First Amendment to the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff

This First Amendment, to the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff dated as of May 31, 2016, is made by three fourths of the current property owners ("Owners") of the property Lots 1 through 26, inclusive within the Subdivision referred to as the Pinnacle at Pinecliff, according to the plat thereof recorded in El Paso County, Colorado.

Recitals

- a.) Marac, Inc., a Colorado Corporation, created the Pinnacle at Pinecliff Subdivision by recording protective covenants in the real property records of El Paso County, Colorado, at Reception No. 001976122, in Book 5786 at Page 1115 on November 1, 1990, as amended and supplemented by documents of the record ("Covenants").
- b.) The Covenants provide for and allows for the Owners to amend the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff pursuant to Section 609 & 610.
- c.) More than three fourths (3/4ths) of the current property owners of record desire to affirm, amend and delete said Declaration of Conditions, Restrictions and Easements as set forth below. Unless specifically amended or deleted, said Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff are affirmed and restated.

NOW THEREFORE, the Covenants are hereby amended as follows:

1. Section 101- Property Uses, is deleted and restated as follows:

<u>Section 101, Property Uses.</u> All single family residential Lots and Building Sites in the Subdivision shall be used exclusively for private residential purposes as follows:

- a.) No dwelling erected or maintained within the Subdivision shall be used or occupied for any purpose other than for a single family dwelling.
- b.) Leasing. Any Owner shall have the right to lease or allow occupancy of a Lot upon such terms and conditions as the Owner may deem advisable, subject to the restrictions of these Covenants, the restrictions of record and subject to the following:
- (i) "Leasing" or "Renting" for purposes of the Covenants is defined as regular, exclusive occupancy of a Lot by any person other than the Owner; provided however, for the purposes of the Covenants, leasing shall not include the occupancy of the Lot by the child or parent of an Owner. For the purposes of these Covenants, occupancy by a roommate of an Owner who occupies the Lot such Owner's primary residence shall not constitute leasing.
- (ii) Short term occupancies and rentals of Lots of less than thirty (30) days including but not limited to transient, hotel, bed and breakfast or vacation type rentals, as further defined as lodging services by Colorado Springs Municipal Code Chapter 2, Article 7, Part 104 shall be prohibited.
- (iii) Subleasing, meaning the leasing or rental of a leased Lot from a tenant to another person, is prohibited.
- (iv) All leases and rental agreements shall be in writing and shall provide that the leases or rental agreements are subject to all terms of the Covenants and any other applicable rules.

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El Paso County, CO

- (iv) All occupancies, leases and rental agreements of Lots shall state that the failure of the tenant, lessee, renter or their guests to comply with the terms of the Covenants shall constitute a default of the occupancy, lease or rental agreement and of the Covenants and such default shall be enforceable by either the landlord or Architecture Control Committee ("ACC"), or by both of them.

 (v) Leases shall be for the entire Lot.
- c.) Commercial and Business Use.. Commercial and Business Use. All Lots shall be used for residential purposes only as residential dwellings. Commercial and business use of the Lots is expressly prohibited unless allowed by Colorado Springs Municipal Code Chapter 7, Article 5, part 1501 et.seq. except that any lodging services as defined by Chapter 2, Article 7, Part 104 which requires collection of sales or use tax as stated in Chapter 2, Article 7, Part 310 for periods of thirty (30) days or less are prohibited.
- 2. Section 204, Building Materials, subsection (b) is changed to read as follows:
- (b). Aluminum, vinyl or wood windows or other material as approved by the ACC is permitted.
- 3. Section 207, Roofs, is deleted and replaced with the following:

<u>Section 207, Roofs</u>. All roofing area materials shall be materials approved by the ACC except that asphalt/fiberglass roofing materials are prohibited.

4. Section 209, Antennas, is deleted and replaced by the following:

Section 209, Antennas. ACC approval is not required for installation of satellite dishes or antennas that are permitted by the Telecommunications Act of 1996 and subsequent related rulings. These laws permit digital television satellite dishes less than one meter (about 39") in size and other specific types of antennas. Owners are requested to install satellite dishes and other permitted antennas on the sides or on the rear of houses and as low as possible, to minimize visibility from adjacent properties and streets, when such locations do not unreasonably delay installation, unreasonably increase cost or preclude receiving or transmitting an acceptable quality signal. ACC approval is required for all other types of external antennas not specifically permitted by the Telecommunication Act of 1996.

5. Section 212, Fences, the first sentence is changed to read as follows:

To preserve the unique character of Lots 5-11 inclusive and Lots 18-26 inclusive, fencing in the entire Lot or its entire back yard, will not be permitted.

