After recording return to: Terry Taylor
 Hogan & Hartson
 N. Cascade Ave., Suite 1300
 Colorado Springs, CO 80903 ROBERT C. "BOB" BALINK 12/26/2007 01:35:55 PM Doc \$0.00 Page Rec \$61.00 1 of 9

El Paso County, CO 207162496

#### TWENTY-EIGHTH SUPPLEMENTAL DECLARATION

OF

COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS

FOR

#### PINE CREEK VILLAGE AT BRIARGATE

(Reverie - Pine Creek Subdivision Filing No. 27)

THIS TWENTY-EIGHTH SUPPLEMENTAL DECLARATION (this "Supplemental Declaration"), dated to be effective as of December <u>Qo</u>, 2007, is executed by LP47, LLC, a Colorado limited liability company doing business as La Plata Investments, LLC ("La Plata"), and by PINE CREEK VILLAGE ASSOCIATION, INC., a Colorado nonprofit corporation ("PCVA").

#### RECITALS

- A. This Supplemental Declaration amends and supplements the Declaration of Covenants, Conditions and Restrictions for Pine Creek Village at Briargate recorded November 12, 1998 under Reception No. 098165891, records of El Paso County, Colorado, and supplements thereto, as amended (the "Declaration").
- B. This Supplemental Declaration is made with respect to the real property in the City of Colorado Springs, El Paso County, Colorado, platted and legally described as Reverie Pine Creek Subdivision Filing No. 27("Pine Creek No. 27"). The subdivision plat of Pine Creek No. 27, recorded in the real property records of El Paso County, Colorado at Reception No. 2007712721, is referred to herein as the "Reverie Plat."
- C. La Plata is the "Declarant" under the Declaration and the developer of the residential community known as Pine Creek at Briargate, which includes Pine Creek No. 27. The "Development Period," as defined in the Declaration, has not yet expired.
- D. La Plata is the "Owner" of the platted lots within Pine Creek No. 27, described as Lots 1 through 16, inclusive, Reverie Pine Creek Subdivision Filing No. 27. La Plata also owns the platted tracts within Pine Creek No. 27, described as Tracts A, B, C, D, E and F, Reverie Pine Creek Subdivision Filing No. 27. Pine Creek No. 27 is within the "Additional Property," as defined in the Declaration.



E. PCVA is the homeowners association established pursuant to the Declaration and is responsible for maintaining the "Common Area" as provided in the Declaration.

Pursuant to the Declaration, La Plata has the right, power and authority to amend the Declaration as provided herein. The purpose of this Supplemental Declaration is to extend the Declaration to Pine Creek No. 27, to make Pine Creek No. 27 subject to the provisions of the Declaration and to impose additional covenants, conditions, restrictions and easements on Pine Creek No. 27. Accordingly, Declarant hereby amends the Declaration as follows:

- 1. Addition of Pine Creek No. 27. Pursuant to Section 7.1 of the Declaration, La Plata hereby adds all of Pine Creek No. 27 to the "Properties," as defined and described in the Declaration. All of the terms, conditions and provisions of the Declaration shall apply to and be binding upon Pine Creek No. 27, and Pine Creek No. 27 shall be subject to all of the terms, conditions and provisions of the Declaration and of this Supplemental Declaration.
- 2. Twentieth Supplemental Plat. La Plata hereby adopts and implements the Twentieth Supplemental Plat for Pine Creek Village at Briargate (Reverie Pine Creek Subdivision Filing No. 27) attached hereto as Exhibit A (referred to herein as the "Twentieth Supplemental Plat") pursuant to its rights, power and authority set forth in the Declaration and in accordance with the Colorado Common Interest Ownership Act. The Twentieth Supplemental Plat shows Pine Creek No. 27 and modifies the Plat of Pine Creek Village at Briargate, which is part of and is attached to the Declaration as Exhibit D (the "Plat") and was recorded with the Declaration.
- designated as a "Neighborhood," as defined in the Declaration. Pursuant to Section 5.3 of the Bylaws of the PCVA, the owners of lots within the Neighborhood formed for Pine Creek No. 27 (the "Reverie Neighborhood") shall form a committee composed of three to five individuals (the "Reverie Neighborhood Committee"). The Reverie Neighborhood Committee will advise the board of directors of the PCVA with respect to services to be provided to the Reverie Neighborhood by PCVA, the amount of the Neighborhood Assessments (as discussed below in paragraph 9) and other issues affecting the Reverie Neighborhood.
- 4. Units. Each of the platted lots identified as Lots 1 through 16, inclusive, in Pine Creek No. 27 on the Reverie Plat and on the Twentieth Supplemental Plat is a "Unit" for all purposes of the Declaration.
- 5. Easement. La Plata hereby creates and reserves to itself, and grants and conveys to PCVA, a perpetual,

