

AMENDMENT AND RESTATEMENT OF PROTECTIVE COVENANTS OF HIDDEN VILLAGE

Filings 1, 2, 3 and 4

DC9124410

This document amends and restates the Declaration of Protective Covenants of Hidden Village as hereinafter set forth, said amendment and restatement to be effective upon the date of recording with the Clerk and Recorder's Office of Douglas County.

WITNESSETH:

WHEREAS, the Declaration of Protective Covenants of Hidden Village (the "Declaration") was recorded with the Clerk and Recorder of Douglas County on April 29, 1966, in Book 169 at Page 348; and

WHEREAS, a Declaration and Ratification of Protective Covenants regarding the applicability of said Covenants to Filings 1, 2 and 3 of Hidden Village was executed by C. G. Taylor on January 5, 1968, and was recorded with the Clerk and Recorder of Douglas County on January 5, 1968, in Book 181 at Page 57; and

WHEREAS, a document subjecting Hidden Village, Filing No. 4 to said Covenants was executed by C. G. Taylor on November 12, 1968, in Book 188 at Page 254; and

WHEREAS, a Ratification of Protective Covenants agreeing that Lots within Hidden Village Third and Second Filings are subject to said Covenants was executed in December, 1968, and recorded with the Clerk and Recorder of Douglas County in Book 189 at Page 321; and

WHEREAS, the Declaration provides that an instrument signed by a majority of the then owners of the lots or tracts can be recorded agreeing to change the covenants set forth therein in whole or part; and

WHEREAS, certain changes to the Declaration as it now exists are deemed in the best interests of all persons having an interest in the property to which they apply; and

WHEREAS, this amendment and restatement has been signed by a majority of the owners of the lots and tracts to which the Declaration applies.

NOW, THEREFORE, it is agreed by the parties hereto that the Declaration of Protective Covenants of Hidden Village Filings 1, 2, 3 and 4 is hereby amended and restated as follows:

1. All lots and tracts in all blocks in Hidden Village Filing No.s 1, 2, 3, and 4 shall be restricted by all covenants contained herein.
2. Every owner of a lot or tract, who is current in the payment of such membership fees as are determined by the members of the Hidden Village Property Owners Association, shall be a voting member of the Association. Membership in the Hidden Village Property Owners Association, a Colorado non-profit corporation (the "Association"), is restricted to owners of lots or tracts in Hidden Village. Membership fees shall be \$30 annually, or such amount as is determined by a vote of the members at a publicly announced meeting of the Association. The Association shall have the authority to collect membership fees from each lot or tract owner to carry out the purposes of the Association. The Association shall meet at least two times each year for the purpose of electing members of the Board of Directors, establishing membership fees, discussing current issues, and such other business as the Board or membership chooses.
3. All lots and tracts to which these covenants apply shall be used for private residential purposes. (No business or profession prohibited by applicable zoning laws or regulations shall be conducted on the premises.)
4. No building shall be erected, altered, placed or permitted to remain on any lot or tract other than one detached single family dwelling with necessary garage and outbuildings. All buildings shall be of new construction. Necessary buildings, corrals, water facilities and other structures for the purpose of keeping livestock for family recreation shall be permitted on any lot or tract. Every effort shall be made to keep such structures attractive and painted and concealed from general view to the extent possible. Every reasonable effort shall be made to conceal from general view all vehicles and equipment stored on any lot or tract.
5. An Architectural Control Committee for Hidden Village is constituted. This committee is composed of no fewer than five (5) members of the Board of Directors of the Property Owners Association. The

members of the committee shall not be entitled to any compensation of any kind for services performed pursuant to this covenant.

