

AMENDMENT TO DECLARATION OF COVENANTS

WHEREAS, on July 12, 1991, Declarant, BEAR CREEK LAND COMPANY, did make, execute and record Declaration of Covenants, Restrictions, Easements and Liens for certain real property known as Bear Creek Subdivision, a residential subdivision in Conejos County, Colorado, as more fully described in the legal description attached hereto.

WHEREAS, Bear Creek Landowners Association is a duly incorporated Colorado Association, representing lot buyers at the Bear Creek Subdivision.

NOW THEREFORE, in accordance with Article X, Section 3, of said Covenants, by a special vote of the Landowners Association members on August 12, 1995, including the Declarant in excess of the required majority, hereby amends the aforementioned Covenants and incorporates the following amendment by reference thereto as follows:

1. AMEND COVENANTS TO PROHIBIT BOARDING OF HORSES ON BEAR CREEK LOTS:

A. Article VII, Section 4 now reads as follows:

Animals. "No animal, other than riding horses shall be raised, bred or kept on any site, with the exception of ordinary household pets, provided that they are not kept, bred or maintained for any commercial purposes. Ordinary household pets shall be subject to all control provisions for such animals as enacted and enforced by Conejos County, Colorado, from time to time, but shall in any event be kept on a leash or under the control of the owner at all times. One or more of the lots may be designated as stables for the purpose of maintaining horses for land owners on a non-commercial basis.

No more than two house pets will be allowed per site.

B. Amend Article VII, Section 4 to read as follows:

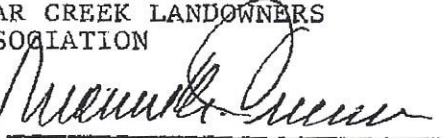
Animals. "No animal, including riding horses, shall be raised, bred or permanently be kept on any lot with the exception of ordinary household pets, provided that they are not kept, bred or maintained for any commercial purposes. Ordinary household pets shall be subject to all control provisions for such animals as enacted and enforced by Conejos County, Colorado, from time to time but shall in any event be kept on a leash or under the control of the owner at all times. No more than two house pets will be allowed per site.

Horses may be kept on lots on a temporary basis for a period not to exceed 12 hours. The riding of horses on roadways and other common areas will be permitted. The owners of said riding horse(s) are responsible for cleanup and sanitary maintenance.

IN WITNESS WHEREOF, The undersigned, the Declarant herein, has hereunto set their hands and seal this 3rd day of October, 1995.

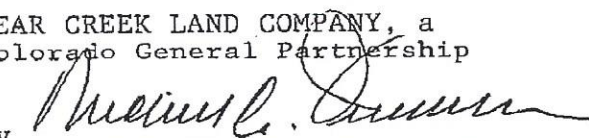
BEAR CREEK LANDOWNERS  
ASSOCIATION

By

  
Michael C. Quinlan,  
President

BEAR CREEK LAND COMPANY, a  
Colorado General Partnership

By

  
Michael C. Quinlan, President  
Quinlan Group, Inc., General Partner

Recorded March 1, 1995 at 11:29 A.M. By Reception #9500375 Andrew E. Perea, Recorder

The land referred to in Schedule A is situated in the State of Colorado, County of Conejos, and is described as follows:

All of tract 48 and a portion of tract 49, located in Sections 22, 26, and 27, Township 33 North, Range 6 East N.M.P.M., as shown on the plat thereof on file in the Office of the clerk and Recorder of Conejos County, Colorado, under Reception No. 148083.

Formerly described as follows: (SW1/4 NW1/4 NW1/4, S1/2 NW1/4, and N1/2 NW1/4 SW1/4 of Section 26, Township 33 North, Range 6 East N.M.P.M., and SW1/4 NE1/4, NW1/4 NE1/4 NE1/4, S1/2 NE1/4 NE1/4, W1/2 NE1/4 NE1/4 NE1/4, SE1/4 NE1/4, E1/2 NW1/4 NE1/4 SE1/4 and NE1/4 NE1/4 SE1/4 of Section 27, Township 33 North, Range 6 East N.M.P.M.)

Said Tract 48 and a portion of Tract 49, located in Sections 22, 26 and 27, Township 33 North, Range 6 East N.M.P.H., Conejos County, Colorado, is more particularly described as follows:

Beginning at AP 1, a G.L.O. brass cap, set for the upper northeast corner of said Tract 48;

Thence along the boundary of said Tract 48 for the following nine courses:

Thence South 660.00 feet to AP 14;  
Thence East 990.00 feet to AP 13;  
Thence South 660.00 feet to AP 12;  
Thence East 1981.98 feet to AP 11;  
Thence South 1320.00 feet to AP 10;  
Thence West 1321.32 feet to AP 9;  
Thence South 660.00 feet to AP 8;  
Thence N 89° 58' 43" W 2310.00 feet to AP 7;  
Thence North 660.00 feet to AP 6, on the South line of said Tract 49;

Thence S 89° 51' W 1647.36 feet to AP 5, a G.L.O. brass cap, set for the lower Southwest corner of said Tract 49;

Thence North 1320.00 feet along the lower West line of said Tract 49 to a G.L.O. brass cap set for the Southwesterly inner corner of said Tract 49;

Then N 89° 51' E 118.02 feet across said Tract 49 to AP 3, a G.L.O. Brass cap, set for the upper Southwest corner of Said Tract 48;

Thence North 1320.00 feet on a line between said Tract 48 and 49 to a point for the Northwest corner of said Tract 48 and the Northeast corner of Tract 49: (AP2, TR 48, AP 1, TR 49)

Thence East 988.68 feet along the North line of said Tract 48 to the Place of Beginning.

Less and except that portion of the above described tract lying within the right-of-way of Colorado State Highway No. 17. The description of said right-of-way is recorded in Book 217, Pages 443-454 A of the deed records of Conejos County, Colorado, containing 9.702 Acres, more or less.

AND, Lots 122, 123, 124, 125, 126, 137, 138, 139, 140, 141, and 142 in Phase II-A of Bear Creek Subdivision, as per the plat filed for record Under Reception No. 205806 in the Office of the County Clerk and Recorder, Conejos County, Colorado;

AND, Lots 1 through 81 in Bear Creek Subdivision, Phase I, as per the amended plat recorded under Reception No. 203118 in the Office of the County Clerk and Recorder, Conejos County, Colorado.

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ANDREW E. PEREA CONEJOS CNTY COLORADO

RCPT# 94000371 02/24/94 0935AM PAGE 3 OF 3  
ANDREW E PEREA CONEJOS CNTY COLORADO

AND, Lots 122,123,124,125,126,137,138,139,140,141, and  
142 in Phase II-A of Bear Creek Subdivision, as per the plat  
filed for record under Reception No. 205806 in the Office of  
the County Clerk and Recorder, Conejos County, Colorado;

AND, Lots 1 through 81 in Bear Creek Subdivision, Phase I, as  
per the amended plat recorded under reception No. 203118 in  
the Office of the County Clerk and Recorder, Conejos County,  
Colorado.