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ROBERT C. "BOB" BALINK El Paso County, CO

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**TWENTY-EIGHTH SUPPLEMENTAL DECLARATION**

**OF**

**COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS**

**FOR**

**PINE CREEK VILLAGE AT BRIARGATE**

(Designation of Common Areas)

THIS TWENTY-EIGHTH SUPPLEMENTAL DECLARATION is made this 31<sup>st</sup> day of January, 2007, and 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. La Plata is the "Declarant" under the Declaration and the developer of the residential community known as Pine Creek at Briargate, which includes the real property described on Exhibit A attached hereto. The "Development Period," as defined in the Declaration, has not yet expired.

D. PCVA is the homeowners association established pursuant to the Declaration and is responsible for maintaining the "Areas of Common Responsibility" as provided in the Declaration.

La Plata, in its capacity as 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 as Areas of Common Responsibility, as provided in the Declaration. Accordingly, La Plata hereby amends the Declaration as follows:

1. Designation as Areas of Common Responsibility.  
Pursuant to La Plata's express rights under Section 7.5 "Additional Covenants and Easements" of the Declaration during

the Development Period, La Plata hereby declares that the areas described as follows shall, from and after the date of this Supplemental Declaration, be deemed to be Areas of Common Responsibility to be maintained by the PCVA in accordance with the Declaration.

(a) The following tracts are Areas of Common Responsibility to be maintained by PCVA that are located within public rights-of-way and are owned by the City of Colorado Springs:

Tract D in Pine Creek Subdivision Filing No. 3;  
Tracts D, E, F, G, H, I, J, K, L, M, N and O in Pine Creek Subdivision Filing No. 16;  
Tracts C, D, E and F in Pine Creek Subdivision Filing No. 17; and  
Tracts C, D, F, G, H, J, K, L, N, P and Q in Pine Creek Subdivision Filing No. 29.

(b) The following tracts are Common Areas owned and to be maintained by the PCVA:

Tract K in Pine Creek Subdivision Filing No. 4;  
Tract E in Pine Creek Subdivision Filing No. 7; and  
Tract E in Pine Creek Subdivision Filing No. 13.

(c) Correction. Tract L in Pine Creek Subdivision Filing No. 4 was designated in the original Declaration as Common Area in error. Tract L does not exist, and is, therefore, deleted and removed from being Common Area.

2. Acceptance of Maintenance. Following completion of the landscaped areas within the Tracts described in Paragraph 1(a) and Paragraph 1(b) above, and inspection thereof by PCVA, PCVA shall accept such landscaped areas as Areas of Common Responsibility. After such acceptance, PCVA shall maintain such additional Areas of Common Responsibility in accordance with the Declaration and as provided in this Supplemental Declaration. To the maximum practicable extent, PCVA shall use existing gates, roads, trails and facilities to avoid disturbing the owners of the Lots, as defined in the Declaration, when working on Areas of Common Responsibility.

3. Definitions. Any capitalized phrase, term or word used in this Supplemental Declaration that is not otherwise expressly defined in this Supplemental Declaration or the Sixteenth Supplemental Plat shall have the meaning set forth in

Article 1 of the Declaration, 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

By B. Douglas Quimby  
B. Douglas Quimby, Manager

**PCVA:**

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

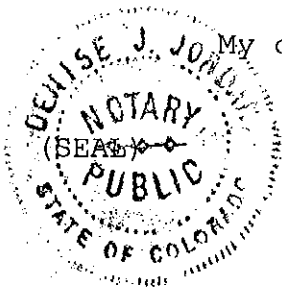
By Steven K. Moorhead  
Steven K. Moorhead, President

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

The foregoing instrument was acknowledged before me this 31st day of January, 2007 by B. Douglas Quimby as Manager of LP47, LLC, a Colorado limited liability company, on behalf of the limited liability company.

Witness my hand and official seal.

My commission expires: August 4, 2009



Denise J. Jordan  
Notary Public

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

The foregoing instrument was acknowledged before me this 31st day of January, 2007 by Steven K. Moorhead as President of Pine Creek Village Association, Inc., a Colorado nonprofit corporation, on behalf of the corporation.

Witness my hand and official seal.

My commission expires: August 4, 2007



Denise J. Jordan  
Notary Public

Exhibit A

TRACTS DESIGNATED AS AREAS OF  
COMMON RESPONSIBILITY TO BE MAINTAINED BY PCVA

Tracts Within Public Rights-of-Way Owned by the City of Colorado Springs:

Tract D in Pine Creek Subdivision Filing No. 3;  
Tracts D, E, F, G, H, I, J, K, L, M, N and O in Pine  
Creek Subdivision Filing No. 16;  
Tracts C, D, E and F in Pine Creek Subdivision Filing  
No. 17; and  
Tracts C, D, F, G, H, J, K, L, N, P and Q in Pine  
Creek Subdivision Filing No. 29.

Common Areas Owned by PCVA:

Tract K in Pine Creek Subdivision Filing No. 4;  
Tract E in Pine Creek Subdivision Filing No. 7; and  
Tract E in Pine Creek Subdivision Filing No. 13.