## 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.

Chuck Broerman 06/07/2016 02:59:53 PM Doc \$0.00 9 Rec \$51.00 Pages 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 Amen Restrictions and Easements for The Pinnacle at Pinecliff on this			-
OWNER Carol Waterhouse  By Carole Waterhouse_  Address 4913 Night Shade CT CO105P9S C  Date Co / Co / Co	O 80919		
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of	of June 21	016.	
Witness my hand and official sealy My commission expires: 12/03/2016  Notary Public  Title/Address: Uffice Marayr 5873 Chokocherry D. Colorado Jango Co 80919	ROSA M TEL NOTARY PUE ATE OF COLO ATE OF C	BLIC DRADO	
OWNER  By	OF COLORAN		
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of	June 2	016.	
Witness my hand and official seal/ My commission expires: 42/03/20/6	ROSA M TELLI NOTARY PUBLI STATE OF COLOR OTARY ID 200040 MMISSION EXPIRES	IC ADO 23461	
OWNER  By Darrell G. SANDER  Printed name J Anell G. SANDER  Address 4961 Nichoshade Cia., Colo Syanor, Co.	OF COLOR	WHITHING THE PARTY OF THE PARTY	******
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of	of Jue 2	016.	
Witness my hand and official seal.  My commission expires: 1202 2016  S	ROSA M TELLE NOTARY PUBLIC TATE OF COLORA DTARY ID 2000402 MISSION EXPLANA  NOTA	ADO 3461	
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IN WITNESS WHEREOF, Owner has executed this First A Restrictions and Easements for The Pinnacle at Pinecliff or				
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By Local Designation of the Control	_			
Printed name Laurence Trboyich Address 1902 Wight Shade Civo	h (35	CO	80919	
Date(6-4-16	,			
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this	day of line	2016		
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Witness my hand and official seal: / My commission expires: 42/03/2016	ROSA M TE			
(osam. DIL)	STATE OF COL	ORADO		
Notary Public	MY COMMISSION EXPIR		16	
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OWNER BARLES	AND OF O	O ORAC HARM	,	
Printed name Janne Braun				
Address 4943 Nightshade Circle C.S.	, CO 80919	7		
Date				
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My commission expires: 12/03/2016	ROSA M TELLI NOTARY PUBLI			
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My commission expires: $\frac{12/03}{200}$	NOTARY PUBL STATE OF COLOR	IC		
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Title/Address: Office / Karacyr 5873 Chokecherry St. Colorado Springo, Co 8017	PUBLIC.			
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IN WITNESS WHEREOF, Owner has executed this First An	endment to the	Declaratio	n of Conditio	ns,
Restrictions and Easements for The Pinnacle at Pinecliff on t	his	day of	June	, 2016
OWNER By St. 2				
Printed name Steven P. Zynda Address 4955 Night shede Circle Colora	de Springs	0	80919	
Date 6 June 2016	$\bigcirc$			
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this	ay of Luce	_ 2016.		
Witness my hand and official seal:  My commission expires: 42/03/2016		M TELLEZ RY PUBLIC	1	
Notary Public	NOTARY	F COLORAD D 200040234	61	
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5873 Choke Cherry Dr. Colorado Springs, CO 80917	Military C.S.	MTELLEMANN		
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OWNER By Juffey Ward Watson		PECOLO PARTIE		
Printed name JEFF ERY WARD WATSON		manner.		
Address 4970 NIGHTSHADE CIR. COLORAGO SPRIA Date 06-06-16	KS CO 809	(9		
STATE OF COLORADO / COUNTY OF EL PASO	lay of June	<u>≤</u> 2016.		
Witness my hand and official seal:			,	
My commission expires: $\frac{12/03/2016}{2000}$	ROSA M NOTARY	PUBLIC		
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OWNER By In The Mile	PUBL	10		
Printed name Nern Jay Asila	MAN OF CO	William.		
Address 4931 Nightshade Cir. Date 6/7/2016				
STATE OF COLORADO / COUNTY OF EL PASO				
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Witness my hand and official seal: / 2/03/2016		SA M TELL		
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	Restrictions and Easements for The Pinnacle at Pinecliff on the	صا his	day of	June	, 2016
	Date le le		80919		
	STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this da	y of full	2016.		
