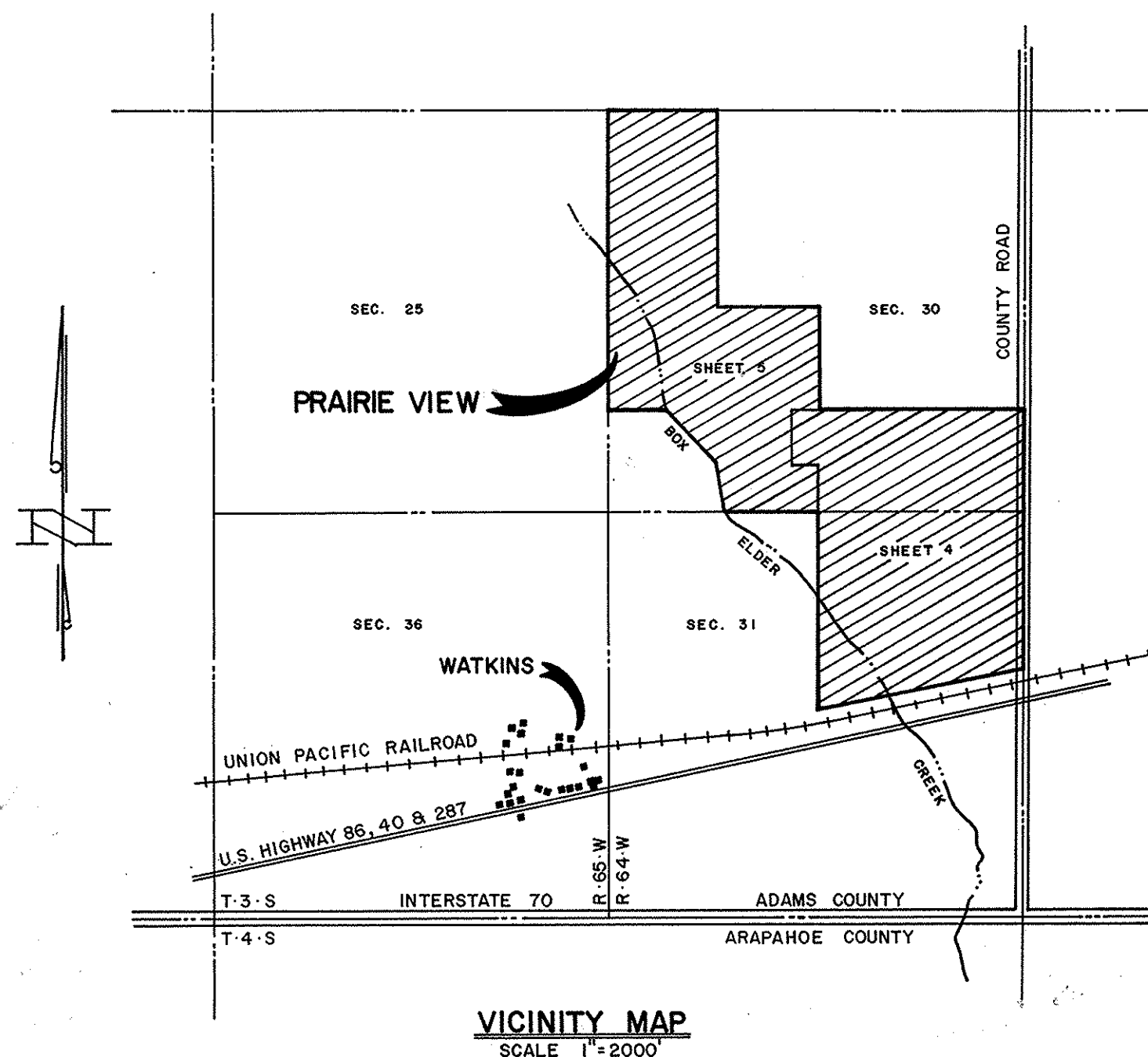


P.U.D. 214

**SHEET 1 OF 5**



KNOW ALL MEN BY THESE PRESENTS THAT KAUFMAN, JENSEN AND SMALL, A GENERAL PARTNERSHIP AND CHESTER E. TUPPS AND IDA A. TUPPS, BEING THE OWNER AND MORTGAGEE OF THAT PART OF SECTIONS 30 AND 31, TOWNSHIP 3 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE SOUTH 89°18'11" EAST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30 A DISTANCE OF 1524.27 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30; THENCE SOUTH 0°03'05" EAST ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID NORTHWEST ONE-QUARTER AND SAID LINE EXTENDED 2641.68 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30; THENCE SOUTH 89°14'21" EAST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 30 A DISTANCE OF 1321.03 FEET TO THE CENTER OF SAID SECTION 30; THENCE SOUTH 0°04'46" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 30 A DISTANCE OF 1321.29 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 30; THENCE SOUTH 89°11'13" EAST ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SOUTHWEST ONE-QUARTER AND SAID LINE EXTENDED 2646.50 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 30; THENCE SOUTH 0°09'59" EAST ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 30 A DISTANCE OF 1323.41 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE SOUTH 0°04'28" WEST ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 31 A DISTANCE OF 1966.82 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE UPRR RIGHT OF WAY; THENCE SOUTH 78°32'14" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE 2617.33 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5529.58 FEET, A CENTRAL ANGLE OF 0°58'42" AND AN ARC LENGTH OF 94.42 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 31; THENCE NORTH 0°16'22" EAST ALONG SAID NORTH-SOUTH CENTERLINE 2544.31 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 31 (ALSO BEING THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 30); THENCE NORTH 89°11'16" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 30 A DISTANCE OF 1185.00 FEET TO THE CENTERLINE OF BOX ELDER CREEK; THENCE NORTH 21°45'00" WEST ALONG SAID CENTERLINE 773.02 FEET; THENCE NORTH 47°00'00" WEST ALONG SAID CENTERLINE 902.86 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 30; THENCE NORTH 89°12'48" WEST ALONG SAID SOUTH LINE 740.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 30; THENCE NORTH 0°17'46" EAST ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER 1319.90 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 30; THENCE NORTH 0°17'46" EAST ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30 A DISTANCE OF 2639.80 FEET TO THE POINT OF BEGINNING, CONTAINING 444.315 ACRES, MORE OR LESS.

HAVE BY THESE PRESENTS LAID OUT THE SAME INTO BLOCKS, TRACTS AND STREETS AS SHOWN ON THIS P.U.D. UNDER THE NAME AND STYLE OF PRAIRIE VIEW AND DO HEREBY GRANT TO THE COUNTY OF ADAMS, STATE OF COLORADO FOR THE USE OF THE PUBLIC THE STREETS HEREON SHOWN. TRACTS "B" THRU "E" ARE HEREBY DESIGNATED FOR PARK, PLAYGROUND, RIDING AND COMMON AREA INTENDED FOR USE BY THE HOMEOWNERS IN SAID PRAIRIE VIEW. SAID TRACTS "B" THRU "E" ARE NOT DEDICATED HEREBY FOR USE BY THE GENERAL PUBLIC. THE DECLARATION OF COVENANTS AND RESTRICTIONS APPLICABLE TO PRAIRIE VIEW ARE ENCLOSED ON SHEETS 2 AND 3 OF THIS P.U.D.

ADAMS COUNTY CASE NO. \_\_\_\_\_

APPROVED BY THE ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS THIS 25<sup>th</sup> DAY  
OF Sept., A.D. 1978.

  
CHAIRMAN

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK & RECORDER,  
IN THE STATE OF COLORADO, AT 1:23 PM. ON THE 3rd DAY OF October, A.D. 1978.