non-exclusive easement to construct, erect install, maintain, repair, remove and replace fences and/or walls, including but not limited to posts, pilasters, bars, rails and associated fixtures and improvements, on, over, under, along and above: (i) the rear three feet of Lots 1 through 15, inclusive; (ii) the easterly three feet of Lot 1 adjacent to Tract A; (iii) the easterly three feet of Lot 15, along its easterly side lot line; (iv) the rear three feet of Lot 16 adjacent to Tract B; and (v) Tracts A, B, C, D, E and F (the "Easement Area"). The fences and/or walls shall be located within the Easement Area. The easement hereby granted or reserved shall include the right of reasonable ingress and egress by La Plata and PCVA from time to time to and from the Easement Area through, on, over and across all Units within Pine Creek No. 27, as reasonably necessary to construct, erect, install, maintain, repair, remove or replace any fences or walls within the Easement Area. The owners of the Units within Pine Creek No. 27 shall retain the right to make full use of the Easement Area on their respective Units, except for such use as might damage any fences or walls or endanger or interfere with the rights of PCVA in its maintenance of such fence or walls.

- 6. Designation as Common Area. La Plata, in its capacity as Declarant under the Declaration and pursuant to its express rights under Section 7.5 "Additional Covenants and Easements" of the Declaration during the Development Period, hereby declares that the following areas shall from and after the date of this Supplemental Declaration, be deemed to be additional Common Area under the Declaration to be maintained by PCVA as additional Areas of Common Responsibility:
  - a) Any and all fences, walls and entry monumentation within the Easement Area.
  - b) Tract A, Tract B and Tract C, as shown on the recorded plat of Pine Creek No. 27.
- 7. Designation as Exclusive Common Area. Pursuant to the authority referred to in paragraph 6 above, La Plata, as Declarant, hereby declares that the following areas shall, from and after the date of this Supplemental Declaration, be deemed to be Exclusive Common Areas (as defined in the Declaration) for the exclusive use and enjoyment of the residents of Units within the Reverie Neighborhood, to be maintained by PCVA as additional Areas of Common Responsibility:
  - a) Tract D and Tract F, as shown on the recorded plat of Pine Creek No. 27.
  - b) Tract E, as shown on the recorded plat of Pine Creek No. 27, which is the private street known as Echelon Heights and as Sovereign View.

- 8. Other Maintenance and Services. Trash removal services for the Reverie Neighborhood shall be provided by PCVA in the same manner as for other areas of Pine Creek. All landscaped areas within Pine Creek No. 27, excluding the privacy areas within the privacy fences that may be erected on each Unit, will be maintained by the PCVA as Areas of Common Responsibility, even if such landscaped areas are located on each Unit. Privacy areas and privacy fences on Units, if erected, will be owned and maintained by the Owners of such Units. The PCVA will provide snow removal services for the Reverie Neighborhood in accordance with rules and procedures to be adopted by the board of directors of the PCVA upon the recommendation and advice of the Reverie Neighborhood Committee.
- 9. Neighborhood Assessment. Each Unit within Pine Creek No. 27 will be assessed Neighborhood Assessments (as defined in the Declaration) in order to cover the costs of owning and maintaining Tract D, Tract E and Tract F, the costs of maintaining the landscaped areas referred to in paragraph 8 above, the costs of snow removal and management and administrative expenses related to services funded by the Neighborhood Assessments. Such Neighborhood Assessments for Pine Creek No. 27 will be set annually by the board of directors of PCVA upon advice and recommendation of the Reverie Neighborhood Committee and assessed uniformly against all Units in the Reverie Neighborhood.
- 10. <u>Pedestrian Easement</u>. La Plata hereby grants to all owners of Units within Pine Creek No. 27, their licensees and invitees, an easement to walk about the Reverie Neighborhood, except within the privacy areas referred to in paragraph 8 above.
- 11. Acceptance of Maintenance. Upon completion of the fences, walls, entry monumentation within the Easement Area and landscaping within Tract A, Tract B and Tract C by La Plata, and following inspection of such improvements by PCVA and conveyance of Tract A, Tract B and Tract C to the PCVA, PCVA shall accept Tract A, Tract B and Tract C and the fences, walls and entry monumentation within the Easement Area as Common Area. After completion of landscaping and other improvements within Tract D, Tract E and Tract F by the owner of such Tracts, inspection of such improvements by PCVA, and conveyance of Tract D, Tract E and Tract F and all landscaping and improvements therein as Exclusive Common Area. PCVA shall accept such Common Area and Exclusive Common Area by written notice of acceptance delivered to La Plata. After such acceptance, PCVA shall maintain such Common Area and Exclusive Common Area in accordance with the Declaration and as provided in this Supplemental Declaration. Upon completion of the landscaped areas referred to above in paragraph 8 by the owners of Pine Creek No. 27 and inspection thereof by PCVA, PCVA shall accept such landscaped areas as Areas of Common Responsibility and shall maintain such areas in accordance with the Declaration and as provided in this Supplemental Declaration. PCVA shall

accept such Areas of Common Responsibility by written notice delivered to La Plata. To the maximum practicable extent, PCVA shall use existing gates, roads, trails and facilities to avoid disturbing the owners of the Lots when working on Common Area, Exclusive Common Area or Areas of Common Responsibility.

- Declaration and all easements granted hereby shall run with the land, shall be deemed to touch and concern the land, shall burden all of Pine Creek No. 27 and shall benefit La Plata, PCVA and all real property owned or maintained by PCVA from time to time.
- 13. <u>Definitions</u>. Any capitalized phrase, term or word used in this <u>Supplemental Declaration</u> or in the <u>Twentieth Supplemental Plat</u> that is not otherwise expressly defined in this <u>Supplemental Declaration</u> or the <u>Twentieth Supplemental Plat shall</u> have the meaning set forth in <u>Article 1</u> of the <u>Declaration</u>, unless the context requires otherwise.

IN WITNESS WHEREOF, the parties have executed this Supplemental Declaration to be effective as of the day and year first above written.

#### LA PLATA:

LP47, LLC, a Colorado limited

liability company

Scott E. Smith, Manager

B. Douglas Quimby, Manager

#### PCVA:

PINE CREEK VILLAGE ASSOCIATION, INC., a Colorado nonprofit corporation

Steven K. Moorhead, President

STATE	OF	COL	ORADO	)	
				)	SS
COLINTY	7 01	a EL	PASO	}	

The foregoing instrument was acknowledged before me this 20th day of December, 2007 by Scott E. Smith as Manager and by B. Douglas Quimby as Manager of LP47, LLC, a Colorado limited liability company.

limited liability company.

My commission expires: October 19, 3008

STATE OF COLORADO SS. COUNTY OF EL PASO

The foregoing instrument was acknowledged before me this 20<sup>H1</sup> day of December, 2007 by Steven K. Moorhead as President of Pine Creek Village Association, Inc., a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: October 19, 2008

# "EXHIBIT A" TWENTIETH SUPPLEMENTAL PLAT OF PINE CREEK VILLAGE AT BRIARGATE

form favorisch Supplemental than manasche of this page , and one faitheimp pages theoryp ).

7. This forth-industrial supplementable Mits abstracts and suppressed in the structured and Equation for the many forth-industrial forth-industrial substances and supersection of Missouria Conference of Missouria Confer

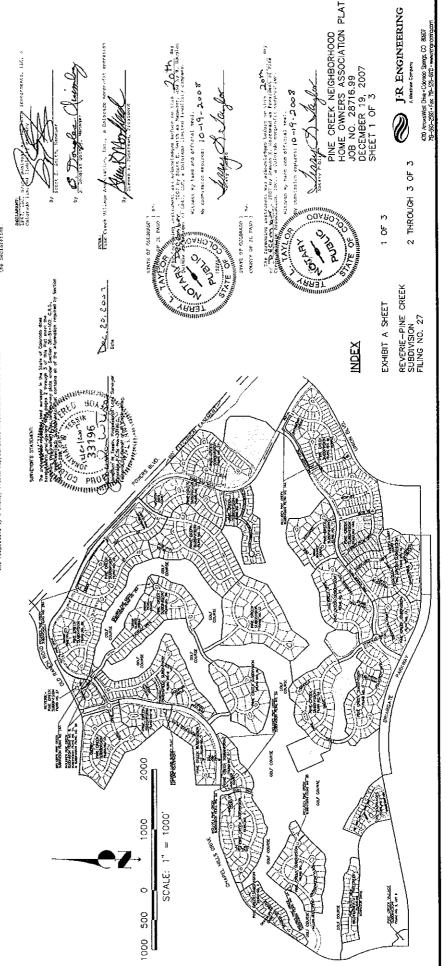
The enth principle and the Enterform is nighted with seast in the blind their burners. Despite the control of the Enterform is nighted with seast in the blind their burners. Despite the Enterform is not a first to be a first the Enterform is not a first to be a first t

Dy a control tephonometric December in and trach symptometric in an interpretation of the control tephonometric December in and the control tephonometric December in an interpretation of the control tephonometric December in a control tephonometric December in the Control tephonometric December in

Supplemental Plate, beith and denotived on Paintic A two Plency-Pointic and Supplemental Plate, and All Plate and Supplemental Review (1987) and the Supplemental Review (1987) and the Supplemental Review (1987) and the Supplemental Plate and Supplemental Supp

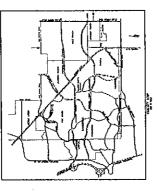
4. The LocalLyde and observations of the total and Comban Stream added to the Properties by State Development Albeit Supplemental (Webstream are about on payer 2 statements) 3 of that Prestricts Supplemental Place.

5. All of the road active within the frenchise when not decided that the additional and active within the frenchise when not decided the specific as a provided in Arrival and a specific and a specific and a specific and a specific active and a specific and a specific active act



## CREEK SUBDIVISION FILING NO. FINAL PLAT REVERIE

a portion of the nonthwest quarter of section 27, township 12 south, range 68 west of the sixth principal meridian, city of colorado springs, el paso county, colorado



KALMEN RALMEN BY THESE PRESENTS.
THAT UPLY LIC. A COLORNO CORPORTION DONG BLESHESTS AS LA PLATA WASHINETTS, BY
THAT OF SAME AND BE LOADLES ORBIT MANACOSES, RETAC. THE INSULANCE
TOSSMEND THAT OF LAND, TO WITH

A TRACT OF LAND BESIGE A PORTION OF THE MOTENMENT OUNTER OF SECTION 27. TOWNSHIP SOUTH, BANKE, OR MEST OF THE SATH PROMODER, ARRIPMENT, CONCIONADO SPRINGS, ILL. PRUS CONTRINIO SPRINGS, ILL. PRUS CONTRIVINGS OF SERVICES OF POLLUTER.

DAUSS OF BLANKES. THE COMPLE DAVIDER, REAT-OF-WAY UNE OF GAUFE, MLLS
LINEAR AS PARTING THE REQUELY AS A ROBING PRINCE DRIES.
SATINSTANCIAN ELIDING NAS, B. 14. AND "AS, RECORDING THE RECORD TO A PAGE OUT TO CACHOOF, WHICH RECORD HAS A RECORD TO A PAGE OUT TO CACHOOF, WHICH REVISE HAD "A BEST AND "A SARP TEXT.

COMENCIAL AT THE LICST EASTIBLY POINT ON THE WIRTHOUT REGIT-OF-WAY LINE OF RETAIN PRICE AS PATTED AND A REGITAL OF A PORTING NO "HE CORES, SUBGRINDER FILLIO MISS. 9, A RECORDIST HORSE RECORDED WARTH RECORDING HOLD AND A SOUTHWAY, RECORDS OF T, PASO COLANTY, SAID POINT OF BEDRAVING.

ON THE ARE OF A CURPE TO THE RIGHT, WHICE CONTRY BEARS INITIALIZED, HANNE A DIGITA OF 3721149, A ANDIUS OF 380,00 FILLS, A DISTANCE OF 201.04 FILLT TO A PORT THENCE ON SAID NORTHERY RIGHT-OF-WAY LINE, THE FOLLOWING SIX (6) COURTED

HANCON, A REVINED ON SAIL FIELD.

SANDERA, A REVINED ON TOLOR PIECE, FARE OF CROCK.

SANDERA, A RESIMENT OF YOUR PIECE, FARE OF CROCK.

SANDERA, A RESIMENT OF THE REPORT WHITE OF STANDERS OF THE PIECE, FARE OF THE PIECE, F

THERES ON SAID EASTERLY RIGHT-OF-WAY UNC, THE FOLLOWING FOUR (4) COURSES.

WINESS WY MADE AS COMMENTED THE WAY COMMENTED TH

THE FOREIGNAC MISTRAHOFT WAS ACROMOTODED DETWEENE THIS THIS TOWN OF DISCLARIAN AND MISTRAHOM STATE ESTIME AND B. DOUGLAS OWNERS HANNEDSS OF 1947, ILC, A GOLDBARD CORPOSONING, OWNER BUSINESS AS LA PLATA WASTREINS.

STATE OF DOLDRADD

COUNTY OF EL PASO

REGISTED A RADING OF TAXABLE FIELD A DETAINED OF 184.53. RET TO A POWER OF DATE OF DAT ON THE WORLD AT A ROBBER OF THE WORLD WINNING THE WAS A ROBBER OF THE WORLD OF THE HENGE NIZTHEORYE, A DISTANCE OF 45.28 FEET TO A POWT ON CURVE.
THENCE ON THE LARC OF A CURVE OF THE LIST, WOOSE CONTROL REAGNS NIZZYO'ND'N, HANNIC A
THE OF COZZZZY, A KADINE OF 3728-59 FEET, A DISTANCE OF 154.33 FEET TO A POWT ON

SECTION A LOSING OF ALSO PET TO A PORT OF STATES A SULLING CALLO OF THE CONTROL OF A SULLING CALLO OF A SULLING OF A SULLI

CONTAMING A CALCULATED AREA OF 245,184 SQUARE FEET ON 5,5287 ACRES.

ones passo que una cui ou taca de negar puenta que en la foj foro Localour Pós-perco parte personas, Al exé do Loca Ses Ace Acestro Percono Tre Por Posición (2) por Localon Tre parte Diminis por presenta para persona por la foro Tracalori Aces Tre Revi Aspy Re se que for un unima a por Revincio-Asty Tre ratuo. To Timas a se unanocion Personas un hir esqu. Resendantir PRA NATIDA REPORTADO TO TIMAS A SE INSPECTATION NO PROPERTO PROPERTO TO TIMAS A SERVICION NO PROPERTO PR

ALL PUBLIC URLEY EXCHANTS SHOWN OR NOTED HEREOM AND TRACT C. ARE SHEAKET TO THE VARIE AND CONDINGS FOR UNITHE TRACESHIES ON HER DESCRIPTION HIS ADDRESSED OF ELP PAGE COLUMY, CALCARD.

A COLOMO SPACE OF THE TOTAL TO WAS THE TOTAL TO WAS THE WAS THE TO WAS THE WAS THE TOTAL TO WAS THE WAS THE WAS TO WAS THE COLCATION

AND SECURITY OF GENERAL THE CONTRACT OF THE CO THE DATE OF PREPARATION IS JULY 10, 2007, REVISED DECEMBER 5, 2007.

PLODOPLAN STATISMONT

PHIS STE REVERS — PHIS GREDS SUBDIVISION FLIBMS NO. 27, 75 NOT WITHIN A DESIGNATED FOR FE FLIAM, AS DETERMED BY THE FLOOD PROJECTION OF THE PART, NUMBER ODGESTEDSON'S DETERMED FOR THE FLOOD PROJECTION OF THE PART, NUMBER OF THE PART, WHICH THE PART IN THE PART IN THE PART OF THE PA THE PROPERTY IS SUBJECT TO AN ANGARDA SACIODARY FOR THE UNITED STATES ANY COPIC SCHOOL TO STATES ANY COUNTY, RECORDED IN INDIC SISH AT PAGE 1022, RECORDS OF ELPASS COUNTY, COURSELOW.

HIS PROPERTY MAY BE MANCHED BY MOSE AND OTHER SHILLAR SENSORY EPECTS OF TOURS CHARGE A CANCELLY CONTINUED AND CHARGE A CANCELLY CHARGE PROCESSE. THE MOST SHALL REALMS HE OTHER UNIT. THE MAY REAL CANCELLY SHALL CANCEL CA THE PARK CHIEF MELLAGE ASSOCIATION WAS INCORPORATED INTO THE RECEIVED SOF THE CONDINUES SECURETRY OF SAFE, MAINLY AS THOSE STOCKED UNDER RECEIVED MEMORY OF CONDINUES AND PRESCRIPE OF COLUMNITION OF CONDINUES IN EXCHANGED WITH A RECEIVED UNDER RECEIVED UNDER RECEIVED WITH RECEIVED WAS RECEIVED.

TRACTS, A. C. & D. O. C. F. RETO LUTENCE ANNO PROPERTY, AND PROPERTY AND PROPERTY OF THE CONTROL OF THE PROPERTY OF THE CONTROL OF THE CONTRO

THOUGH IS FOR YOUR GOOD, UTTERS, CARRISON FORWARD, BURGLOOTS, WHEN YOUR STANKING THE CONTROL OF THE CONTROL OF

3. THENE SHALL BE NO DREET VEHICLIAR ACCESS FROM ANY LOT TO FOWERS BOLLEVARD, CHANCH HILLS DRIVE OF OLD RANCH ROAD.

10. SAGIDOO WELL BE EXCROMED FOR THE FUTURE TRAFFIC SCHALL AT CHAPEL HILLS DRINK, AND CLD RANCH RIGH, THE WELL WINTERFOR THIT TRAFFIC CHARITERING FROM TO ISSUANCE OF THE REST RESURE FOR THE THE STILL STANDARD.

JOHOE IS HEREBY GIVEN

THE CONTROL OF STATE OF THE CONTROL OF STATE OF THE CONTROL OF THE THE AREA MILLIOND IN THE PLAT DESCRIBED MERCH IS SUBJECT TO THE CODE OF THE STY OF DOLOMADO SPRINGS, 2001, AS AMENIND.



