

**584364**

Page: 1 of 3

06/05/2003 03:54F

Kay Weinland Routt County, CO AMEND CONR 16.00

D 0.00

**FIRST AMENDMENT  
TO DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS AND  
EASEMENTS FOR AGATE CREEK PRESERVE  
A LAND PRESERVATION SUBDIVISION EXEMPTION**

This First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements For Agate Creek Preserve, a Land Preservation Subdivision Exemption, ("Declaration of Covenants For Agate Creek Preserve"), is made effective the 23rd day of June, 1999.

**RECITALS**

WHEREAS, the Declaration of Covenants For Agate Creek Preserve was recorded on June 25, 1999, in Book 759 at Page 840, Reception No. 512333, of the Routt County, Colorado records; and

WHEREAS, it is the desire of Owners holding more than fifty percent (50%) of the votes possible to be cast under the Declaration of Covenants For Agate Creek Preserve as provided in Section 16.2 of said Declaration, to amend said Declaration.

NOW THEREFORE, it is hereby declared that all real property in the subdivision, as shown on the Plat of Agate Creek Preserve at File No. 12760 of the Routt County, Colorado records, shall be held, sold and conveyed subject to the Declaration of Covenants For Agate Creek Preserve as herein amended, which are for the purpose of protecting the value and desirability of such real property and shall run with all such real property and be binding on all parties having any right, title or interest in such real property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

**AMENDMENT**

1. **Section 15.1.2 Use of Lots.** Section 15.1.2 of the Declaration of Covenants of Agate Creek Preserve is hereby amended by the addition of the following sentence:

"Notwithstanding the above, each Lot may be used for the grazing of livestock, pursuant to a lease with Declarant for said purposes, provided that upon the issuance of a certificate of occupancy for the first residence constructed on a Lot the grazing of livestock on all Lots shall not be a permitted use within the Subdivision."

In the event of any inconsistency between this Amendment and the Declaration of Covenants For Agate Creek Preserve, this Amendment shall control.



584364

Page: 2 of 3  
05/05/2003 03:54F  
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Kay Weinland Routt County, CO AMEND CONR 18.00

IN WITNESS WHEREOF, this First Amendment to the Declaration of Covenants For  
Agate Creek Preserve is executed by the undersigned effective this 23rd day of June  
1999.

Agate Creek Preserve Homeowners  
Association

BY:

Ed P. Trousil President

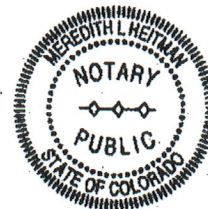
STATE OF COLORADO )  
 ) ss.  
COUNTY OF ROUTT )

The foregoing instrument was acknowledged before me this 3 day of  
June, ~~2000~~ by Ed P. Trousil as President of Agate Creek Preserve Homeowners  
Association. 2003 red

Witness my hand and official seal.

My commission expires: 11/21/04

Meredith L. Heitman  
Notary Public



MY COMMISSION EXPIRES:  
November 21, 2004



# CERTIFICATE OF APPROVAL

The undersigned, as Secretary of the Agate Creek Preserve Homeowners Association, does hereby certify that, in accordance with Section 16.2 of the Declaration of Covenants For Agate Creek Preserve, the foregoing Amendment was approved by the written consent of more than fifty percent (50%) of the votes possible to be cast under the Declaration of Covenants For Agate Creek Preserve.

*Nancy Gardner*

-Secretary

STATE OF COLORADO )  
) ss.  
COUNTY OF ROUTT )

The foregoing instrument was acknowledged before me this 3rd day of June, 2003 by \_\_\_\_\_

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

My Commission Expires  
4/2/2005

*Christina M. Schmitz*  
Notary Public

