorded with the Archuleta County Clerk and Recorder on July 10, 1998 at Reception No. 98005753, along with any and all other common areas of the community now existing or hereafter acquired by the Association ("Common Area"). This maintenance is to be performed consistent with the standards set by the Association.

Covenant Number 20 shall be added as follows:

These covenants or any plat depicting the land in the Holiday Acres community may be amended by the affirmative vote, written agreement, or any combination of affirmative vote and written agreement of the owners holding at least two-thirds of the total Association vote. If a proposed amendment to these covenants or any plat is to be considered at a meeting of the membership of the Association, notice of the meeting is to state the general subject matter of the proposed amendment. No amendment is to be effective until certified by the Association's president and secretary and recorded in the real property records in Archuleta County, Colorado.

This Amendment To The Protective Covenants Of Holiday Acres Archuleta County, Colorado was approved and signed by the owners of more than two-thirds of the lots in Holiday Acres and has been certified by the President and Secretary of the Association.

DATED this 18th day of November, 20 19.

Holiday Acres Property Owners Association

By: [Signature]
President

By: [Signature]
Secretary

[SIGNATURE PAGES FOLLOW]