6. No improvements (including excavations, houses, barns, outbuildings, fences, corrals and riding rings) shall be erected, placed or altered on any lot or tract until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee of Hidden Village Property Owners Association. The Board shall adopt, and periodically amend as needed, a set of specific definitions and guidelines which shall be utilized by the Architectural Control Committee in its approval process.
7. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot or tract as a family dwelling, either temporarily or permanently.
8. The principal dwelling shall have a minimum fully enclosed ground area devoted to living purposes, exclusive of porches, terraces and garage, of 1400 square feet; except that where the said principal dwelling is a 1 and 1/2 or two story dwelling, the minimum may be reduced to 1200 square feet of ground floor area, provided that the total living area of the 1 and 1/2 or 2 floors is not less than 1600 square feet.
9. No more than one residence is permitted on any lot or tract as a principal use.
10. No building shall be located on any lot or tract nearer than thirty (30) feet, or Douglas County zoning regulations, whichever distance is greater, of the front line.
11. All perimeter fencing and walls shall meet Douglas County regulations and the guidelines of the Architectural Control Committee.
12. No animals, livestock or poultry of any kind shall be raised, bred or kept for any commercial purpose on any lot or tract. Stallions, goats and swine are expressly forbidden and none shall be kept at any time on any lot or tract for any purpose. In order to prevent over grazing, livestock shall be kept in a small corral and allowed to graze only occasionally in remaining native grass area owned and fenced by owner. Corrals, other improvements for livestock, and restrictions on revegetation areas shall be in compliance with all county regulations. A family vegetable garden not to exceed 900 square feet is permissible, but no additional ground shall be broken for farming purposes. The Architectural Control Committee's prior approval is expressly required for the site preparation and erection of all improvements for livestock.
13. No portion of any lot or tract or any common property within Hidden Village shall be used or maintained as a dumping ground. Dumping, burying or storing of rubbish, trash or garbage is strictly prohibited. Manure shall be removed in a regular and reasonable manner or otherwise composted or spread in such a manner as to protect surface and ground water and to minimize the breeding of flies and to control odors. Manure shall not be buried. Furthermore, all Douglas County regulations relating to animal waste and odor shall be strictly followed.
14. No native trees shall be cut or removed, except those which must be removed for access to a lot or tract for the erection of buildings, or those which become diseased or dead, or require thinning to maintain good growth. Every effort shall be made to preserve native vegetation in order to maintain bird and wildlife habitat, and to minimize watering requirements.
15. No open fires or fireworks shall be permitted on any lot or tract or common property within Hidden Village.
16. Hunting, trapping or discharge of firearms is prohibited on any lot or tract or common property within Hidden Village.
17. No exterior television or radio antennas, wind generators or other such structures shall be placed, allowed or maintained upon any lot or tract, unless approved by the Architectural Control Committee of the Hidden Village Property Owners Association.
18. During construction of improvements on any lot or tract, all excavation shall be kept to a minimum. All disturbed areas shall be reclaimed to prevent soil erosion on each lot or tract and along

drainage ways. Each owner of a lot or tract shall comply with the master erosion control guidelines on file at the Douglas County Soil Conservation District office.

19. No vehicles shall be used on bridle trails or on common property within Hidden Village. The use of the bridle trail easements shall not be unreasonably interfered with by allowing debris and other obstructions to remain thereon.

20. Hidden Village Property Owners Association, a Colorado Corporation, or any owner of a lot or tract within the subdivision, shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this declaration. Failure by the Association or by any owner to enforce any covenant or restriction shall in no event be deemed a waiver of the right to do so thereafter.

21. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until December 9, 2002, after which time said covenants shall be automatically extended for successive periods of ten (10) years. These covenants may be amended at any time by an instrument signed by a majority of the owners of the lots and tracts agreeing to change said covenants in whole or part. Invalidity of any one of these restrictions by judgment or Court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Dated this 4th day of June, 1991.

The following owners of lots or tracts in Filings 1, 2, 3 and 4 of Hidden Village do hereby approve the amendment and restatement to the Declaration of Protective Covenants of Hidden Village of Douglas County, Colorado, dated June 4, 1991: