

214062

DRAWING CARD 1000A

FILED FOR RECORD FEBRUARY 7, 1972 AT 3:00 PM NORMA ALTMAN RECORDER

DECLARATION OF RESTRICTIVE COVENANTS

WHEREAS, INDIAN CREEK, INC., a Colorado Corporation, is the owner of a certain tract of land located in the County of Teller, State of Colorado, known as INDIAN CREEK NO. 13, the plat of which is filed of record in the office of the County Clerk and Recorder of Teller County, Colorado.

WHEREAS, the said owners intend to sell, convey, and dispose of the real property included in said plat and are desirous to subject all lots in the plat to certain protective restrictions, conditions, and covenants, all for the use and benefit of themselves and their grantees, as hereinafter set forth in the end that harmonious and attractive development of the property may be accomplished and that the health, comfort, safety, relaxation, convenience and general welfare of all owners and occupants may be protected and safeguarded, and in order to establish and maintain a carefully protected residential community.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the above owners do hereby publish, acknowledge, and declare that they do by this document establish the following restrictions, covenants, and conditions, and that these covenants in their entirety shall apply to all lots in the said INDIAN CREEK NO. 13 subdivision, and further, that these covenants shall be deemed to run with the land, and shall be binding upon the owners, their heirs, personal representatives, successors, and assigns, to wit:

I SPECIAL AGREEMENTS

As part of the consideration for the sale of above described real estate, it is specifically agreed by the parties, that:

A. Purchaser agrees not to deface the area or cut timber from the land except as may be necessary to clear land for original con-

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struction of dwelling, entrance driveway, and utilities.

B. Purchaser shall furnish at his own expense, one approved culvert of a minimum size of 18 inches in diameter, or larger if necessary to provide proper drainage, as required for private access road to each lot shown in above said plat.

C. All side and rear lot lines are subject to a ten (10) foot utility easement, lying ten (10) feet on either side of said lot lines, except that two contiguous lots may be treated as one where a building is constructed over the dividing line prior to actual use of said utility easement.

#### II RESIDENTIAL AREA RESTRICTIONS

A. No building shall be erected, altered, placed, or permitted to remain on any lot unless it has a minimum of 400 sq. ft. or more.

B. Domestic water shall be obtained by the drilling of a private well on any lot, or from a spring, stream, or cistern.

C. Any sewage disposal, private or public, built on any lot shall conform with the existing laws of the proper governmental authority.

#### III ARCHITECTURAL CONTROL

A. All buildings erected, placed, or altered on any lot shall be approved by the proper governmental authority in Teller County, Colorado.

#### IV STRUCTURE LOCATION

A. No building, house trailer or mobile home shall be located on any lot nearer than 25 feet to the front lot line, or nearer than 10 feet to any side street lot line. No building shall be located nearer than 10 feet to any interior lot line. No building shall be located on any lot, nearer than 10 feet to any rear lot line. For the purpose of this covenant, eaves, steps, and open porches shall be considered as a part of the building. No portion of any building shall encroach upon any other lot.

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V GENERAL RESTRICTIONS

A. No one shall engage in any noxious or offensive activity on any lot, at any time, nor shall anything be done thereon, at any time, which may become an annoyance or nuisance to the neighborhood in general.

B. House trailers, mobile homes, and modular homes shall be allowed on any lot as a permanent residence, providing that same be of manufactured design, have a minimum floor area of 400 sq. ft.

C. No sign of any kind shall be displayed to the public view on any lot except one (1) sign of not more than five (5) square feet, advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

D. The discharge of fire rms of any kind in the public area shall not be permitted.

VI GENERAL CONDITIONS

A. These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty (20) years, from date these covenants are recorded, unless an instrument signed by a majority of the owners of the lots, has been recorded agreeing to change said covenants in whole or in part.

B. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person owning any real estate situated in said subdivision to prosecute under proceedings in law or in equity against the person or persons so violating the covenants, in order to restrain or enjoin in the violation and thereby to enforce these covenants or recover damages for the violation thereof.

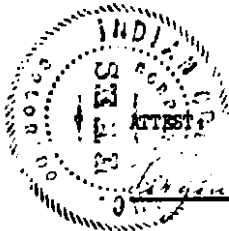
214062

DRAWER: 6 CARD 1001B

IN WITNESS WHEREOF, the undersigned have affixed their hands and seals  
in the day shown on the acknowledgement hereof.

INDIAN CREEK, INC.

By Lewis O. Tyra  
President



IN WITNESS WHEREOF:

The undersigned has caused these presents to be executed this 28<sup>th</sup>  
day of December, 1971.

A. W. GREGG, Holder of the Existing  
Deed of Trust

By R. W. Hope, Jr.  
R. W. HOPE, JR.  
Agent and Attorney-in-Fact

STATE OF TEXAS |  
COUNTY OF HARRIS |

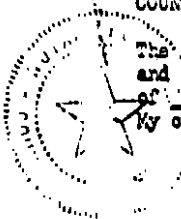
The foregoing instrument was acknowledged before me this 21<sup>st</sup>  
day of December, 1971, by LEWIS O. TYRA as President and  
VIRGINIA M. CAMPBELL as Assistant Secretary of INDIAN CREEK, INC.

INDIAN CREEK, INC., a corporation  
My notarial commission expires June 1, 1973  
Witness my hand and official seal.

Naemi J. Harrison  
Notary Public

STATE OF TEXAS |  
COUNTY OF HARRIS |

The foregoing instrument was acknowledged by R. W. HOPE, JR., as agent  
and attorney-in-fact for A. W. GREGG before me on this 27 day  
of December, 1971. Witness my hand and official seal.  
My commission expires June 1, 1973.



Carol G. Wilson  
Notary Public

RETURN TO: INDIAN CREEK, INC., 5527 Lawndale, Houston, Texas 77023

40/2

AMENDMENT TO DECLARATION OF  
RESTRICTIVE COVENANTS FOR  
INDIAN CREEK NO. 13,  
TELLER COUNTY, COLORADO

WHEREAS, the Declaration of Restrictive Covenants for Indian Creek No. 13 subdivision of Teller County, Colorado, was recorded on February 7, 1972, in Drawer 6, Card 1000A, official records of the Clerk and Recorder of Teller County, Colorado ("Covenants" or "Declaration"); and

WHEREAS, the Covenants are effective for a term of twenty (20) years from the date such Declaration was recorded; and

WHEREAS, the Declaration provides that the Covenants can be changed by an instrument signed by a majority of the owners of the lots in Indian Creek No. 13; and

WHEREAS, the owners of a majority of the lots in Indian Creek No. 13 desire to change the Declaration to provide for continued effectiveness of the Covenants after the date they normally would expire; and

WHEREAS, Indian Creek No. 13 contains 56 lots, numbered consecutively from 1 through 56 inclusive;

THEREFORE, by their signatures below, the owners of the lots identified below (which constitute a majority of the 56 lots in Indian Creek No. 13) hereby declare that the Covenants shall not expire twenty years from the date the Declaration was recorded but rather the Covenants, and all of them, shall continue to be effective for a term of twenty years beyond such stated expiration date and thereafter for successive terms of twenty years each in perpetuity unless, within a time period of one year prior to any given twenty-year renewal date, an instrument signed by a majority of the owners of the lots in Indian Creek No. 13 is recorded declaring that the Covenants, or some of them (as may be set forth in such instrument), shall expire at the end of the then-current twenty year renewal period.

This Amendment may be signed in several counterparts by the various lot owners of Indian Creek No. 13 and all counterparts shall be construed together to constitute this Amendment. Only the signature pages of each counterpart need be recorded to constitute the necessary majority.

IN WITNESS WHEREOF, we, the undersigned lot owners of Indian Creek No. 13, affix our signatures to this Amendment to evidence our consent to the matters stated herein and, for our individual lots, we each hereby individually declare that the signatures appearing under a given lot number constitute all of the record owners of such lot as of the date noted.

TELLER COUNTY, CO

BK 591 PG 64

0392824 02/05/1992 12:18

CONSTANCE R JOINER, RECORDER

Lot no. 31

H. Ray Jackson, Trustee

Owner

Owner

State of Colorado, County of Teller.

SUBSCRIBED and sworn to before me this 13 day of Jan 1992.

WITNESS my hand and official seal.