BY: William Sokol Velma E. Mikelson  
COUNTY CLERK & RECORDER DEPUTY

FILE NO. P.U.D  
MAP NO. 214  
RECEPTION NO. B158810

1. NO LOTS SHALL BE CONVEYED, NOR BUILDING PERMITS ISSUED EXCEPT FOR FIVE SHOW HOMES, UNTIL THE WATER SYSTEM IS IN PLACE AND OPERATING TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OR UNTIL COLLATERAL ACCEPTABLE TO THE BOARD OF COUNTY COMMISSIONERS IS DEPOSITED WITH THE COUNTY TO GUARANTEE CONSTRUCTION OF THE WATER SYSTEM.

EXECUTED THIS 15th DAY OF September, 1978.

Ralph D. Kaufman  
RALPH D. KAUFMAN  
MANAGING PARTNER

  
STEPHEN K. SMALL  
GENERAL PARTNER

STATE OF COLORADO  
COUNTY OF ADAMS

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 15th DAY OF September, A.D. 1978 BY RALPH D. KAUFMAN, MANAGING PARTNER; TERRY K. JENSEN, GENERAL PARTNER; STEPHEN K. SMALL, GENERAL PARTNER, AS OWNERS OF THE ABOVE DESCRIBED PROPERTY.

MY COMMISSION EXPIRES August 25, 1982

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 15<sup>th</sup> DAY OF September, A.D. 1978 BY CHESTER E. TUPPS AND IDA A. TUPPS AS HOLDERS OF FIRST DEED OF TRUST OF THE ABOVE DESCRIBED PROPERTY.

MY COMMISSION EXPIRES May 8, 1981

**MILLER-ERNSTSEN & ASSOC., INC.**

2120 SOUTH HOLLY ST., SUITE 204  
DENVER COLORADO 80222

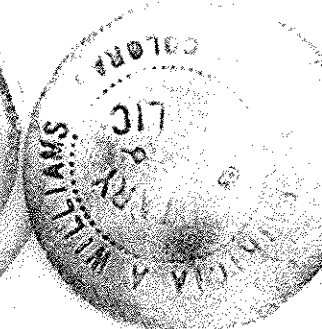
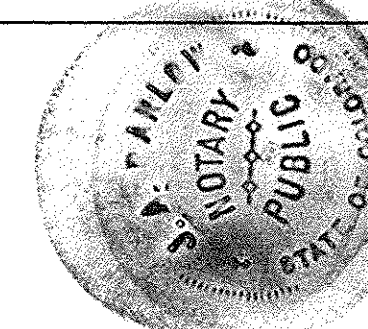
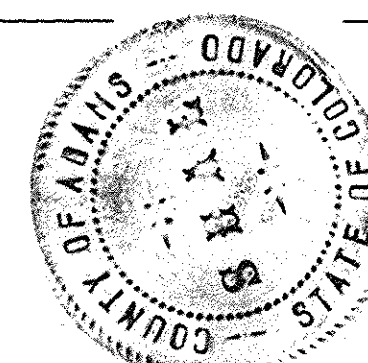
MORTGAGEE:  
HOLDERS OF FIRST DEED OF TRUST:

Chester E. Tupps  
CHESTER E. TUPPS

Ida A. Tupps  
IDA A. TUPPS

*Patricia A. Williams*  
NOTARY PUBLIC

*J. Barlow*  
NOTARY PUBLIC



# PRAIRIE VIEW P.U.D.

A PART OF SECTIONS 30 AND 31, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

## SHEET 2 OF 5

DESCRIPTIVE NARRATIVE FOR PRAIRIE VIEW - A PROPOSED DEVELOPMENT LOCATED NEAR WATKINS, COLORADO

THE PROPERTY CONTAINS 444 ACRES LOCATED APPROXIMATELY ONE HALF MILE NORTHEAST OF WATKINS, COLO. IN SECTIONS 30 AND 31, TOWNSHIP 3 SOUTH, RANGE 64 WEST. THE LAND WAS FOUND UNSUITABLE FOR WHEAT FARMING SEVERAL YEARS AGO AND REPLANTED TO GRASS FOR GRAZING PURPOSES. THE PROPERTY HAS A GENTLE SLOPE FROM EAST TO WEST EXPOSING A VERY ATTRACTIVE MOUNTAIN VIEW TO THE WEST. BOX ELDER CREEK BORDERS THE LAND TO THE WEST AND THE PROPERTY IS GENERALLY SURROUNDED BY FARM LAND WITH THE EXCEPTION OF THE WATKINS COMMUNITY.

THE DEVELOPER, KAUFMAN, JENSEN AND SMALL, WHO ARE THE THREE PRINCIPALS OF HORTON-CAVEY REALTY CO., PLAN A P.U.D. RESIDENTIAL DEVELOPMENT WITH BUILDING SITES. EACH SITE WILL BE APPROXIMATELY 2 ACRES IN SIZE (NET) AND APPROXIMATELY 6.1 ACRES IS LEFT IN OPEN SPACE FOR PARK AND RECREATION AREAS. THE OVERALL DENSITY IS 3.58 ACRES PER UNIT. GRAVEL ROADS WILL SERVICE THE LOTS WITHIN THE SUBDIVISION AND ENTER FROM COUNTY ROAD #33 WHICH IS A HARD SURFACED ROAD LEADING TO COLORADO STATE HIGHWAY #36 ON THE SOUTH.

ONE SINGLE FAMILY DETACHED RESIDENCE WILL BE ALLOWED ON EACH LOT ALONG WITH A BARN FOR HORSES. IT IS ANTICIPATED THAT A LARGE PERCENTAGE OF LOT PURCHASERS WILL HAVE HORSES, HOWEVER OTHER FARM ANIMALS AND HOUSEHOLD PETS WILL BE STRICTLY CONTROLLED BY COVENANT. NO ANIMALS WILL BE ALLOWED FOR COMMERCIAL PURPOSES. AN ARCHITECTURAL CONTROL COMMITTEE AND COVENANTS WILL ALSO REGULATE SIZE AND DESIGN OF ALL STRUCTURES, EXTERIOR PAINT OF HOMES, FENCING, UNLICENSED MOTOR VEHICLES, SIGNS, PROPANE TANKS (IF USED) AND GRAZING OR OVERGRAZING OF PLANTED GRASS. COVENANTS WILL FURTHER REQUIRE CERTAIN LANDSCAPING AND PROHIBIT NOXIOUS OR OFFENSIVE ACTIVITIES INCLUDING TEMPORARY STRUCTURES, FIREARMS, ETC., IN ORDER TO ACHIEVE A HIGH QUALITY RESIDENTIAL DEVELOPMENT.

EACH LOT WILL BE SERVICED BY UNION RURAL ELECTRIC ASSOCIATION OR PUBLIC SERVICE CO. OF COLORADO FOR ELECTRICITY. NATURAL GAS IS NOT ANTICIPATED AS A SOURCE OF ENERGY. SOLAR HEATING WILL BE ALLOWED PROVIDED COLLECTION UNITS AND DESIGN ARE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE. SEPTIC SYSTEMS WILL BE USED ON EACH LOT FOR SEWAGE DISPOSAL. THE DEVELOPER WILL DRILL SEVERAL WATER WELLS AS NEEDED, PROVIDE WATER STORAGE WITH A COMPLETE DISTRIBUTION SYSTEM INCLUDING HYDRANTS FOR FIRE PROTECTION AND RUN WATER LINES TO EACH LOT SO THAT EACH HOME WILL HAVE AN ADEQUATE WATER SUPPLY FOR HOUSEHOLD USE, FARM ANIMALS AND LAWNS. SOME RESTRICTIONS MAY BE PLACED ON SIZE OF LAWN AREA.

