



SUPPLEMENTAL DECLARATION  
DESIGNATING COMMON AREAS  
UNDER THE  
D E C L A R A T I O N  
OF  
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
FOR  
PINE CREEK VILLAGE AT BRIARGATE

(Tracts C, D, E, F and J in Pine Creek Subdivision Filing No. 14, Tracts B, C, D, E, F, G and J in Pine Creek Subdivision Filing No. 26 and Tracts B, C, D, F, H and K in Pine Creek Subdivision Filing No. 28)

*May* THIS SUPPLEMENTAL DECLARATION is made this *24<sup>th</sup>* day of *May*, 2002 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"), by a Fourth Supplemental Declaration of

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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"), by a Fifth Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (Pine Creek Subdivision Filing No. 15) recorded March 14, 2000 under Reception No. 200026219 (the "Fifth Supplement"), by a Sixth Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (Pine Creek Subdivision Filing No. 9) recorded July 13, 2000 under Reception No. 200081388 (the "Sixth Supplement"), by a Seventh Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (Pine Creek Subdivision Filing No. 14) recorded January 26, 2001 under Reception No. 201009467 (the "Seventh Supplement"), by an Eighth Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (Pine Creek Subdivision Filing No. 26) recorded April 30, 2001 under Reception No. 201054608 and rerecorded on May 16, 2001 under Reception No. 201064303 (the "Eighth Supplement"), by a Ninth Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (Pine Creek Subdivision Filing No. 28) recorded September 19, 2001 under Reception No. 201136557 (the "Ninth Supplement"), and by a Tenth Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (A Replat of a Portion of Pine Creek Subdivision Filing Nos. 9, 14 and 26) recorded May 16, 2002 under Reception No. 202080262 (the "Tenth Supplement"), all in the real property records of El Paso County, Colorado. The Declaration and all subsequent Amendments and Supplemental Declarations are collectively referred to as the "Declaration."

Declarant has the right, power and authority to amend the Declaration as provided herein. The purpose of this Supplemental Declaration is to designate the real property described on Exhibit A attached hereto as Common Area, as defined in the Declaration. Accordingly, Declarant hereby amends the Declaration as follows:

1. Common Properties. Tracts C, D, E, F and J in Pine Creek Subdivision Filing No. 14, as shown on the Seventh Supplemental Plat attached to the Seventh Supplement described above, Tracts B, C, D, E, F, G, H and J in Pine Creek Subdivision Filing No. 26, as shown on the Eighth Supplemental Plat attached to the Eighth Supplement described above, and Tracts B, C, D, F, H and K in Pine Creek Subdivision Filing No. 28, as shown on the Ninth

Supplemental Plat attached to the Ninth Supplement described above, are hereby designated as "Common Area" for all purposes of the Declaration.

2. Definitions. Any capitalized phrase, term or word used in this Supplemental Declaration that is not otherwise expressly defined in this Supplemental Declaration shall have the meaning set forth in Article 1 of the Declaration, unless the context requires otherwise.

IN WITNESS WHEREOF, the undersigned have signed this Supplemental Declaration Designating Common Areas as of the date first above written.

**DECLARANT:**

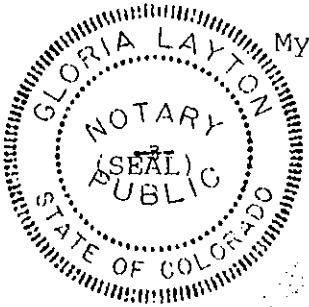
LP47, LLC, a Colorado limited liability company, doing business as La Plata Investments

By [Signature]  
Scott E. Smith, Manager

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

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of May, 2002 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. 04  
My commission expires: 9-13-04



Gloria Layton  
Notary Public

Exhibit A

Tracts C, D, E, F and J in Pine Creek Subdivision  
Filing No. 14;

Tracts B, C, D, E, F, G, H and J in Pine Creek  
Subdivision Filing No. 26; and

Tracts B, C, D, F, H and K in Pine Creek Subdivision  
Filing No. 28, all in the City of Colorado Springs,  
County of El Paso and State of Colorado.

J. Patrick Kelly El Paso Cty, CO 202090230  
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