(	Witness my hand and official seal:  My commission expires: 12/05/2014  Notary Public	NOT STATE NOTARY	A M TELLEZ ARY PUBLIC OF COLORADO ID 20004023461 ON EXPIRES 12/03	/2016	
	Title/Address: Office Mara Gr 5873 Charlerry & Colorado Spring (08919)	The Hamman	NOTARY OF THE PROPERTY OF THE		5. 44. 49
Fa C	OWNER  By from a. Danis  Printed name 4997 Nightshade Circle  Address Joan A. Davis  Date June 4, 2016		OF COLORINATION		
	STATE OF COLORADO / COUNTY OF EL PASO  The foregoing instrument was acknowledged before me this da	y of Jeure	2016.		
	Witness my hand and official seal: / 2/03/2016  My commission expires: /2/03/2016  Notary Public	NOT STATE	SA M TELLEZ FARY PUBLIC OF COLORADO Y ID 20004023461 ON EXPIRES 12/03		
	Title/Address: Chelce Lerry & Colorado Spring, 080919		NOTARY NOTARY		
	OWNER  By  Printed nameROBERT   SERTA    Address 440   MEHISHADE   CR   80979    Date 6 - 6 - 16		OF COLONIA		
	STATE OF COLORADO / COUNTY OF EL PASO	y of Jun	<u> </u>		
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	Title/Address: Office & Manager 5873 Chaleckerry S. Colorado princo Co 80919		NOTARY .		

IN WITNESS WHEREOF, Owner has executed this First Amendmen			
Restrictions and Easements for The Pinnacle at Pinecliff on this	day of _	JUNE	, 2016.
OWNER By Frens 2. Moon			
Printed name Travis L. Moon Address 4979 Nightshade Cir, Colorado Springs CO 8	2Λ G 1 G		
Date 6/6/16	10 77 /		
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My commission expires: 1003/2014 ROS	SA M TELLEZ TARY PUBLIC		
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Title/Address: Office Manager 5873 Chokecherry & Colorado Springp. 2080919	MIELLEN		
	NOTARY		
	PUBLIC		
OWNER Mary & Pellins	OF COLORANIA	<u>,                                      </u>	
Printed name Mary S. Collins			
OWNER Mary & Collins  Printed name Mary S. Collins  Address 4919 Nightshape Circle, Colo Spes	,00 8091	9	
Date _ & V V V			
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of	eucl 2016.		
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Address 46,3,7 Nightshade Circle Color	ado 50 205	<u> Co</u>	80919
Date 4/6/2016	J		,
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5873 Chokeckeryy & Colorado Springs (0)0917	PUBLIC		
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IN WITNESS WHEREOF, Owner has executed this First Amendment to the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff on this $\frac{\omega}{\omega}$ day of $\frac{\omega}{\omega}$ , 20	)16.
OWNER MAY D. Williams  Printed name Army J. Williams  Address 4970 Nightsnade Cir Colorado Spring, Co 80919  Date 6/6/16	
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this day of 2016.	
Witness say hand and official seal:  My commission expires: 12/03/2016  Notary Public  Title/Address: Office Transfer  Title/Address: Choice herry Dr. Colorado Spring CO 80919  NOTARY PUBLIC  STATE OF COLORADO  NOTARY ID 20004023461  MY COMMISSION EXPIRES 12/03/2016	
OWNER TONK SUBLIC BY TONK Gricius  Printed name Tronne Gricius  Address 1991 Nightshade Circle Colo Spgs, Co 80919  Date 4/6/16	
STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this	
My commission expires: 103/2016  Notary Public  ROSA M TELLEZ  NOTARY PUBLIC  STATE OF COLORADO  NOTARY ID 20004023461  MY COMMISSION EXPIRES 12/03/2016	
OWNER  By Terrance J. Larson  Printed name Terrance J. Larson	
Address 4967 Night 5hade Cift Date 6/6/16  STATE OF COLORADO / COUNTY OF EL PASO The foregoing instrument was acknowledged before me this	
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IN WITNESS WHEREOF, Owner has executed this First Amendment to the Declaration of Condition Restrictions and Easements for The Pinnacle at Pinecliff on this day of	
OWNER  By Christopher Wilkorsen Churt des Mitters  Printed name Christopher Wilkerson  Address 4930 Night Sharle Circle Colorado Springs CO 809/9  Date June 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 SPRINCS, CO., 80919	
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  ROSA M TELLEZ  NOTARY PUBLIC  STATE OF COLORADO  NOTARY ID 20004023461  MY COMMISSION EXPIRES 12/03/2016	
OWNER  By  Printed name  Jane B. Bridges  Address 4910 Night Labe Civ.	
Date Tune 16, 25/6 STATE OF COLORADO / COUNTY OF EL PASO	
The foregoing instrument was acknowledged before me this	