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**FIFTH SUPPLEMENTAL
D E C L A R A T I O N
OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
PINE CREEK VILLAGE AT BRIARGATE
(Pine Creek Subdivision Filing No. 15)**

THIS FIFTH SUPPLEMENTAL DECLARATION is made this 9th day of March, 2000 by LP47, LLC, a Colorado limited liability company ("Declarant"), and amends and modifies 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 (the "Declaration"). The Declaration was amended by a First Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (Pine Creek Subdivision Filing No. 5, 6 and 8) recorded January 19, 1999 under Reception No. 099008412 (the "First Supplement"), by a First Amendment to Declaration of Covenants, Conditions and Restrictions for Pine Creek Village at Briargate recorded February 24, 1999 under Reception No. 099028649 (the "First Amendment"), by a Second Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (Pine Creek Subdivision Filing Nos. 11, 12 and 13) recorded April 19, 1999 under Reception No. 099059798 (the "Second Supplement"), by a Second Amendment to Declaration of Covenants, Conditions and Restrictions for Pine Creek Village at Briargate recorded July 22, 1999 under Reception No. 099117452 (the "Second Amendment"), by a Third Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (Pine Creek Subdivision Filing No. 25) recorded July 23, 1999 under Reception No. 099117970 (the "Third Supplement"), by a Third Amendment to Declaration of Covenants, Conditions and Restrictions for Pine Creek Village at Briargate recorded September 21, 1999 under Reception No. 099148556 (the "Third Amendment"), and by a Fourth Supplemental Declaration of Covenants, Conditions and Restrictions for Pine Creek at Briargate (Pine Creek Subdivision Filing No. 3A, Pine Creek Subdivision Filing No. 3B, Pine Creek Subdivision Filing No. 5A and Lots 1 and 2 in Pine Creek Subdivision Filing No. 8) recorded October 15, 1999 under Reception No. 099160935 (the "Fourth Supplement"), records of El Paso County, Colorado. The

Declaration and all subsequent Amendments and Supplemental Declarations are collectively referred to as the "Declaration."

Declarant owns that certain real property described on Exhibit A attached hereto ("Pine Creek No. 15"). Pine Creek No. 15 is within the "Additional Property," as defined in the Declaration.

Pursuant to the Declaration, Declarant has the right, power and authority to amend the Declaration as provided herein. The purpose of this Fifth Supplemental Declaration is to extend the Declaration to Pine Creek No. 15 and make Pine Creek No. 15 subject to the provisions of the Declaration. Accordingly, Declarant hereby amends the Declaration as follows:

1. Addition of Pine Creek No. 15. Pursuant to Section 7.1 of the Declaration, Declarant hereby adds all of Pine Creek No. 15 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. 15, and Pine Creek No. 15 shall be subject to all of the terms, conditions and provisions of the Declaration.

2. Fifth Supplemental Plat. Declarant hereby adopts and implements the Fifth Supplemental Plat for Pine Creek Village at Briargate (Pine Creek No. 15) attached hereto as Exhibit B (referred to herein as the "Fifth 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 Fifth Supplemental Plat shows Pine Creek No. 15 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.

3. Units and Common Properties. Each of the platted lots identified as Lots 1 through 89, inclusive, in Pine Creek Subdivision Filing No. 15 on the Fifth Supplemental Plat is a "Unit" for all purposes of the Declaration. Tract A, Tract B, Tract C, Tract D, Tract E, Tract F, Tract G, Tract H and Tract I in Pine Creek Subdivision Filing No. 15, all as shown on the Fifth Supplemental Plat, are "Common Areas" for all purposes of the Declaration.

4. Definitions. Any capitalized phrase, term or word used in this Fifth Supplemental Declaration or in the Fifth Supplemental Plat that is not otherwise expressly

defined in this Fifth Supplemental Declaration or the Fifth Supplemental Plat shall have the meaning set forth in Article 1 of the Declaration, unless the context requires otherwise.

IN WITNESS WHEREOF, the undersigned has signed this Fifth Supplemental Declaration this 8th day of March, 2000.

DECLARANT:

LP47, LLC, a Colorado limited liability company, doing business as La Plata Investments

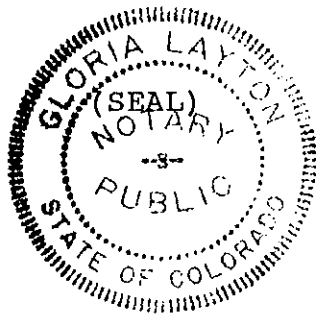
By [Signature]
Scott E. Smith, Manager

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 8th day of March, ~~1999~~²⁰⁰⁰ by Scott E. Smith as Manager of LP47, LLC, a Colorado limited liability company, doing business as La Plata Investments.

Witness my hand and official seal.

My commission expires: September 13, 2000



Gloria Layton
Notary Public

Exhibit A

Lots 1 through 89, inclusive, and Tract A, Tract B, Tract C, Tract D, Tract E, Tract F, Tract G, Tract H and Tract I, all in Pine Creek Subdivision **Filing No. 15**, in the City of Colorado Springs, County of El Paso and State of Colorado.