A HOMEOWNERS ASSOC. WILL BE FORMED WITH BY-LAWS AND ARTICLES OF INCORPORATION. OPEN SPACE LAND, RECREATION FACILITIES SUCH AS RIDING ARENA AND PLAYGROUND, AND ALL WATER FACILITIES INCLUDING WELLS, STORAGE TANKS AND SERVICE LINES WILL BE DEEDED OR CONVEYED TO THE HOMEOWNERS ASSOC. FOR OWNERSHIP AND MAINTENANCE. IT IS ANTICIPATED THAT EACH LOT OWNER WILL BE METERED AND CHARGED FOR WATER SERVICE-BUILDING A RESERVE FOR MAINTENANCE OF FACILITIES AND THE ASSOCIATION WILL HAVE THE RIGHT TO ASSESS EACH LOT FOR ADDITIONAL REVENUES, IF NECESSARY. BRIDLE PATHS PROVIDED FOR ON THE PLAT MAY ALSO BE FENCED AND MAINTAINED BY THE ASSOCIATION. THE DEVELOPER ANTICIPATES THE PRICE RANGE OF HOMES TO BE \$60,000 TO 100,000 INCLUDING THE COST OF LOTS. THE DEVELOPER FURTHER ESTIMATES THAT ALL LOTS WILL BE SOLD IN THREE YEARS AND WILL REQUEST TWO OR THREE FILINGS FOR THE ENTIRE DEVELOPMENT.

IT IS EXPECTED THAT IT WILL TAKE TEN YEARS BEFORE HOMES ARE BUILT ON EACH AND EVERY LOT.

### PROTECTIVE COVENANTS OF PRAIRIE VIEW

A SUBDIVISION OF A PART OF SECTION 30 AND 31, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE 6TH P.M. ADAMS COUNTY, COLORADO

1. **DEVELOPER.** THIS DECLARATION OF COVENANTS IS MADE BY KAUFMAN, JENSEN AND SMALL, HEREINAFTER SOMETIMES REFERRED TO AS "DEVELOPER".

2. **LOTS.** ALL LOTS IN ALL BLOCKS IN SAID SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS, AND WILL BE RESTRICTED BY ALL THE COVENANTS CONTAINED HEREIN.

3. **ARCHITECTURAL CONTROL COMMITTEE.** AN ARCHITECTURAL CONTROL COMMITTEE FOR PRAIRIE VIEW IS CONSTITUTED. THIS COMMITTEE IS COMPOSED OF STEPHEN K. SMALL, TERRY K. JENSEN AND RALPH D. KAUFMAN. ITS MAILING ADDRESS IS 5660 SOUTH SYRACUSE CIRCLE, ENGLEWOOD, COLORADO 80110. A MAJORITY OF THE COMMITTEE MAY DESIGNATE A REPRESENTATIVE TO ACT FOR IT. IN THE EVENT OF THE DEATH OR RESIGNATION OF ANY MEMBER, THE REMAINING MEMBERS SHALL HAVE FULL AUTHORITY TO DESIGNATE A SUCCESSOR. NEITHER THE MEMBERS OF THE COMMITTEE, NOR ITS DESIGNATED REPRESENTATIVE SHALL BE ENTITLED TO ANY COMPENSATION OF ANY KIND FOR SERVICE PERFORMED PURSUANT TO THIS COVENANT.

4. **PLAN APPROVAL.** NO BUILDING OR FENCE SHALL BE ERECTED, PLACED OR ALTERED ON ANY RESIDENTIAL LOT UNTIL THE EXTERIOR PAINT, CONSTRUCTION PLANS AND SPECIFICATIONS AND A PLAN SHOWING THE LOCATION OF THE STRUCTURE HAVE BEEN APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE. IN THE EVENT THE COMMITTEE OR ITS DESIGNATED REPRESENTATIVE FAILS TO APPROVE OR DISAPPROVE WITHIN THIRTY (30) DAYS AFTER PLANS AND SPECIFICATIONS AND PLOT PLAN HAVE BEEN SUBMITTED, OR IN THE EVENT NO SUIT TO ENJOIN THE CONSTRUCTION HAS BEEN COMMENCED PRIOR TO THE COMPLETION THEREOF, APPROVAL WILL NOT BE REQUIRED AND RELATED COVENANTS SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH. SOLAR HOMES MAY BE BUILT WITHIN THE SUBDIVISION PROVIDED THE ARCHITECTURAL CONTROL COMMITTEE APPROVES THE DESIGN AND LOCATION OF HEAT COLLECTOR SYSTEMS. EACH LOT OWNER IS REQUIRED TO PLANT AT LEAST SIX (6) TREES WITHIN ONE (1) YEAR OF THE COMPLETION OF THE RESIDENCE ON THE LOT. MORE TREES ARE ENCOURAGED.

WILDLIFE AND HABITAT FOR WILDLIFE SHALL BE FULLY PROTECTED BY ALL LOT OWNERS. ALL FENCING SHALL MEET STANDARDS AS ESTABLISHED BY THE COLORADO DIVISION OF WILDLIFE WHICH SPECIFICALLY PROHIBITS BARBED WIRE. OPEN SPACE (TRACTS B & C) SHALL BE MAINTAINED IN THE BEST INTEREST OF WILDLIFE WITH ENFORCEMENT AND CONTROL REGULATED BY THE HOMEOWNERS' ASSOCIATION.

5. **STRUCTURES.** NO STRUCTURE WHATEVER, OTHER THAN ONE PRIVATE SINGLE FAMILY DWELLING TOGETHER WITH A PRIVATE GARAGE AND SUITABLE BARN OR SHED FOR HORSES, FOR USE IN CONNECTION WITH SAID SINGLE FAMILY DWELLING, SHALL BE ERECTED, PLACED OR PERMITTED TO REMAIN ON ANY LOT. THERE SHALL BE NO MORE THAN ONE (1) RESIDENCE PER LOT. NO LOT SHALL BE FURTHER SUBDIVIDED. THERE SHALL BE NO BUILDINGS OR FENCES CONSTRUCTED ON BRIDLE PATHS AS SHOWN ON THE PLAT. THERE IS A 100 YEAR FLOOD PLAIN PLATTED IN THE SUBDIVISION WHICH WILL NOT ALLOW ANY STRUCTURES TO BE CONSTRUCTED ON IT. THE DEVELOPERS ASSUME NO LIABILITY IN REGARD TO ANY CONSTRUCTION PERFORMED IN THIS AREA OR ANY LOSS OCCURRING FROM FLOOD DAMAGES, MOTORIZED VEHICLES ARE EXPRESSLY PROHIBITED FROM ALL BRIDLE PATHS, RECREATION AREAS AND FLOOD PLAIN AREAS. LOCATION OF MAIL BOXES FOR U.S. POSTAL SERVICE SHALL BE DETERMINED BY THE ARCHITECTURAL CONTROL

COMMITTEE IF SERVICE IS NOT AVAILABLE TO EACH SITE.

6. **PROHIBITED USES.** NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN, OR OTHER OUTBUILDING SHALL BE USED ON ANY LOT AS A FAMILY DWELLING, EITHER TEMPORARILY OR PERMANENTLY. HOWEVER, THIS COVENANT SHALL NOT RESTRICT A BUILDING CONTRACTOR OR LAND DEVELOPER FROM MAINTAINING A TEMPORARY OFFICE, TRAILER OFFICE, TOOL SHED, LUMBER SHED AND/OR SALES OFFICE FOR THE PURPOSE OF ERECTING AND SELLING DWELLINGS; PROVIDED, THAT THE ARCHITECTURAL CONTROL COMMITTEE SHALL HAVE THE AUTHORITY TO ORDER THE REMOVAL OF SAID TEMPORARY STRUCTURES WHENEVER IN THEIR SOLE DISCRETION THE SAME HAVE BEEN ON THE PREMISES AN UNREASONABLE LENGTH OF TIME.

NO MOTOR VEHICLE OF ANY TYPE SHALL BE PERMITTED TO REMAIN ON THE PROPERTY IN A NON-OPERATING CONDITION FOR MORE THAN THIRTY (30) DAYS IN ANY CALENDAR YEAR. ANY SUCH VEHICLE WHICH DOES NOT DISPLAY CURRENT AND VALID LICENSE PLATES AND SAFETY INSPECTION STICKER AS REQUIRED BY STATE LAW SHALL BE DEEMED TO BE IN A "NON-OPERATING CONDITION."