My commission expires:

My Commission Expires  
December 20, 1994

(SEAL)

Ray L. DeBono  
Notary Public

Lot no. 51

Lewis P. Ogline

Owner

Owner

State of Colorado, County of Teller.

SUBSCRIBED and sworn to before me this 13 day of Jan 1992.

WITNESS my hand and official seal.

My commission expires:

My Commission Expires  
December 20, 1994

(SEAL)

Ray L. DeBono  
Notary Public

Lot no. 10

Mart Pierce

Owner

Mayhelle Pierce

Owner

State of Colorado, County of Teller.

SUBSCRIBED and sworn to before me this 16 day of Jan 1992.

WITNESS my hand and official seal.

My Commission expires:

My Commission Expires  
December 20, 1994

My Commission Expires  
December 20, 1994

(SEAL)

Ray L. DeBono  
Notary Public

Lot no. 38

Rosemary W. Lamb

Owner

Owner

State of Colorado, County of Teller.

SUBSCRIBED and sworn to before me this 25 day of Jan 1992.

WITNESS my hand and official seal.

My commission expires:

My Commission Expires  
December 20, 1994

(SEAL)

Ray L. DeBono  
Notary Public

Lot no. 52

Patricia J. DeBono

Owner

Owner

State of Colorado, County of Denver.

SUBSCRIBED and sworn to before me this 17th day of January 1992.

WITNESS my hand and official seal.

My commission expires: 8-19-93

(SEAL)

Deborah M. DeBono  
Notary Public

TELLER COUNTY, CO  
BK 591 PG 65

0392824 02/05/1992 12:18,  
CONSTANCE R JOINER, RECORDER

Lot no. 26

Owner

Charles J. Redmond

Owner

Kydney J. Redmond

State of Colorado, County of Teller.

SUBSCRIBED and sworn to before me this 11 day of Jan

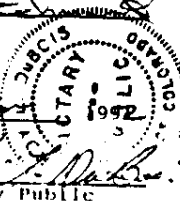
WITNESS my hand and official seal.

My commission expires:

My Commission Expires  
December 20, 1994

(SEAL)

Notary Public



Lot no. 25

Owner

Leslie D. Hahn

Owner

Justin A. Hahn

State of Colorado, County of Teller.

SUBSCRIBED and sworn to before me this 11 day of Jan

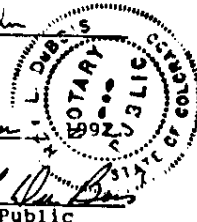
WITNESS my hand and official seal.

My commission expires:

My Commission Expires  
December 20, 1994

(SEAL)

Notary Public



Lot no. 37

Owner

Conrad W. Empire

Owner

State of Colorado, County of Teller.

SUBSCRIBED and sworn to before me this 11 day of Jan 1992

WITNESS my hand and official seal.

(SEAL)

My commission expires:

My Commission Expires  
December 20, 1994

Notary public



Lot no. 46

Owner

Joseph M. Mariscal

Owner

Marilyn A. Mariscal

State of ARIZONA, County of Greenlee.

SUBSCRIBED and sworn to before me this 17<sup>th</sup> day of Jan 1992.

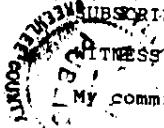
WITNESS my hand and official seal.

(SEAL)

My commission expires:

My Commission Expires  
December 20, 1994

Notary Public



Lot no. 39

Owner

Ray O. Lutz

Owner

Ray O. Lutz

State of Florida, County of Duval.

SUBSCRIBED and sworn to before me this 14 day of Jan

WITNESS my hand and official seal.

(SEAL)

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA  
My Commission Expires Dec. 3, 1994



TELLER COUNTY, CO

BK 591 PG 66

0392824 02/05/1992 12:18,  
CONSTANCE R JOINER, RECORDER

Lot no. 13

Ralph A. Rathstine  
Owner

Joe Rathstine  
Owner

State of Va, County of Hampton

SUBSCRIBED and sworn to before me this 24 day of April 1991

WITNESS my hand and official seal.

(SEAL)

Linda D. Dwyer  
Notary Public

My commission expires: 4-30-94

Lot no. 16

J A Peads  
Owner

State of Missouri, County of Jackson

SUBSCRIBED and sworn to before me this 5th day of Oct 1991

WITNESS my hand and official seal.

