



TWELFTH 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. 29)

THIS TWELFTH SUPPLEMENTAL DECLARATION is made this 17th day of July, 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 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

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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"), 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"), and by an Eleventh Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Pine Creek Village at Briargate (Pine Creek Subdivision Filing No. 24, Pine Creek Subdivision Filing No. 32 and Pine Creek Subdivision Filing No. 33) recorded June 4, 2002 under Reception No. 202090231 (the "Eleventh 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 and Keller Homes, Inc., a Colorado corporation ("Owner") own that certain real property within Pine Creek Subdivision Filing No. 29 ("Pine Creek No. 29"), as described on Exhibit A attached hereto. Pine Creek No. 29 is within the "Additional Property," as defined in the Declaration.

Pursuant to the Declaration, Declarant and Owner have the right, power and authority to amend the Declaration as provided herein. The purpose of this Twelfth Supplemental Declaration is to extend the Declaration to Pine Creek No. 29 and make Pine Creek No. 29 subject to the provisions of the Declaration. Accordingly, Declarant and Owner hereby amend the Declaration as follows:

1. Addition of Pine Creek No. 29. Pursuant to Section 7.1 of the Declaration, Declarant hereby adds all of Pine Creek No. 29 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. 29, and Pine Creek No. 29 shall be subject to all of the terms, conditions and provisions of the Declaration.

2. Twelfth Supplemental Plat. Declarant hereby adopts and implements the Twelfth Supplemental Plat for Pine Creek Village at Briargate (Pine Creek Subdivision Filing No. 29) attached hereto as Exhibit B (referred to herein as the "Twelfth 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 Twelfth Supplemental Plat shows Pine Creek No. 29 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 86, inclusive, in Pine Creek Subdivision Filing No. 29 on the Twelfth Supplemental Plat is a "Unit" for all purposes of the Declaration. Tracts A, B, E, M and O in Pine Creek Subdivision Filing No. 29, as shown on the Twelfth Supplemental Plat, are "Common Area" for all purposes of the Declaration.

4. Definitions. Any capitalized phrase, term or word used in this Twelfth Supplemental Declaration or in the Twelfth Supplemental Plat that is not otherwise expressly defined in this Twelfth Supplemental Declaration or the Twelfth 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 Twelfth Supplemental Declaration this 17 day of JULY, 2002.

DECLARANT:

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


By 
Scott E. Smith, Manager

Exhibit A

Lots 1 through 86, inclusive, and Tracts A, B, E, M and O, all in Pine Creek Subdivision Filing No. 29, in the City of Colorado Springs, County of El Paso and State of Colorado.