PROPANE TANKS IF USED MUST BE CAMOUFLAGED BY BUILDING AND/OR LANDSCAPING SO THAT THEY CANNOT BE SEEN FROM SUBDIVISION ROADS.

NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON WITHIN THE SUBDIVISION NOR SHALL ANYTHING BE DONE OR PERMITTED WHICH WILL CONSTITUTE A PUBLIC NUISANCE THEREIN; OR SHALL ANY FIRE ARMS BE DISCHARGED WITHIN THE SUBDIVISION. FIRE ARMS AS USED HEREIN SHALL BE CONSTRUED TO MEAN RIFLES, SHOTGUNS, PISTOLS, CANNONS, EXPLOSIVES, AIR RIFLES, BB GUNS, OR SIMILAR DEVICES.

7. **MINIMUM SQUARE FOOTAGE.** THE PRINCIPAL DWELLING SHALL HAVE A MINIMUM FULLY ENCLOSED GROUND FLOOR AREA DEVOTED TO LIVING PURPOSES, EXCLUSIVE OF PORCHES, TERRACES AND GARAGE, OF 1,400 SQUARE FEET; EXCEPT THAT WHERE THE SAID PRINCIPAL DWELLING IS A 1-1/2 OR 2 STORY DWELLING, THE MINIMUM MAY BE REDUCED TO 1,000 SQUARE FEET OF GROUND FLOOR AREA, PROVIDING THAT THE TOTAL LIVING AREA OF THE 1-1/2 OR 2 FLOORS IS NOT LESS THAN 1,750 SQUARE FEET.

8. **SET-BACK.** NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER THAN FIFTY (50) FEET FROM THE FRONT LOT LINE OR ANY NEARER THAN TWENTY-FIVE (25) FEET FROM THE SIDE AND REAR LOT LINES. PARKING SHALL BE ACCOMMODATED ON SITE WITH NO PARKING ALLOWED ON PUBLIC STREETS.

9. **BUSINESSES.** NO STORE, OFFICE OR OTHER PLACE OF BUSINESS OF ANY KIND AND NO HOSPITAL, SANITARIUM, OR OTHER PLACE FOR THE CARE OF OR TREATMENT OF THE SICK OR DISABLED, PHYSICALLY OR MENTALLY; NOR ANY THEATRE, SALOON OR OTHER PLACE OF PUBLIC ENTERTAINMENT SHALL EVER BE ERECTED OR PERMITTED UPON ANY OF THE RESIDENTIAL LOTS, OR ANY PART THEREOF. CHURCHES ARE ALSO EXCLUDED.

10. **ANIMALS; AGRICULTURAL USES.** NO ANIMALS WILL BE RAISED OR KEPT ON ANY LOT FOR COMMERCIAL PURPOSES. HOUSEHOLD PETS WILL BE ALLOWED, HOWEVER, NO MORE THAN THREE (3) OF ANY KIND WILL BE ALLOWED WITHOUT APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE OR ITS ASSIGNS. ALL DOGS MUST BE CONFINED TO RUNS OR LEASHES AND ARE NOT ALLOWED TO RUN AT LARGE.

HORSES WILL BE ALLOWED IN ACCORDANCE WITH ADAMS COUNTY ZONING REGULATIONS; HOWEVER, NO MORE THAN 4 HORSES PER LOT, OR 1 HORSE PER ACRE, WHICHEVER IS GREATER, WILL BE ALLOWED. IN ORDER TO PREVENT OVERGRAZING, LIVESTOCK SHALL BE KEPT IN A SMALL CORRAL NOT TO EXCEED TWENTY-FIVE (25%) PER CENT

OF THE LOT SIZE AND ONLY ALLOWED TO OCCASIONALLY GRAZE IN REMAINING NATIVE GRASS. SUPPLEMENTARY FEEDING WILL BE NECESSARY TO MAINTAIN ANIMALS. OTHER ANIMALS WILL BE ALLOWED ONLY WITH THE APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE AND IN ACCORDANCE WITH THE ADAMS COUNTY ZONING REGULATIONS. ALL BARNS, SHEDS, CORRALS AND OTHER ANIMAL FACILITIES MUST BE KEPT CLEAN AND ODOR FREE.

A FAMILY GARDEN NOT TO EXCEED 1,000 SQUARE FEET IS PERMISSIBLE, BUT NO ADDITIONAL GROUND SHALL BE BROKEN FOR FARMING OR AGRICULTURAL PURPOSES. THE ARCHITECTURAL CONTROL COMMITTEE'S APPROVAL IS EXPRESSLY REQUIRED FOR THE ERECTION OF BUILDINGS FOR LIVESTOCK.

11. **SEWAGE DISPOSAL.** SEWAGE SHALL BE DISPOSED OF ONLY BY AND THROUGH A SEPTIC SYSTEM DESIGNED BY A QUALIFIED ENGINEER WITH ADEQUATE DIMENSIONS AND CAPACITY AND OF A TYPE APPROVED BY TRI-COUNTY HEALTH DEPARTMENT OR AN APPROVED MUNICIPAL SERVICE IF AVAILABLE. NO SEPTIC TANK OR FIELD SYSTEM SHALL BE NEARER THAN FIFTY (50) FEET TO ANY BUILDING PLOT LINE EXCEPT WITH THE CONSENT OF THE APPROPRIATE HEALTH OFFICIALS AND THE COUNTY AND STATE, AND NO SEWAGE, WASTE, WATER, TRASH, GARBAGE OR DEBRIS SHALL BE EMPTIED, DISCHARGED OR PERMITTED TO DRAIN INTO ANY BODY OF WATER IN OR ADJACENT TO THE SUBDIVISION. NO OUTSIDE TOILETS OR PRIVIES SHALL BE PERMITTED ON ANY TRACT IN THIS SUBDIVISION. ALL TOILET FACILITIES MUST BE A PART OF THE RESIDENCE OR GARAGE AND SHALL BE A MODERN FLUSH TYPE AND CONNECTED WITH A PROPER SEPTIC TANK SYSTEM.

THE TYPE OF SOILS PRESENT IN SOME LOTS MAY NOT MEET REQUIREMENTS AS TO THEIR ABILITY TO SUPPORT STANDARD ABSORPTION FIELD. THEREFORE, CONSTRUCTION LIMITATIONS MAY EXIST. THE FOLLOWING STUDIES MUST BE OBTAINED BEFORE CONSTRUCTION IS TO TAKE PLACE ON ANY LOT:

A. A FOUNDATION SOIL ANALYSIS PERFORMED BY A QUALIFIED SOILS ENGINEER.

B. PERCOLATION REPORTS FOR ABSORPTION FIELDS DESIGNED BY A QUALIFIED ENGINEER.

12. **REFUSE.** NO PORTION OF THE PROPERTY SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE, OR OTHER WASTE. TRASH, GARBAGE OR OTHER WASTE SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS. ALL INCINERATORS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIALS SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION.

13. **FIRES.** NO OPEN FIRES WILL BE PERMITTED IN PRAIRIE VIEW.

14. **SIGNS.** NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY RESIDENTIAL LOT EXCEPT ONE SIGN NOT MORE THAN SIX (6) SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT, OR EXCEPT SIGNS USED BY A BUILDER OR DEVELOPER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD, AND EXCEPT SIGNS IDENTIFYING PRAIRIE VIEW SUBDIVISION ON PROPERTY FRONTING IMBODEN MILE ROAD.

15. **OIL AND GAS WELLS.** NO OIL OR GAS DRILLING, OIL OR GAS DEVELOPMENT OPERATIONS, OIL REFINING, QUARRYING OR MINING OPERATIONS OF ANY KIND SHALL BE PERMITTED UPON OR IN ANY LOT, NOR SHALL OIL OR GAS WELLS, TANKS, TUNNELS, MINERAL EXCAVATIONS, OR SHAFTS BE PERMITTED UPON OR IN ANY LOT. NO DERRICK OR OTHER STRUCTURE DESIGNED FOR USE IN BORING FOR OIL OR NATURAL GAS SHALL BE ERECTED, MAINTAINED OR PERMITTED ON ANY BUILDING LOT.