6. The next seven (7) pages are signature pages evidencing adoption of these amendments, deletions and restatement by more than three fourths (3/4ths) of the current property Owners of record.

IN WITNESS WHEREOF, Owner has executed this First A					
Restrictions and Easements for The Pinnacle at Pinecliff or	this	0	_day of	June	, 2016
OWNER October Wouse					
Printed name Carole Waterwouse. Address 4913 Night Shade CT CO105095	00 8	ng 19			
	. 00 8	0/17			
Date					
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this	day of Qu	ic 2	016.		
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OWNER W. W.	"infa	E OF COLORA	HITTE		
Printed name SARY W. MAYNO					
Printed name GARY W. MAYNO Address 4990 Nichtshade Cir (6)0 SPSS	ر لان لان	919			
Date 6/6/16					
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this	day of Lu	<u>~</u> 2	016.		
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My commission expires: 42/03/2016		M TELL			
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OWNER CARLOS OF THE CARLOS OF	THE STATE OF	~UBL\C			
Printed name Daniel G. Sander	79	OF COLUMN	in.		
	a. 8091	9			
Date					
STATE OF COLORADO / COUNTY OF EL PASO					
The foregoing instrument was acknowledged before me this	day of	ue 2	016.		
Witness/my hand and official seal/.	ROSA	M TELLE	z 7		
My commission expires:	NOTAF STATE OF	RY PUBLIC COLORA			
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Notary Public		MIN CONTINUES	1203/2016		
Title/Address: Office Manager	**************************************	ATON .	AV.		
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IN WITNESS WHEREOF, Owner has executed this First Restrictions and Easements for The Pinnacle at Pinecliff				
OWNER By		·		
Address 1902 Wight Shade Co	ich Cos,	C O	80919	
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this	_day of Jene	2016.		
Witness my hand and official seal: My commission expires: 12/03/2016 Notary Public	ROSA M TE NOTARY PU STATE OF COL NOTARY ID 2000 MY COMMISSION EXPI	BLIC ORADO 14023461	16	
Title/Address: Office Manacys 5873 Choke therry & Colorado Spring CO 8091	9 WILLIAM AND	IAV		
OWNER By Jeanne Braun Printed name Tranne Braun Address 4943 Nyntshade Circle Co	5., CO 80915	HANNING THE		
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this	_day of _ue_	2016.		
Witness my hand and official seal; My commission expires: / 2/03/2016 Notary Public	ROSA M TELLI NOTARY PUBLI STATE OF COLOR NOTARY ID 2000402 NY COMMISSION EXPIRES	C ADO 23461		
Title/Address: Object Manager 5873 Chokeckerry St. Colorado Spring Cc 8091	7 MARINE AM TELL NOTAR PUBLIS			
OWNER By Printed name Address 4925 Night broke croke 45 Co	OF COL	A CHARLES		
DateC				
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My commission expires: $\frac{12/03/3016}{3}$	ROSA M TELL NOTARY PUBL STATE OF COLOR NOTARY ID 2000000 MY COMMISSION EXPIRES	IC ADO 23461		
Title/Address: Office Marager 5873 Chokeckerry St. Colorado Springs. Co 80919	→ → → OLORON	Manual Ma		

IN WITNESS WHEREOF, Owner has executed this First Amend				
Restrictions and Easements for The Pinnacle at Pinecliff on this	6	_ day of _	June	, 2016.
OWNER AP				
OWNER By St. P. T. Add				
Printed name Steven P. Zynda Address 4955 Night shede Circle Colorado	Springs	CO	80919	
Date 6 June 2016	7		9-777	
STATE OF COLORADO / COUNTY OF EL PASO	$\overline{}$			
The foregoing instrument was acknowledged before me this day of	Luce	2016.		
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My commission expires: $\sqrt{2/03/2016}$	ROSA	M TELLEZ	1	
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Notary Public		200040234	61	
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OWNER /	# PU	3LIC		
By Juffly Ward Watson Printed name JEFF ERY WARD WATSON	Winning OF	COLOLINA		
Address 4970 NIGHTSHAPE CIR. COLORADO SPRINGS	Co. 8091	cy		
Date 06-06-16		,		
STATE OF COLORADO / COUNTY OF EL PASO	γ			
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Notary Public MY C	NOTARY ID 20 OMMISSION EX	004023461 PIRES 12/03/2	2016	
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OWNER/ By for the first	PUBLIC	. Q.J.		
Printed name Nern Jay Asila	THE OF COLO	AMMINITA		
Address 4931 Nightshade Cic.				
Date <u>6/7/20/6</u>				
STATE OF COLORADO / COUNTY OF EL PASO)			
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3873 CHOREGULARY & Colorado Springo, Co 30917	*************************************	→		

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	Restrictions and Easements for The Pinnacle at Pinecliff on this	<u>l</u> e	day of	June	, 2016.
	OWNER By		80919		
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tro C	OWNER By Joan a. Danis Printed name 4997 Nightshade Circle Address Joan A. Davis	THE STATE OF THE S	NOTARY OF COLOR		i, in, d)
	STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of Witness my hand and official seal: My commission expires: / 2 / 23 / 20 / 20 / 20 / 20 / 20 / 20	ROSA NOTA STATE (2016. A M TELLEZ ARY PUBLIC DF COLORADO ID 20004023461		
	Title/Address: Cffee Maracer 5873 Chokeckerry by. Colorado Jornay, co80919 OWNER By Printed name ROBERT BERTA		NOTARY PUBLIC OF COLORIGINAL OF COLORIGINAL OF COLORIGINAL	12016	
	Date 6-6-/6 STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of Witness my hand and official seal: My commission expires: 12/02/2016	ROSA NOTA STATE O	2016. M TELLEZ ARY PUBLIC OF COLORADO ID 20004023461 ON EXPIRES 12403	2016	
	Title/Address: Office Manager 5873 Choleckerry S. Colorado Joing Co 80919	*	NOTARY:		

IN WITNESS WHEREOF, Owner has executed this First Amendment to the Declaration of Conditions,	
Restrictions and Easements for The Pinnacle at Pinecliff on this day of, 201	16
OWNER By Frenis 2. Moon	
Printed name Travis L. Moon Address 4979 Nightshade Cir, Colorado Springs CO 80919	
Date <u>6/6/16</u>	
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of 2016.	
Witness my hand and official seal: My commission expires: O O O O O O O O O O O O O O O O O O	
STATE OF COLORADO NOTARY ID 20004023461	
Notary Public MY COMMISSION EXPIRES 12/03/2016 Title/Address: Ohice Transcer	
Title/Address: Office manager 5873 Chokecherry B. Celorado Springp. CC 80919	
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OWNER Mary & Collins Printed name Mary S. Collins Address 4919 Night shade Circle, Colo Spas, CO 80919	
Printed name Mary S. Collins Address 4919 Nichtschafe Circle Calo Soes CO 20919	
Date 6-6-16	
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of 2016.	
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By Jenneth France	
Address 4637 Nightsiede Grade Colorado Sp. 25 Co 8091	3
Date 4/6/2016	/- -
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Witness my hand and official seal: My commission expires: 12-03-20/6 ROSA M TELLEZ NOTARY PUBLIC	
STATE OF COLORADO NOTARY ID 20084023461	
Notary Public Title/Address: NOTARY Title/Address:	
5873 Chokeckeryy & Colorado Springs CO 80915 PUBLIC	
STEP COLUMNIA	

IN WITNESS WHEREOF, Owner has executed this First Amen	dment to th	e Declaratio	n of Conditi	ons,
Restrictions and Easements for The Pinnacle at Pinecliff on this	; <u> </u>	day of _	June	, 2016
OWNER By	pring,	<u>Co 8091</u>	9	
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of	of June	2016.		
Witness my hand and official seal: My commission expires: 12/03/2016 Notary Public Title/Address: Office Manager 5873 Choleckerry D. Colorado Spring CO 80919	STATE OF O	TELLEZ PUBLIC COLORADO 20004023461 XPIRES 12/03/20	016	
OWNER THOMP MAN Printed name Tronne Gricius Address 1991 Nightshade Circle Colo Spo		OF COLOR		
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of	of Jus	<u>2016.</u>		
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OWNER By Terrence J. Larson Printed name Terrence J. Larson	THE THE SHAWARD	OTARY OF COLOR		
Address 4967 Night 5hade Cift Date 6/6/16 STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this 6 day of the county of the count				
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IN WITNESS WHEREOF, Owner has executed this First Amendment to the Declaration o Restrictions and Easements for The Pinnacle at Pinecliff on this day of		
OWNER By Christopher Wilkorson Church Mitter Printed name Christopher Wilkerson Address 4930 Nightshade Circle Colorado Springs CO 809/9 Date Dune G 2016		
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of 2016.		
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OWNER By Printed name LUIS D. CARRASCO Address 4973 NIGHTSHADE CIRCLE, COLORADO SPRINGS, CO., 80919	9	
Date JUNE 06, 2016 STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of 2016.		
Witness my hand and official seal: My commission expires: Notary Public Notary Public Title/Address: Witness my hand and official seal: NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20004023461 MY COMMISSION EXPIRES 12/03/2016		
OWNER The Bridge Printed name Jane B. Bridges Address 4910 Night Lade Civ.		
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this		
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