

# **NOTARIZED PETITIONER CERTIFICATION** for Covenant Amendment

The property owners in Pinecliff, Filing 14 (List Attached) do hereby approve of and affix the signatures of each and/or joint owners to amend the Pinecliff Filing 14 covenants. Each homeowner who agrees with the change has furnished this petition with name, address, and signature.

A sufficient number of owners 11 of 16 total, representing a 2/3 majority, are attached to this notarized letter. Petitioner having achieved a proper majority files this petition with the County Clerk and Recorder for the county of El Paso, Colorado. This documentation will be provided to the Pinecliff Home Owners Association, Architectural Control Committee for implementation.

*I certify that the attached signatures were obtained by me/us from the homeowners in Filing 14, Pinecliff for the purpose of amendment to protective covenants, Section 120(e) subsection (e).*

## **Petitioner Certification**

PAUL T CARSON

name(s)

GAIL S CARSON

5450 KATES DR, COLORADO SPRING, CO 80919

address

Paul T Carson

signature(s)

My Commission expires

State of Colorado )  
County of El Paso )

The foregoing instrument was acknowledged before me this  
3<sup>rd</sup> day of February, 2011

Witness my hand and official seal

[Signature]  
Notary Public

**RONALD J. [Signature] JR.**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**

My Commission Expires

3/17/14

PETITION TO AMEND ROOFING MATERIALS by (name) PAUL T CARSON  
(address) 5450 KATES DR provided in Section 153 of the covenants.

Section 120(e) Subsection \_\_\_\_\_ of the Conditions, Covenants, Restrictions, Easements and Charges affecting the real property known as Pinecliff, filing number 14.

Section 120(e) of the Pinecliff covenants for filing 14 state that "All roof areas shall be of wood shakes, tile, slate, copper or such other material as may be approved by Declarant." This provision was set out by the developer, David R. Sellon and Co. as the original property owner, and now assigned to the Architectural Control Committee (ACC) of the Pinecliff Homeowners Association (PHOA)

The covenants for Filing 14 provide for amendments by an instrument signed and acknowledged by at least 2/3 of the Filing property owners, of which there are 16.

Petitioner is requesting to replace Section 120(e) with an amendment which reads as follows:

***"All roof areas shall be fire resistant composite, tile, slate, metal, concrete fiber, or asphalt/fiberglass shingles the latter being multiple layers with shadowing effect weighing at least 375 pounds per square."***

#### DISCUSSION OF THE ISSUE (PHOA ACC POSITION)

As an overview, there are 17 Filings in Pinecliff with separate filings for Sunbird Cliffs and Pinnacle which have been merged with Pinecliff. Of these 19 separate sets of covenants, one per filing, three filings permit asphalt/fiberglass products, filings 1, 2, and 7. The remaining 16 covenant sets read as the Pinecliff developer originally set forward. Filing 1 was not developed by Mr. Sellon and originally included asphalt products during the middle 1970s. Filings 2 and 7 amended covenants in the late 1990s to include high grade asphalt/fiberglass products.

Wood shake shingles can no longer be installed in this area because of fire danger. Most homeowners choose light weight tile (meets weight limitations of truss roofs), coated metal roof panels or composite synthetic shakes. Any dimensional asphalt based shingles are not approved except in filings 1, 2, and 7.

In Pinecliff asphalt roofing is expressly prohibited by covenant in most filings unless covenant documents are amended. The reason for this is the variety of low cost asphalt products which are inconsistent with the roofing standards in Pinecliff. An amendment to the covenant requires a minimum weight standard for asphalt/fiberglass products thereby maintaining the quality standard originally established with wood shakes.

***Each filing (by law) must amend its covenant as a separate entity, independent of the PHOA and ACC. This must be accomplished in an orderly and legal manner through a notarized signature voting process and filed with the County.***