

## **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:

Section 101, Property Uses. 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  
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El Paso County, CO



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(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:

Section 207, Roofs. 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 Amendment to the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff on this 6 day of June, 2016.

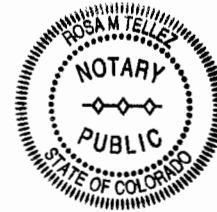
OWNER  
By Carole Waterhouse  
Printed name Carole Waterhouse  
Address 4913 Night Shade Ct Colorado Spgs CO 80919  
Date 6/6/16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal  
My commission expires: 12/03/2016  
Rosa M. Tellez  
Notary Public

**ROSA M TELLEZ**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20004023461**  
**MY COMMISSION EXPIRES 12/03/2016**

Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs CO 80919



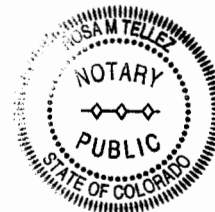
OWNER  
By Gary W. Mayo  
Printed name GARY W. MAYO  
Address 4990 Nightshade Ct Colorado Spgs, CO 80919  
Date 6/6/16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal  
My commission expires: 12/03/2016  
Rosa M. Tellez  
Notary Public

**ROSA M TELLEZ**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20004023461**  
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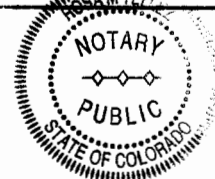
OWNER  
By Darrell G. Sanders  
Printed name Darrell G. Sanders  
Address 4961 Nightshade Ct., Colo. Springs, Co. 80919  
Date 06/06/16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal  
My commission expires: 12/03/2016  
Rosa M. Tellez  
Notary Public

**ROSA M TELLEZ**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20004023461**  
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Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs CO 80919



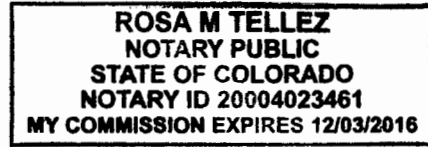
IN WITNESS WHEREOF, Owner has executed this First Amendment to the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff on this 6 day of June, 2016.

OWNER

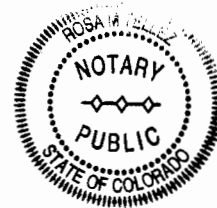
By [Signature]  
Printed name Lawrence Tribovich  
Address 4902 Nightshade Circle COS, CO 80919  
Date 6-6-16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:  
My commission expires: 12/03/2016  
[Signature]  
Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919

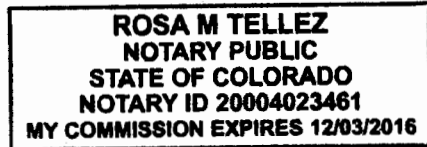


OWNER

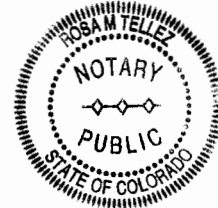
By [Signature]  
Printed name Jeanne Braun  
Address 4943 Nightshade Circle C.S., CO 80919  
Date 6/6/16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:  
My commission expires: 12/03/2016  
[Signature]  
Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919

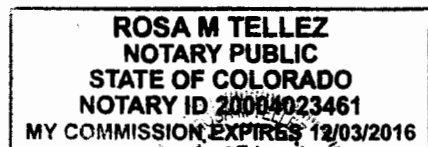


OWNER

By [Signature]  
Printed name Scott Aman  
Address 4925 Nightshade Circle CS, CO 80919  
Date 6/6/16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:  
My commission expires: 12/03/2016  
[Signature]  
Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919



IN WITNESS WHEREOF, Owner has executed this First Amendment to the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff on this 6 day of June, 2016.

OWNER

By St P Z

Printed name Steven P. Zynda

Address 4955 Nightshade Circle Colorado Springs CO 80919

Date 6 June 2016

STATE OF COLORADO / COUNTY OF EL PASO

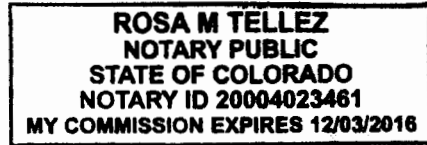
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:

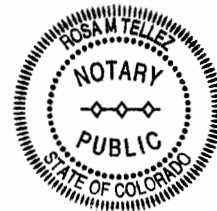
My commission expires: 12/03/2016

Rosa M. Tellez

Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919



OWNER

By Jeffery Ward Watson

Printed name JEFFERY WARD WATSON

Address 4970 NIGHTSHADE CIR. COLORADO SPRINGS, CO 80919

Date 06-06-16

STATE OF COLORADO / COUNTY OF EL PASO

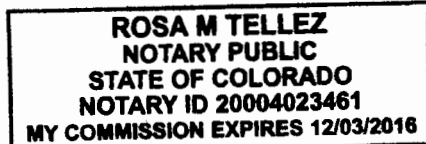
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:

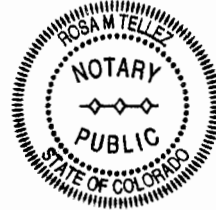
My commission expires: 12/03/2016

Rosa M. Tellez

Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919



OWNER

By Kern Jay Abila

Printed name Kern Jay Abila

Address 4931 Nightshade Cir.