(SEAL)

Dorothy A. Harms  
Notary Public

My commission expires:

DOROTHY A. HARMS

Notary Public - State of Missouri

Commission in Jackson County

My commission expires Dec. 2, 1994

Lot no. 29

Beverly Williams  
Owner

Sam M. Williams  
Owner

State of Texas, County of Angelina

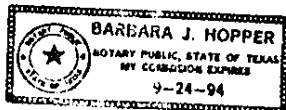
SUBSCRIBED and sworn to before me this 15 day of January 1992

WITNESS my hand and official seal.

(SEAL)

Barbara J. Hopper  
Notary Public

My commission expires:



Lot no. 33

Alvin L. Madsen  
Owner

Ethel J. Madsen  
Owner

State of Col, County of Teller

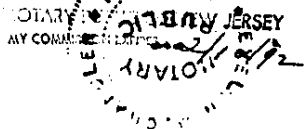
SUBSCRIBED and sworn to before me this 17th day of January 1992

WITNESS my hand and official seal.

(SEAL)

Barbara J. Hopper  
Notary Public

My commission expires:



TELLER COUNTY, CO  
BK 591 PG 67

0392824 02/05/1992 12:18,  
CONSTANCE R JOINER, RECORDER

Lot no. 6

Thomas J. Kappner  
Owner

Joseph J. Kappner  
Owner

State of Illinois, County of Adams

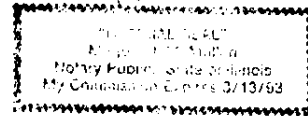
SUBSCRIBED and sworn to before me this 13th day of Jan, 1992.

WITNESS my hand and official seal.

(SEAL)

Margaret J. McPherson  
Notary Public

My commission expires:



Lot no. South 1/2 lot 9

Robert M. Sutton  
Owner

Judith E. Sutton  
Owner

State of Colorado, County of Teller

SUBSCRIBED and sworn to before me this 20 day of Jan, 1992.

WITNESS my hand and official seal.

(SEAL)

Robert J. Sutton  
Notary Public

My commission expires:

4y Commission Expires  
December 20, 1994

Lot no. 14

Paul P. Meister  
Owner

Sandra M. Meister  
Owner

State of Illinois, County of Mason

SUBSCRIBED and sworn to before me this 30th day of April, 1991.

WITNESS my hand and official seal.

(SEAL)

Sandra M. Meister  
Notary Public

My commission expires:

3/8/92

NOTARY PUBLIC  
STATE OF ILLINOIS  
MY COM. EXPIRES MAR 8, 1992

Lot no. 18

Gene M. Neuman  
Owner

Alma J. Neuman  
Owner

State of TEXAS, County of Bell

SUBSCRIBED and sworn to before me this 10th day of January, 1992.

WITNESS my hand and official seal.

(SEAL)

Debra A. Wolf  
Notary Public

My commission expires: 9.14.93



Lot no. 20

Margaret Schladra  
Owner

Jon Schladra  
Owner

State of Kansas, County of Wyandotte

SUBSCRIBED and sworn to before me this 25th day of April, 1991.

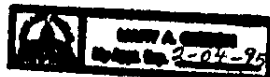
WITNESS my hand and official seal.

(SEAL)

Mary A. Gibson  
Notary Public

My commission expires:

February 4, 1995



Lot no. 32

Owner

Owner

State of Arizona, County of Pima

SUBSCRIBED and sworn to before me this 24th day of April, 1991

WITNESS my hand and official seal. (SEAL)

My commission expires: Dec. 4, 1992

Notary Public

Lot no. 35

Owner

Owner

State of Colorado, County of Jefferson

SUBSCRIBED and sworn to before me this 23rd day of April, 1991

WITNESS my hand and official seal. (SEAL)

My commission expires: My Commission Expires October 18, 1993  
8005 Parkstone Rd., Arvada, CO 80002

Notary Public

Lot no. 36

Owner

Owner

State of New Jersey, County of Ocean

SUBSCRIBED and sworn to before me this 13th day of May, 1991

WITNESS my hand and official seal. (SEAL)

My commission expires:

CATHERINE T. STUART  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Feb. 19, 1996