ACCORDANCE TO LICELAGO, DEN VOLUENTE CONCUENCE, ACTIVA LEGIONE ASSOLUTION ANY DESCRIPTION OF THE SAMENY WHITH THESE ATTESTS WE UPSET DESCRIPTION ANY PROPERTY DESCRIPTION AND THE PROPERTY DESCRIPTION AND THE PROPERTY OF COLUMNICATION WHICH THE ACCOUNT AND ANY ACTIVATION OF THE CONTROL THE WORKEN AND THE UNIT OF THE CONTRICTION SHOWN HERITOR. AL ACTION LALGEST AT THE OWNER OF RECORD TO RECORD THE ACTION TO THE OWNER T UNITATIONS OF ACTIONS AGAINST LAND SURVEYORS

ON BONUS OF THE CITY OF OXIORADO SPRINGS, THE UNCURRICIDED HERBY APPROVE FOR FILMS. INCOMPANIANC PLAT OF TREVIOUS — PRIC OXERS SUBDIVISION FILMS NO. 27". CITY APPROVAL:



CLERK AND RECORDER:

STATE OF COLDRADO )

1 except order was the semanary page for its access in wy office at the common of the

BY SENT ON MENT OF THE SENT OF 60 /13 SURCHARGE 1:00 SCHOOL PEC.

REVENE - PINE CREEK SUBDIVISION FILING NO. 27
JOHN 02 29144.09
AUAY 10, 2007, REWISE DECEMBER 5, 2007
SHEET 1 OF 2 BAJA PLAT

4/14

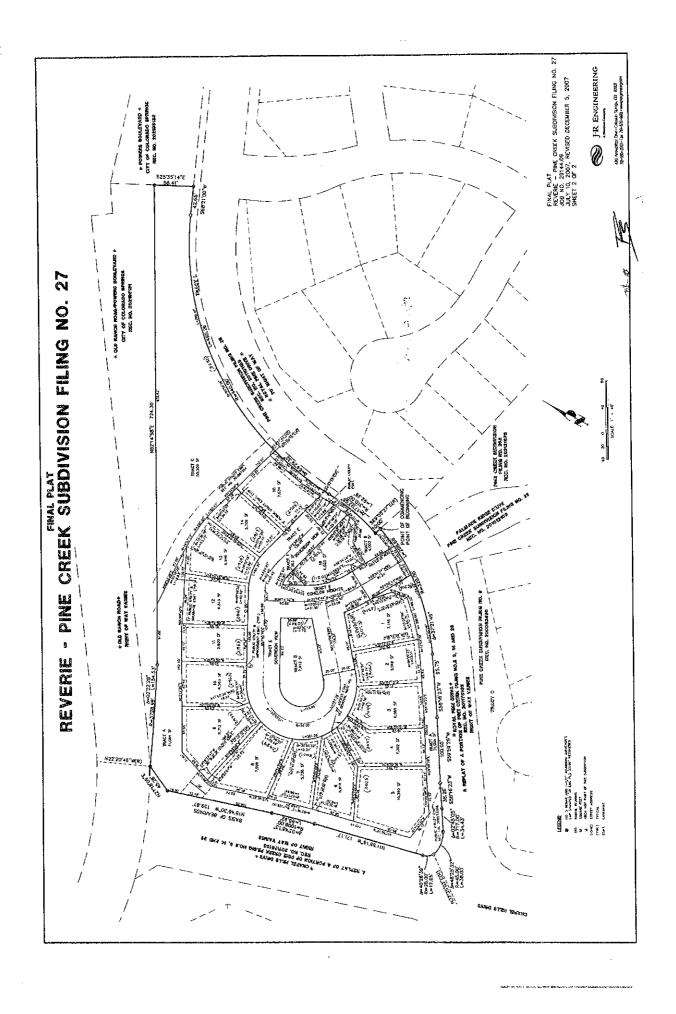
PARK PEE

BREDGE 1772 ORANACE PEE

J-R ENGINEERING

KID Annualities Dive - Catauth Streets, CO. ACES) 79-489-280-Faz. 78-48-620-maniprogrammycom

W



### Reverie/PC 80920

lot 1	3073	Sovereign View
lot Z	3061	J
Lot 3	3049	
Lot 4	3037	
lot 5	3025	
let 6	3013	
lot 7	· 3001	
Lot 8	2989	•
lot9	2977	
Lot 10	2965	
lot 11	2953	
Lot 12	2941	
Lot 13	2929	
lot 14	2917	
Lot 15	2905	
Lot 16	2912	