16. **COMPLETION OF CONSTRUCTION.** ONCE A STRUCTURE HAS BEEN STARTED, IT MUST BE COMPLETED WITHIN TWO HUNDRED SEVENTY (270) CALENDAR DAYS.

17. **UTILITY EASEMENTS.** EASEMENTS AND RIGHT OF WAYS AS SHOWN ON THE RECORDED PLAT, OR PLATS, ARE HEREBY RESERVED IN THIS SUBDIVISION FOR POLES, WIRES, PIPES AND CONDUITS FOR HEATING, LIGHTING ELECTRICITY, GAS, TELEPHONE, SEWER, WATER OR ANY OTHER UTILITY SERVICE BENEFITTING THE SUBDIVISION, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS AT ANY TIME FOR THE PURPOSE OF FURTHER CONSTRUCTION AND REPAIR.

18. **COVENANT FOR ASSESSMENTS.** THE OWNER(S) OF EACH RESIDENTIAL LOT WITHIN PRAIRIE VIEW, BY ACCEPTING THE DEED TO HIS LOT, FOR HIMSELF, HIS HEIRS, ADMINISTRATORS, PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS, AGREES TO PAY AND SHALL BE RESPONSIBLE

**MILLER-ERNSTSEN & ASSOC., INC.**

2120 SOUTH HOLLY ST., SUITE 204

DENVER COLORADO 80222



# PRAIRIE VIEW P.U.D.

A PART OF SECTIONS 30 AND 31, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

## SHEET 3 OF 5

AND LIABLE FOR THE PAYMENT OF, ANNUALLY, OR AT SUCH OTHER TIME OR TIMES AS MAY BE DETERMINED BY THE BOARD OF DIRECTORS OF PRAIRIE VIEW PROPERTY OWNERS ASSOCIATION, INC., HIS PRO RATA SHARE OF (A) THE COST OF IMPROVEMENTS, MAINTENANCE, REPAIR, PAYMENT OF TAXES, AND ANY OTHER COSTS RELATING TO OPERATION OR MAINTENANCE OF RECREATION AREAS AND RIDING COURSES AND OTHER COMMON AREAS SHOWN ON THE RECORDED PLAT OR PLATS OF PRAIRIE VIEW SUBDIVISION, ADAMS COUNTY, COLORADO; (B) COSTS WHICH ARE OR MAY REASONABLY BE INCURRED IN CONNECTION WITH ENFORCEMENT OF THESE COVENANTS. THE COSTS ABOVE REFERRED TO SHALL BE ALLOCATED AMONG THE OWNERS OF PROPERTY WITHIN THE SUBDIVISION ON A PER LOT BASIS. THE MAXIMUM ANNUAL ASSESSMENT FOR ANY RESIDENTIAL LOT SHALL BE \$50.00 PER ANNUM, UNLESS A CHANGE IN SAID AMOUNT IS AGREED TO BY THE OWNERS OF TWO-THIRDS (2/3) OF ALL RESIDENTIAL LOTS IN THE SUBDIVISION. A MAXIMUM OF TWENTY DOLLARS (\$20.00) OF SAID \$50.00 ASSESSMENT SHALL BE ALLOCATED TO A SPECIAL FUND WHICH SHALL BE DESIGNATED AS THE "COVENANT ENFORCEMENT FUND". SAID FUND SHALL BE UTILIZED EXCLUSIVELY FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED OR WHICH MAY BE INCURRED BY THE PRAIRIE VIEW PROPERTY OWNERS ASSOCIATION, INC. IN ENFORCING THESE COVENANTS, AS HEREINAFTER PROVIDED. WHEN SAID "ENFORCEMENT OF COVENANTS FUND" HAS REACHED A BALANCE OF THREE THOUSAND DOLLARS (\$3,000.00), THE MAXIMUM ANNUAL ASSESSMENT SHALL BE REDUCED TO THIRTY-DOLLARS (\$30.00) PER ANNUM PROVIDED THAT THE "ENFORCEMENT OF COVENANTS FUND" INCREMENT SHALL BE REINSTATED AT ANY TIME AND TO THE EXTENT NECESSARY TO RESTORE SAID FUND TO THE LEVEL SPECIFIED.

19. PRAIRIE VIEW WATER SYSTEM. THE SOURCE OF SUPPLY FOR THE SUBDIVISION WILL BE WELLS, TOGETHER WITH PUMPS, PIPES, MAINS, AND ALL DISTRIBUTION FACILITIES AND APPURTENANCES THERETO REQUIRED IN ORDER TO MAKE A POTABLE WATER SUPPLY AVAILABLE TO EACH LOT, EXCLUDING, HOWEVER, THE SERVICE LINE EXTENDING FROM MAINS INSTALLED WITHIN THE STREETS IN THE SUBDIVISION TO THE PREMISES TO BE SERVED. TITLE TO SAID SYSTEM SHALL BE CONVEYED TO THE ASSOCIATION AS HEREINAFTER PROVIDED. THE ASSOCIATION SHALL BEAR ALL EXPENSES WHICH MAY BE INCURRED IN COMPLYING WITH THE LAWFUL ORDERS OF THE OFFICE OF THE COLORADO STATE ENGINEER OR THE WATER COURT IN CONNECTION WITH OPERATION OF THE WATER WELL. WATER SERVICE SHALL BE AVAILABLE FROM THE PRAIRIE VIEW WATER SYSTEM FOR THE SOLE AND EXCLUSIVE USE OF MEMBERS OF THE ASSOCIATION AND NO SUPPLY OF WATER SHALL BE MADE AVAILABLE TO ANY PERSON OR PROPERTY LOCATED OUTSIDE THE SUBDIVISION, EXCEPT THAT, THAT DEVELOPER MAY BRING WITHIN THE SCHEME OF THESE COVENANTS, ADDITIONAL PROPERTY LOCATED TO THE NORTH OF THE HEREIN-DESCRIBED PROPERTY AND BEING GENERALLY DESCRIBED AS THE WEST ONE-HALF OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., ADAMS COUNTY, COLORADO. ANY ADDITION SO MADE SHALL BE ACCOMPLISHED BY FILING A SUPPLEMENTAL DECLARATION CONTAINING THE COVENANTS HERE APPEARING AND ANY ADDITIONAL COVENANTS NECESSARY TO REFLECT ANY DIFFERENT CHARACTER OF THE ADDED PROPERTY, AND FURTHER PROVIDED THAT NO SUCH SUPPLEMENTAL DECLARATION SHALL REVOKE OR MODIFY THESE COVENANTS.

20. METERING AND WATER RATES. METERS SHALL BE INSTALLED ON EACH SERVICE LINE TAPPED INTO A PRAIRIE VIEW WATER SYSTEM MAIN. SUCH METERS SHALL MEET SPECIFICATIONS ESTABLISHED BY THE ASSOCIATION AND THE COST OF THE METER AND INSTALLATION SHALL BE BORNE SOLELY BY THE OWNER OF THE PROPERTY SERVED. CONNECTIONS SHALL BE ONE INCH IN DIAMETER UNLESS SPECIFIC EXCEPTION IS MADE BY THE BOARD OF DIRECTORS OF THE ASSOCIATION IN WRITING. METERS SHALL BE READ PERIODICALLY, AT SUCH INTERVALS AS MAY BE ESTABLISHED BY THE ASSOCIATION THROUGH ITS BYLAWS. THE INITIAL RATE SHALL BE \$0.60 PER THOUSAND GALLONS, WHICH RATE SHALL BE PAID FOR ALL WATER DELIVERED. THERE SHALL BE A MINIMUM OR STANDBY RATE OF \$15.00 PER MONTH, BEGINNING AT THE TIME THE HOUSE CONNECTION IS ACTUALLY MADE TO THE SYSTEM, WHICH SHALL BE PAID REGARDLESS OF WHETHER WATER HAS BEEN CONSUMED AT THE PREMISES DURING THE BILLING PERIOD. RATES SHALL BE SUFFICIENT TO COVER THE COST OF OPERATING AND MAINTAINING ALL WATER WELL(S), PUMPS, PIPES, MAINS, FIRE

