

J. Patrick Kelly El Paso Cty, CO
05/16/2002 10:06
Doc \$0.00 Page
Rec \$55.00 1 of 29

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TENTH SUPPLEMENTAL

D E C L A R A T I O N

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)

gta 1509
May THIS TENTH SUPPLEMENTAL DECLARATION is made this 13th
day of ~~April~~, 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 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"), and 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"), 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 Pine Creek Village Association, Inc., a Colorado nonprofit corporation ("PCVA"), own that certain real property within A Replat of a Portion of Pine Creek Subdivision Filing Nos. 9, 14 and 26 ("Replat") as described on Exhibit A attached hereto. Pine Creek Subdivision Filing No. 9, Pine Creek Subdivision Filing No. 14 and Pine Creek Subdivision Filing No. 26 were previously included by the Sixth Supplement, the Seventh Supplement and the Eighth Supplement, respectively. A portion of the Replat that was not previously included by supplemental declaration is within the "Additional Property," as defined in the Declaration.

Declarant and PCVA have the right, power and authority to amend the Declaration as provided herein. Certain portions of the Properties have been replatted and amended by the Replat in order to reconfigure median areas and realign streets. The purpose of this Tenth Supplemental Declaration is to provide for the reconfiguration of the median areas, the realignment of streets and to extend the Declaration to a portion of previously unplatted property as set forth above and to subject the previously unplatted property to the provisions of the Declaration. Accordingly, Declarant and the PCVA hereby amend the Declaration as follows:

1. Addition of Tract A of the Replat. Pursuant to Section 7.1 of the Declaration, Declarant hereby adds all

of Tract A in a Replat of Pine Creek Subdivision Filing Nos. 9, 14 and 26 ("Tract A") 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 Tract A and the Replat and Tract A and the Replat shall be subject to all of the terms, conditions and provisions of the Declaration.

2. Tenth Supplemental Plat. Declarant hereby adopts and implements the Tenth Supplemental Plat for Pine Creek Village at Briargate (A Replat of Pine Creek Subdivision Filing Nos. 9, 14 and 26) attached hereto as Exhibit B (referred to herein as the "Tenth 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 Tenth Supplemental Plat shows the Replat 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.

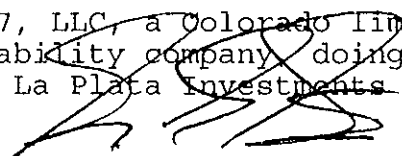
3. Units and Common Properties. Each of the platted lots identified in the Sixth Supplement, the Seventh Supplement and the Eighth Supplement are unmodified. Tract A in A Replat of Pine Creek Subdivision Filing Nos. 9, 14 and 26 as shown on the Tenth Supplemental Plat, is "Common Area" for all purposes of the Declaration.

4. Definitions. Any capitalized phrase, term or word used in this Tenth Supplemental Declaration or in the Tenth Supplemental Plat that is not otherwise expressly defined in this Tenth Supplemental Declaration or the Tenth Supplemental Plat 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 Tenth Supplemental Declaration as of the date first above written.

DECLARANT:

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

By 

Scott E. Smith, Manager

J. Patrick Kelly El Paso Cty,CO 202080262
05/16/2002 10:06
Doc \$0.00 Page
Rec \$55.00 5 of 29

Exhibit A

Tracts A, B, C, D, E, F, all in A Replat of Pine Creek
Subdivision Filing Nos. 9, 14 and 26, all in the City
of Colorado Springs, County of El Paso and State of
Colorado.