Date 6/7/2016

STATE OF COLORADO / COUNTY OF EL PASO

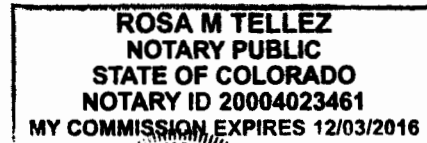
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:

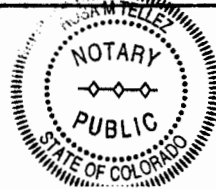
My commission expires: 12/03/2016

Rosa M. Tellez

Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919



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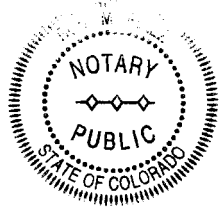
OWNER  
By Catherine M. Long  
Printed name Catherine M Long  
Address 4980 Nightshade Circle C/S CO 80919  
Date 6/6/16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:  
My commission expires: 12/03/2016  
Rosa M. Tellez  
Notary Public

**ROSA M TELLEZ**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20004023461**  
**MY COMMISSION EXPIRES 12/03/2016**

Title/Address: Office Manager  
5873 Chockerry St Colorado Springs CO 80919



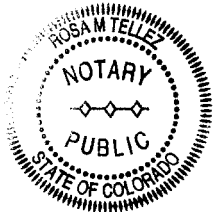
OWNER  
By Joan A. Davis  
Printed name 4997 Nightshade Circle  
Address Joan A. Davis  
Date June 4, 2016

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:  
My commission expires: 12/03/2016  
Rosa M. Tellez  
Notary Public

**ROSA M TELLEZ**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20004023461**  
**MY COMMISSION EXPIRES 12/03/2016**

Title/Address: Office Manager  
5873 Chockerry St. Colorado Springs, CO 80919



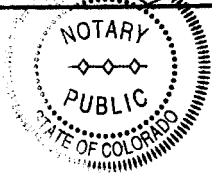
OWNER  
By Robert Berta  
Printed name ROBERT BERTA  
Address 4980 NIGHTSHADE CIR 80919  
Date 6-6-16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:  
My commission expires: 12/03/2016  
Rosa M. Tellez  
Notary Public

**ROSA M TELLEZ**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20004023461**  
**MY COMMISSION EXPIRES 12/03/2016**

Title/Address: Office Manager  
5873 Chockerry St. Colorado Springs CO 80919



IN WITNESS WHEREOF, Owner has executed this First Amendment to the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff on this 6 day of June, 2016.

OWNER

By Travis L. Moon

Printed name Travis L. Moon

Address 4979 Nightshade Cir, Colorado Springs CO 80919

Date 6/6/16

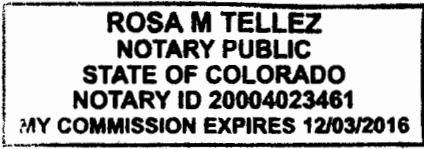
STATE OF COLORADO / COUNTY OF EL PASO

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:

My commission expires: 12/03/2016

Rosa M. Tellez  
Notary Public



Title/Address: Office Manager

5873 Chokecherry Dr. Colorado Springs CO 80919



OWNER

By Mary S. Collins

Printed name Mary S. Collins

Address 4919 Nightshade Circle, Colo Spgs, CO 80919

Date 6-6-16

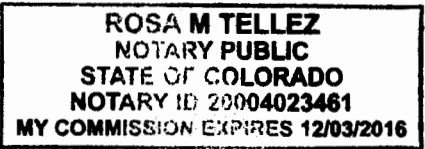
STATE OF COLORADO / COUNTY OF EL PASO

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:

My commission expires: 12/03/2016

Rosa M. Tellez  
Notary Public



Title/Address: Office Manager

5873 Chokecherry Dr. Colorado Springs CO 80919



OWNER

By Kenneth Kripp

Printed name Kenneth Kripp

Address 4937 Nightshade Circle, Colorado Springs CO 80919

Date 6/6/2016

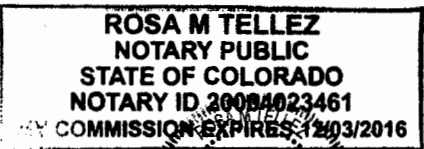
STATE OF COLORADO / COUNTY OF EL PASO

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:

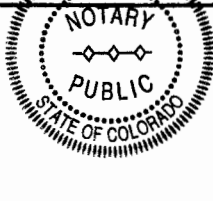
My commission expires: 12-03-2016

Rosa M. Tellez  
Notary Public



Title/Address: Office Manager

5873 Chokecherry Dr Colorado Springs CO 80919

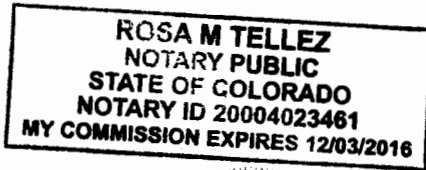


IN WITNESS WHEREOF, Owner has executed this First Amendment to the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff on this 6 day of June, 2016.

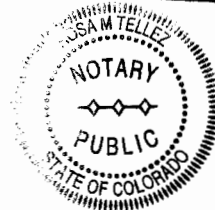
OWNER  
By Amy J. Williams  
Printed name Amy J. Williams  
Address 4970 Nightshade Cir Colorado Springs, CO 80919  
Date 6/6/16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:  
My commission expires: 12/03/2016  
Rosa M. Tellez  
Notary Public



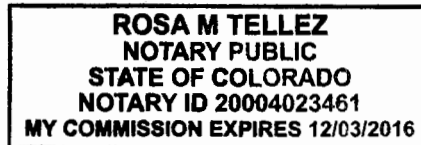
Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919



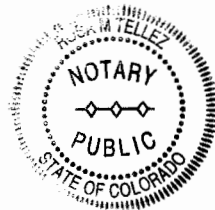
OWNER  
By Yvonne Gracies  
Printed name Yvonne Gracies  
Address 4991 Nightshade Circle, Colo Spgs, CO 80919  
Date 6/6/16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:  
My commission expires: 12/03/2016  
Rosa M. Tellez  
Notary Public



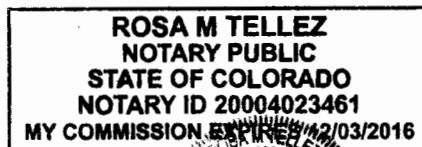
Title/Address: Office Manager  
5873 Chokecherry Dr., Colorado Springs, CO 80919



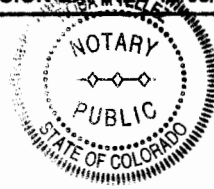
OWNER  
By Terrence J. Larson  
Printed name Terrence J. Larson  
Address 4967 Nightshade Cir  
Date 6/6/16

STATE OF COLORADO / COUNTY OF EL PASO  
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:  
My commission expires: 12/03/2016  
Rosa M. Tellez  
Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919





IN WITNESS WHEREOF, Owner has executed this First Amendment to the Declaration of Conditions, Restrictions and Easements for The Pinnacle at Pinecliff on this 6<sup>th</sup> day of June, 2016.

OWNER

By Christopher Wilkerson  
Printed name Christopher Wilkerson  
Address 4930 Nightshade Circle Colorado Springs CO 80919  
Date June 6 2016

STATE OF COLORADO / COUNTY OF EL PASO

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

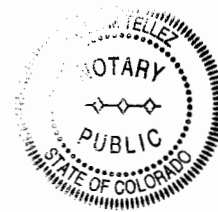
Witness my hand and official seal:

My commission expires: 12/03/2016

Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919



OWNER

By Luis D Carrasco  
Printed name LUIS D. CARRASCO  
Address 4973 NIGHTSHADE CIRCLE, COLORADO SPRINGS, CO, 80919  
Date JUNE 06, 2016

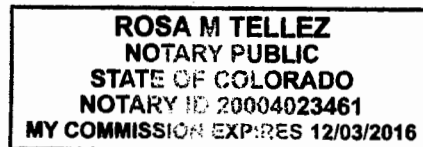
STATE OF COLORADO / COUNTY OF EL PASO

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

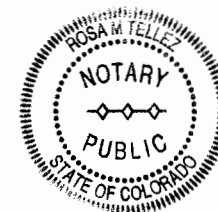
Witness my hand and official seal:

My commission expires: 12/03/2016

Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919



OWNER

By Jane B. Bridges  
Printed name Jane B. Bridges  
Address 4910 Nightshade Cir.  
Date June 06, 2016

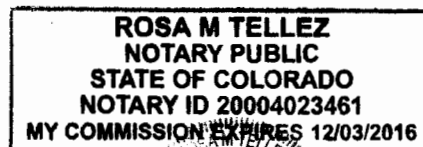
STATE OF COLORADO / COUNTY OF EL PASO

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June 2016.

Witness my hand and official seal:

My commission expires: 12/03/2016

Notary Public



Title/Address: Office Manager  
5873 Chokecherry Dr. Colorado Springs, CO 80919