HYDRANTS AND DISTRIBUTION FACILITIES, TOGETHER WITH APPURTENANCES THERETO, NEEDFUL OR NECESSARY IN THE OPERATION OF THE PRAIRIE VIEW WATER SYSTEM. IN ADDITION, SAID RATES SHALL BE SUFFICIENT TO PROVIDE FOR SALARIES, WAGES, TAXES AND ADMINISTRATIVE EXPENSES WHICH MAY BE INCURRED BY THE ASSOCIATION IN OPERATING THE WATER SYSTEM. RATES SHALL FURTHER INCLUDE AN AMOUNT SUFFICIENT TO PROVIDE FOR THE ESTABLISHMENT OF A RESERVE FUND FOR REPAIR AND REPLACEMENT OF WATER SYSTEM FACILITIES. WATER RATES MAY BE ADJUSTED FROM TIME TO TIME, BY THE BOARD OF DIRECTORS OF THE ASSOCIATION, TO THE EXTENT SUCH ADJUSTMENT MAY BE NECESSARY TO MEET OPERATING EXPENSES AND TO MAINTAIN AN ADEQUATE REPAIR AND REPLACEMENT RESERVE.

21. MANDATORY CONNECTIONS. ALL POTABLE WATER SERVICE WITHIN THE SUBDIVISION SHALL BE OBTAINED FROM THE PRAIRIE VIEW WATER SYSTEM AND NO OTHER SOURCE, SO LONG AS AN ADEQUATE SUPPLY IS AVAILABLE FROM SAID SYSTEM.

22. SPECIAL ASSESSMENT. IN THE EVENT THE REPAIR AND REPLACEMENT RESERVE FUND CREATED THROUGH RATES SHOULD BE INSUFFICIENT FOR A REPAIR OR REPLACEMENT REQUIRED IN CONNECTION WITH OPERATION OF THE PRAIRIE VIEW WATER SYSTEM, THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY MAKE A SPECIAL ASSESSMENT ON A PER LOT BASIS, SAID ASSESSMENT TO BE THE SAME FOR EACH LOT AND TO BE SUFFICIENT TO MEET THE DEFICIT IN THE REPAIR AND REPLACEMENT RESERVE FUND. SAID SPECIAL ASSESSMENT SHALL CONSTITUTE A LIEN AND MAY BE ENFORCED AND COLLECTED AS PROVIDED IN PARAGRAPH 24 OF THESE COVENANTS.

23. TAP FEE. NO TAP SHALL BE MADE TO THE PRAIRIE VIEW WATER SYSTEM UNTIL A TAP FEE IN THE AMOUNT OF \$250.00 SHALL HAVE BEEN COLLECTED BY THE ASSOCIATION PRIOR THERETO. A TAP MADE WITHOUT PAYMENT OF SUCH FEE MAY BE CUT OFF AT THE MAIN BY THE ASSOCIATION OR ITS AUTHORIZED REPRESENTATIVES AND THE COST OF SUCH CUTOFF SHALL BE ASSESSED TO THE OWNER, SHALL CONSTITUTE A LIEN AGAINST THE PREMISES AND MAY BE ENFORCED AND COLLECTED AS PROVIDED IN PARAGRAPH 24 OF THESE COVENANTS. TAP FEES MAY BE ADJUSTED FROM TIME TO TIME, BY THE BOARD OF DIRECTORS OF THE ASSOCIATION, TO THE EXTENT SUCH ADJUSTMENT MAY BE NECESSARY TO MEET OPERATING EXPENSES AND TO MAINTAIN AN ADEQUATE REPAIR AND REPLACEMENT RESERVE.

24. LIEN AND PERSONAL OBLIGATION FOR ASSESSMENTS AND WATER RATES. ANNUAL AND SPECIAL ASSESSMENTS AND WATER RATES, TOGETHER WITH SUCH INTEREST THEREON AND ANY COSTS OF COLLECTION THEREOF AS HEREINAFTER PROVIDED, SHALL BE AND CONSTITUTE A CONTINUING LIEN UPON THE PROPERTY AGAINST WHICH EACH SUCH ASSESSMENT AND WATER CHARGE IS MADE. IN ADDITION, EACH SUCH ASSESSMENT AND WATER CHARGE SHALL BE A PERSONAL OBLIGATION OF THE PERSON WHO IS THE OWNER OF THE PROPERTY AT THE TIME THE ASSESSMENT OR CHARGE IS MADE. IF AN ASSESSMENT OR WATER CHARGE IS NOT PAID WITHIN 30 DAYS FROM THE DATE OF NOTIFICATION THEREOF AS PROVIDED THE PROPERTY OWNER, SUCH ASSESSMENT OR CHARGE SHALL BECOME DELINQUENT AND SHALL BEAR INTEREST AT THE RATE OF TWELVE PERCENT (12%) PER ANNUM FROM SUCH DUE DATE. THE ASSOCIATION SHALL FILE IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER, WITHIN NINETY (90) DAYS AFTER THE DATE SUCH DELINQUENCY OCCURS, A WRITTEN STATEMENT AS TO THE AMOUNT OF THE DELINQUENT ASSESSMENTS OR CHARGES, TOGETHER WITH INTEREST THEREON. IN THE EVENT SUCH DELINQUENCY IS PAID IN FULL, THE ASSOCIATION SHALL EXECUTE AND FILE A PROPER RELEASE OF SUCH LIEN. SUCH ASSESSMENT OR CHARGE WITH INTEREST AS PROVIDED, SHALL CONSTITUTE A

LIEN ON THE RESIDENTIAL LOT, FROM AND AFTER THE DATE OF FILING NOTICE OF DELINQUENCY AND UNTIL THE LIEN IS RELEASED. WITHOUT IN ANY WAY LIMITING THE FOREGOING REMEDY, THE ASSOCIATION MAY BRING AN ACTION AT LAW TO ENFORCE PAYMENT OF A DELINQUENT ASSESSMENT OR CHARGE AGAINST THE OWNER PERSONALLY RESPONSIBLE THEREFORE. THE LIEN HERE PROVIDED MAY BE ENFORCED AND FORECLOSED IN THE MANNER PROVIDED BY LAW WITH RESPECT TO LIENS ON REAL PROPERTY. IN THE EVENT THE ASSOCIATION SHOULD PREVAIL IN ANY ACTION TO ENFORCE PAYMENT, THE OWNER SHALL BE LIABLE FOR THE ASSOCIATION'S COURT COSTS AND DISBURSEMENTS TOGETHER WITH REASONABLE ATTORNEYS' FEES, AND ALL SUCH COSTS, DISBURSEMENTS AND FEES SHALL BE FURTHER SECURED BY THE LIEN HERE PROVIDED. AN OWNER MAY NOT WAIVE OR OTHERWISE ESCAPE LIABILITY FOR THE ASSESSMENTS ABOVE PROVIDED BY NONUSE OF COMMON AREAS, RIDING COURSES, RECREATION AREAS OR ABANDONMENT OF HIS RESIDENTIAL LOT.

25. SUBORDINATION OF LIEN. THE LIEN FOR WATER CHARGES AND ASSESSMENTS PROVIDED FOR ABOVE SHALL BE SUBORDINATE TO THE LIEN OF ANY TAXES OR SPECIAL ASSESSMENTS AS WELL AS THE LIEN RESULTING FROM SUMS UNPAID ON A FIRST MORTGAGE OR FIRST DEED OF TRUST OF RECORD, BUT SHALL BE PRIOR TO ANY OTHER LIENS OR ENCUMBRANCES RECORDED OR UNRECORDED.