Notary Public

Lot no. 41

Owner

Owner

State of Colorado, County of Jefferson

SUBSCRIBED and sworn to before me this 3 day of June, 1991

WITNESS my hand and official seal. (SEAL)

My commission expires: 9/28/94

Notary Public

Lot no. 42 and 43

Owner

Owner

State of Colorado, County of Jefferson

SUBSCRIBED and sworn to before me this 20 day of April, 1991

WITNESS my hand and official seal. (SEAL)

My commission expires: My Commission Expires: 2/22/1995  
10403 West Cullax Avenue  
Lakewood, CO 80215

Notary Public

James A. Anderson  
Owner

Theresa L. Anderson  
Owner

Paul H. Mante  
Owner

Blanca L. Mante  
Owner

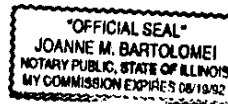
State of Minnesota County of Cook.

SUBSCRIBED and sworn to before me this 6th day of February 1991.

WITNESS my hand and official seal.

(SEAL) Joanne M. Bartolomei  
Notary Public

My Commission expires: 8-19-92



Lot no. 48

James D. Davis  
Owner

Ornette L. Davis  
Owner

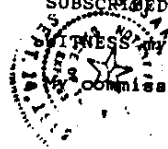
State of Texas, County of TRAVIS

SUBSCRIBED and sworn to before me this 28th day of MAY 1991

WITNESS my hand and official seal.

(SEAL) Susan D. Gibson  
Notary Public

My Commission expires: 9-14-92



Lot no.

49 + 56  
Owner

George F. Carter  
Owner

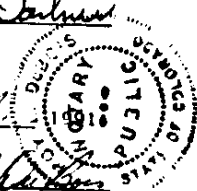
State of Colorado, County of El Paso.

SUBSCRIBED and sworn to before me this 19 day of Feb.

WITNESS my hand and official seal.

(SEAL) Ray L. Hutton  
Notary Public

My commission expires: December 20, 1994



Lot no. 53

Jack Hansen  
Owner

Mrsula E. Pommers  
Owner

State of Colorado, County of Arapahoe

SUBSCRIBED and sworn to before me this 8th day of Nov 1991

WITNESS my hand and official seal.

(SEAL) John A. Oehler  
Notary Public

My commission expires: 9/28/93



TELLER COUNTY, CO 0392824 02/05/1992 12:18.  
Lot no. 44 BK 591 PG 70 CONSTANCE R JOINER, RECORDER

Susan K. Hall  
Owner

Owner

State of Colorado, County of Teller

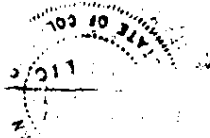
SUBSCRIBED and sworn to before me this 30<sup>th</sup> day of January 1992.

WITNESS my hand and official seal.

(SEAL)

Marlene Hoffman  
Notary Public

My commission expires: My Commission expires Oct 20, 1993  
8441 W. Bowles Ave.  
Littleton, CO 80123



Lot no. 54 and W $\frac{1}{2}$  55

Andrew E. Gentry  
Owner

Allison L. Gentry  
Owner

State of WA, County of Thurston

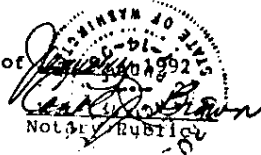
SUBSCRIBED and sworn to before me this 29 day of January 1992.

WITNESS my hand and official seal.

(SEAL)

Rebecca Contreras  
Notary Public

My commission expires: 7-14-93



Lot no. 30

Janetta R. O'Dell  
Owner

Owner

State of Texas, County of TRAVIS

SUBSCRIBED and sworn to before me this 24 day of January 1992.

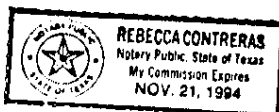
WITNESS my hand and official seal.

(SEAL)

Rebecca Contreras  
Notary Public

My commission expires:

11-21-94



Lot no. 50

Thomas J. Kiska  
Owner

Cynthia L. Kiska  
Owner

State of California, County of San Diego

SUBSCRIBED and sworn to before me this 24<sup>th</sup> day of January 1992.

WITNESS my hand and official seal.

(SEAL)

Sharon McDowell  
Notary Public

My commission expires: August 10, 1993