26. ENFORCEMENT OF COVENANTS.

A. SUMMARY ABATEMENT. WHENEVER THE BOARD OF DIRECTORS OF THE ASSOCIATION SHALL FIND AND DETERMINE THAT THERE SHALL HAVE BEEN ERRECTED ON ANY RESIDENTIAL LOT ANY STRUCTURE OR FENCE WHICH IS IN VIOLATION OF THESE COVENANTS, THE BOARD OF THE ASSOCIATION OR ITS DESIGNEES, SHALL HAVE THE RIGHT TO ENTER UPON THE RESIDENTIAL LOT WHERE SUCH VIOLATION HAS BEEN FOUND TO EXIST, AND TO SUMMARILY ABATE AND REMOVE AT THE EXPENSE OF THE OWNERS THEREOF, ANY STRUCTURE, SITUATION OR CONDITION THAT MAY EXIST ON SAID PROPERTY CONTRARY TO THE INTENT AND MEANING OF THESE COVENANTS; NEITHER THE ASSOCIATION OR ITS AGENTS ASSIGNS OR DESIGNEES SHALL BE DEEMED GUILTY IN ANY MANNER OF TRESPASS FOR SUCH ENTRY, ABATEMENT OR REMOVAL, AND BY ACCEPTANCE OF A DEED SUBJECT TO THESE COVENANTS, THE OWNER OF ANY SUCH LOT EXPRESSLY CONSENTS TO SUCH ENTRY. COSTS OF EXPENSES OF SUCH ENTRY, ABATEMENT, AND REMOVAL, SHALL BE AND REMAIN A LIEN UPON THE RESIDENTIAL LOT, BY RECORDING A WRITTEN STATEMENT IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER AS PROVIDED IN PARAGRAPH 24 ABOVE.

B. JUDICIAL ENFORCEMENT. WITHOUT LIMITING THE FOREGOING REMEDY, IF ANY OWNER SHALL SUFFER OR PERMIT A VIOLATION OR THREATEN TO VIOLATE ANY COVENANT HEREIN CONTAINED, ANY OTHER OWNER OF A RESIDENTIAL LOT IN THE SUBDIVISION MAY INSTITUTE PROCEEDINGS AT LAW OR EQUITY TO ENFORCE THE PROVISIONS OF THIS INSTRUMENT, TO RESTRAIN THE PERSON VIOLATING OR THREATENING TO VIOLATE THEM AND TO RECOVER DAMAGES ACTUAL AND PUNITIVE, TOGETHER WITH REASONABLE ATTORNEYS' FEES FOR SUCH VIOLATION. UPON APPROVAL OF THE BRINGING SUCH ACTION BY THE BOARD OF DIRECTORS OF THE ASSOCIATION, SAID OWNER SEEKING TO ENFORCE THESE COVENANTS SHALL BE ENTITLED TO REIMBURSEMENT OF ANY ATTORNEYS' FEES NOT OTHERWISE RECOVERED IN CONNECTION WITH SUCH ACTION, FROM THE ENFORCEMENT OF COVENANTS FUNDS ESTABLISHED IN PARAGRAPH 18 OF THESE COVENANTS. THE BOARD OF DIRECTORS OF THE ASSOCIATION, UPON FINDING THAT A VIOLATION OF THESE COVENANTS EXISTS AND UPON FAILURE OR REFUSAL OF THE OWNER OF THE RESIDENTIAL LOT UPON WHICH SUCH VIOLATION EXISTS TO COMPLY HERewith, SHALL INSTITUTE PROCEEDINGS AT LAW OR EQUITY TO RECOVER DAMAGES FOR THE VIOLATION OR TO RESTRAIN SUCH VIOLATION OR THREATENED VIOLATION OR TO MODIFY OR REMOVE STRUCTURES FULLY OR PARTIALLY COMPLETED IN

VIOLATION OF THESE COVENANTS, AND TO RECOVER DAMAGES ACTUAL AND PUNITIVE, TOGETHER WITH REASONABLE ATTORNEYS' FEES AND COSTS INCURRED IN CONNECTION WITH ENFORCING THESE COVENANTS. COSTS OF MAINTAINING ANY SUCH ACTION SHALL BE OBTAINED FROM THE ENFORCEMENT OF COVENANTS FUND. FAILURE OF THE ASSOCIATION OR ANY OWNER TO ENFORCE ANY COVENANT OR RESTRICTION HEREIN APPEARING, SHALL IN NO EVENT BE DEEMED A WAIVER OF THE RIGHT TO DO SO THEREAFTER.

27. CONVEYANCE OF PROPERTY. STEPHEN K. SMALL, TERRY K. JENSEN AND RALPH D. KAUFMAN SHALL CONVEY TO PRAIRIE VIEW PROPERTY OWNERS ASSOCIATION, AS ITS SOLE AND SEPARATE PROPERTY, THE RECREATION AREAS AND OTHER COMMON AREAS IDENTIFIED ON THE RECORDED PLAT TOGETHER WITH THE ENTIRE PRAIRIE VIEW WATER SYSTEM, WHICH INCLUDES WATER WELL(S), PUMPS, PIPES, MAINS, FIRE HYDRANTS, ALL DISTRIBUTION FACILITIES AND APPURTENANCES THERETO, ALL OF SAID PROPERTIES TO BE THEREAFTER HELD, OWNED, OPERATED, MAINTAINED, REPLACED AND POLICED BY THE ASSOCIATION.

28. THE PRAIRIE VIEW HOMEOWNERS ASSOCIATION, INC. FOR THE PURPOSE OF PROVIDING FOR THE CONTINUED MAINTENANCE, CARE, REPAIR AND IMPROVEMENTS OF RECREATION AREAS, RIDING COURSES, AND OTHER COMMON AREAS AS SHOWN ON THE RECORDED PLAT OF PRAIRIE VIEW SUBDIVISION, ADAMS COUNTY, COLORADO, WHICH IS NECESSARY, REQUIRED OR DESIRABLE WITHIN THE SUBDIVISION, FOR THE GENERAL USE AND BENEFIT OF ALL PROPERTY OWNERS, EACH AND EVERY PROPERTY OWNER, AT ANY TIME, IN ACCEPTING A DEED OR CONTRACT FOR ANY PROPERTY WITHIN THE SUBDIVISION AGREES TO BE AND SHALL BE A MEMBER OF AND BE SUBJECT TO THE OBLIGATIONS AND DULY ENACTED BYLAWS AND RULES OF PRAIRIE VIEW PROPERTY OWNERS ASSOCIATION, INC., A COLORADO NONPROFIT CORPORATION. IN THE EVENT OF MULTIPLE OWNERSHIP OF A RESIDENTIAL LOT, ALL PERSONS OWNING THE LOT SHALL BE MEMBERS OF THE ASSOCIATION, BUT ANY VOTE SHALL BE EXERCISED AS THE PERSONS OWNING THE LOT SHALL DETERMINE AMONG THEMSELVES, AND IN NO EVENT SHALL MORE THAN ONE VOTE BE CAST WITH RESPECT TO ANY SINGLE RESIDENTIAL LOT.

29. RUNNING WITH LAND. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED, FOR SUCCESSIVE PERIODS OF TEN (10) YEARS; PROVIDED, HOWEVER, THAT THESE COVENANTS CAN BE CHANGED AT ANY TIME BY AN INSTRUMENT SIGNED BY SIXTY (60%) PERCENT OF THE THEN OWNERS OF THE LOTS, SUCH INSTRUMENTS TO BE RECORDED AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

30. SEVERABILITY. INVALIDATION OF ANY ONE OF THESE RESTRICTIONS BY JUDGMENT OF COURT ORDER SHALL IN NO WAY EFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1978.

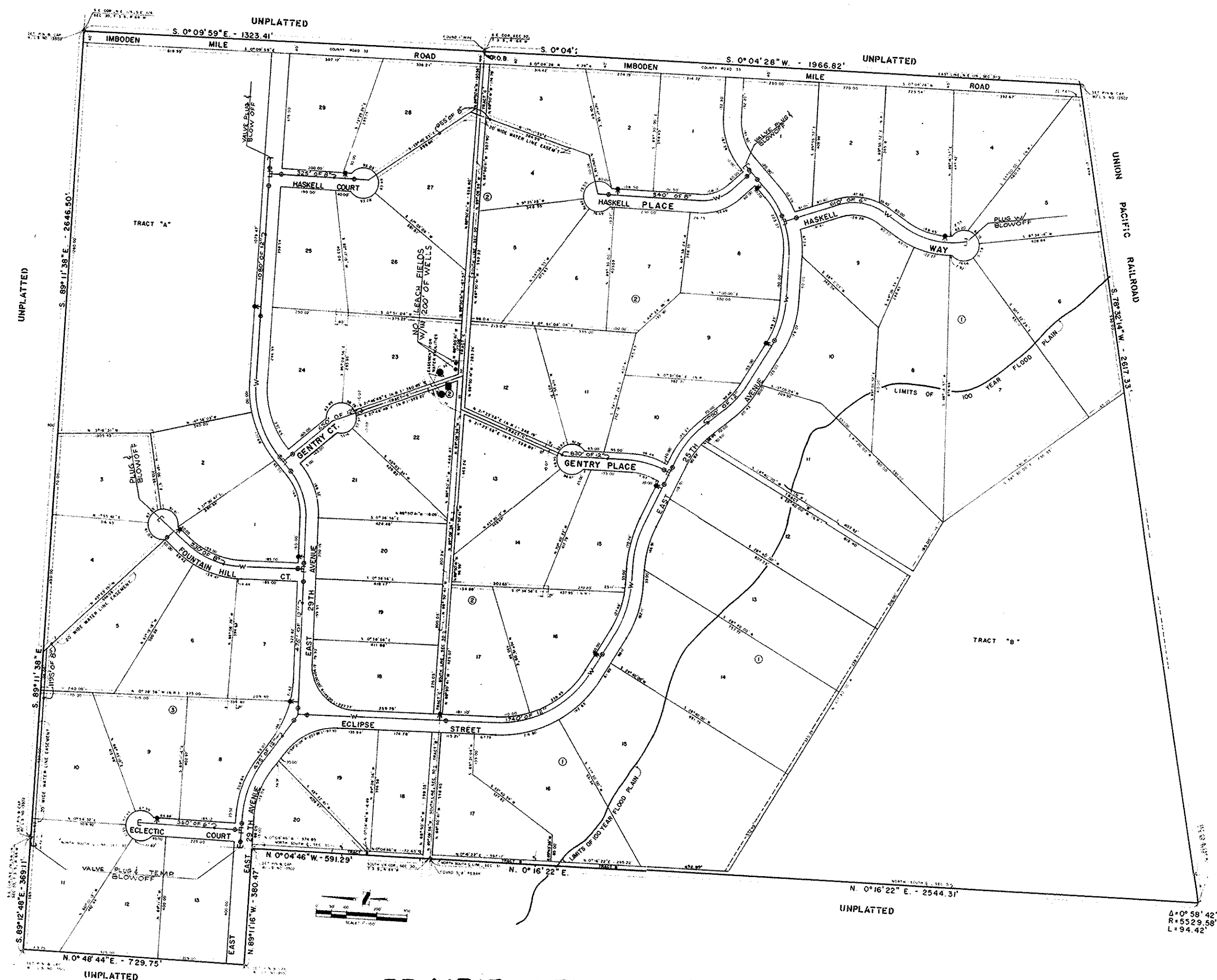
**MILLER—ERNSTSEN & ASSOC., INC.**

2120 SOUTH HOLLY ST., SUITE 204  
DENVER COLORADO 80222

# PRAIRIE VIEW P.U.D.

A PART OF SECTIONS 30 AND 31, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

SHEET 4 OF 5



PRAIRIE VIEW - FILING NO. 1

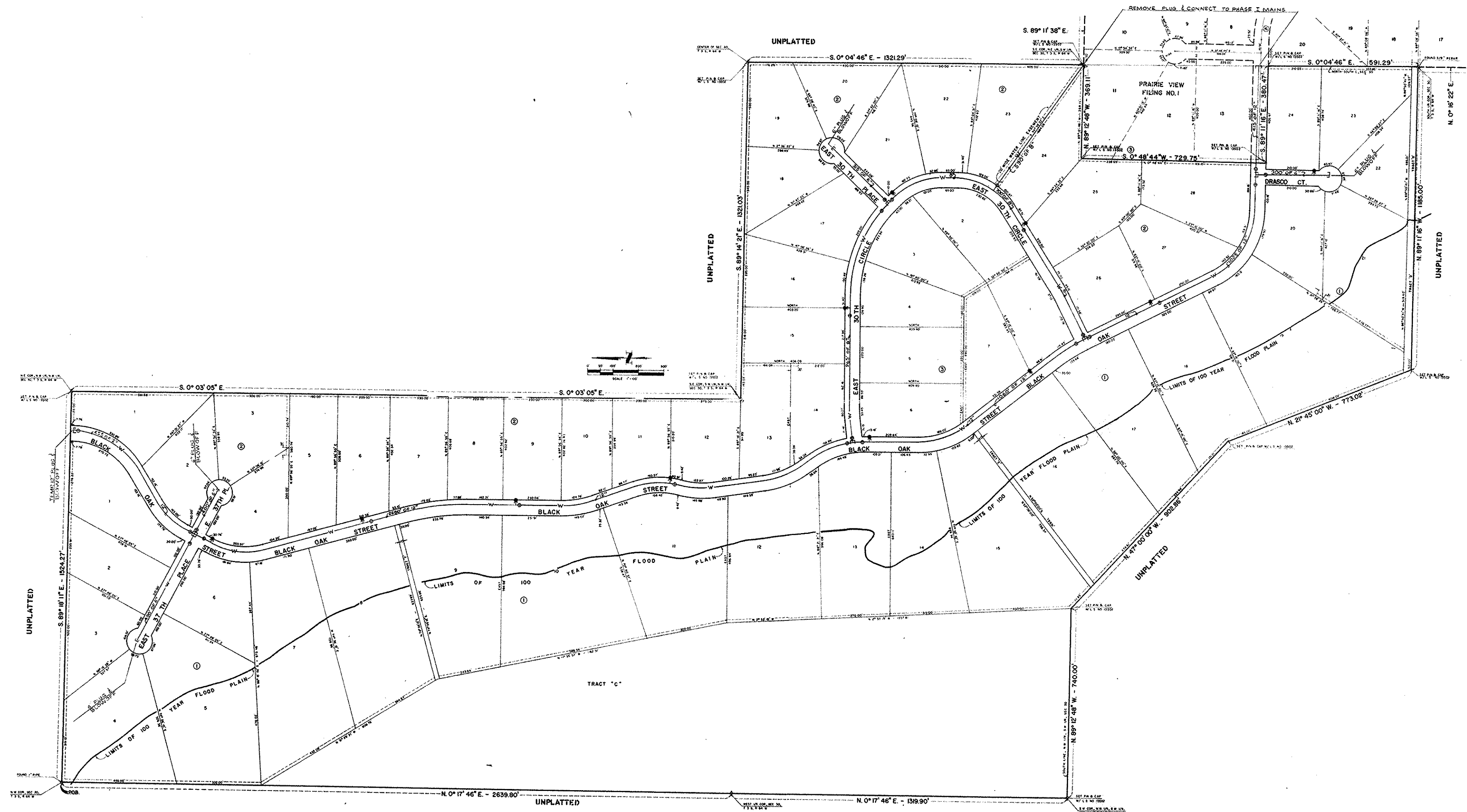
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SHEET 5 OF 5



PRAIRIE VIEW-FILING NO.2

**MILLER-ERNSTSEN & ASSOC., INC.**

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DENVER COLORADO 80222