

DECLARATION OF COVENANTS

THIS IS TO CERTIFY that RockPoint Improvement Company, L.L.C., is the owner of Lot 71 and Lots 104-108, inclusive, Meadowgreen at Stagecoach, Replat No. 4, according to the Plat thereof filed in the office of the Routt County Clerk and Recorder (hereinafter "the plat").

RockPoint Improvement Company, L.L.C. (hereinafter "Declarant") hereby declares that, except as otherwise set forth herein, the Stagecoach "Declaration of Restrictions, Covenants and Conditions" filed on December 7, 1971, Filing No. 7073, in the office of the Routt County Clerk and Recorder, and all conditions, covenants and restrictions contained therein, are hereby declared to apply to Lot 71 and Lots 104-108, Meadowgreen at Stagecoach, Replat No. 4, according to the recorded plat thereof.

The original Declaration of Restrictions, Covenants and Conditions filed at File No. 7073 in the office of the Routt County Clerk and Recorder is hereby supplemented in that the following Article V - Architectural Control Committee shall be substituted for Article V as contained within the original Declaration at File No. 7073:

ARTICLE V  
ARCHITECTURAL CONTROL COMMITTEE

No building, fence, wall, swimming pool, or other structure shall be commenced, erected, or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, color and location of the same shall have been submitted to and approved in writing as to the harmony of exterior design and location in relation to the surrounding structures and topography by an Architectural Committee composed of 3 or more members appointed by the Board of Directors. A submission will be deemed complete when the following items have been submitted to the Architectural Committee at the drop off point designated by the Architectural Committee:

Two complete sets of the following:

1. Elevation drawings showing all four sides of the house with the natural grade and the proposed final grade of the lot as well as drainage areas both natural and proposed.
2. A complete floor plan for each floor showing exterior dimensions.

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3. A plat map showing the actual footprint of the proposed structure(s), with setbacks and easements shown, and with topography lines showing elevations for each two (2) feet in change. This must include driveway location and the location of adjacent and neighboring lots, buildings, and driveways.
4. A list of exterior treatments, including but not limited to type and color of siding, roofing material type and color, and exterior window type and color.
5. A landscaping plan for revegetation of the lot after construction as well as the location of major vegetation and landscaping features to be retained or removed.
6. A submission fee equal to \$25.00 for a single family house and \$35.00 for each multifamily dwelling unit to a maximum of \$150.00 per lot.

In the event said committee fails to approve or disapprove such design and location plans in writing within (30) days after said plans have been submitted to it, approval will not be required and this article will be deemed to have been fully complied with.

In the event approval is denied by the Architectural Committee, the lot owner may petition the Board of Directors for approval. In the event said Board fails to approve or disapprove such design and location within forty-five (45) days after said petition has been submitted to it, approval will not be required and this article will be deemed to have been fully complied with.

Section a. Building Type and Occupancy. All lots shall be known and described as residential tracts, and shall be used only for single family residences. No building shall be allowed or erected on any tract in said subdivision except as a residence. No such building shall exceed two and one-half (2 1/2) stories in height. All porches, storage areas, garden houses, etc. must be attached to said building, and be constructed so as to constitute one building only, except that one accessory building may be permitted, provided that it is in keeping with the overall architectural scheme of the residence building and is included in a plan submitted to the Architectural Committee for design and location approval. In the event the applicable zoning regulations of Routt county or such other governing body with jurisdiction shall in the future allow caretaker units to be placed upon the subject lots, caretaker units are allowed by this Declaration, provided that it is in keeping with the overall architectural scheme of the residence building and is included in a plan submitted to the Architectural Committee for design and location approval.

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Section b. Building Location. All structures must be located within the building envelopes as shown on the plat and the exact location shall be subject to approval by the Committee. The building envelopes may only be changed by approval of the Committee and amendment of the Final Subdivision Plat.

Section c. Building Size. Single family residences must occupy a minimum square footage of living area of not less than 1200 square feet. Balconies, porches, garages and any area wholly or partially underground (unless such area shall have a full walkout access) shall not be included in the square footage calculations. No fences may be built outside building setback lines.

Section d. Design Guidelines. Each residence submitted for approval to the Committee shall conform to the attached design guidelines.

Section e. Easements. Easements for installation and maintenance of utilities and drainage facilities and for the public roadway known as RockPoint Trail are reserved as described on the recorded plat. No shrubbery, trees, or plantings shall be placed on said easements. No buildings, fences, or structures of any type shall be built over, across, on the line of or in such a manner as to include such easements within the Lot or tract. Easements shall remain open and accessible for service and maintenance of utility and drainage facilities and other purposes.

Section f. Temporary Residences. No structure of a temporary nature, camping trailer, tent, recreation vehicle, teepee, accessory building, or basement shall be used on any tract as a residence temporarily or permanently. No used structure of any type shall be moved onto any Lot. Exceptions may be granted by the Committee for a period not to exceed one hundred and twenty (120) days during construction of a permanent residence by the owner on his Lot. A request for an exception must be submitted to the Committee in writing, and the Committee must approve such request prior to the locating of any temporary residence on any lot. Lot owners are advised that Routt County approval is required for temporary mobile homes.

Section g. Recreational Vehicle Storage. No recreational vehicles, campers, boats, trailers and similar items, may be stored on any Lot unless such items are stored in an enclosed garage or screened from view of adjacent lots.

Section h. Commercial Vehicle Storage. No commercial type vehicles and no trucks shall be parked on any lot except in a closed garage, nor parked on any residential street or alley except while engaged in transport to and from a residence. (Pickup trucks 1 ton or smaller shall not be deemed to be a commercial vehicle for the purposes of this covenant.)

Section i. Clearing of Lots or Excavation. All clearing of lots and or excavation for construction shall be allowed only with the prior approval of the Committee. Such clearing shall include cutting down or killing any trees on any Lot. Furthermore, each Lot owner agrees that all trees cleared by him will be disposed of in such a manner that all Lots, whether vacant or occupied by buildings, shall be kept free of accumulations of brush, trash, or other materials which may constitute a fire hazard, or render a Lot unsightly. This paragraph shall not operate as a restriction on the storage of firewood in neat stacks for the personal use of the Lot owner. Each lot owner also agrees that trees of 4" or greater caliper as measured two feet above the ground will be preserved to the extent reasonably possible.

Section j. Refuse and Rubbish. Rubbish, garbage, or other waste shall be kept in a sanitary container and properly disposed of. No Lot or easement shall be used as a dumping ground for rubbish. All containers for the storage or disposal of garbage, trash, rubbish or other refuse shall be kept in a clean, sanitary condition and shall be kept inside the residence or individually housed. No trash, litter or junk shall be permitted to remain exposed upon the premises and visible from public roads or adjoining or nearby premises. Burning of trash will not be permitted.

Section k. Animals. No animals, livestock or poultry of any kind shall be housed, raised, or kept on any tract or property either temporarily or permanently, except that commonly accepted domestic household pets may be kept, provided they are not kept or maintained for any commercial purposes. All unaccompanied domestic pets must be kept on the owner's property, and not allowed to run loose or be a nuisance to other property owners.

Section l. Landscaping. Any barren areas on any site as a result of construction or improvements shall be replanted by the owner(s) of the site(s) either with flora natural to the region or in such grass or other planting as may be approved by the Committee, in accordance with the construction plan approval. This revegetation must commence within six (6) months of the completion of construction of the improvement and shall be completed within six (6) months thereafter. No person shall be permitted to interfere with or direct the natural course of any drainage or runoff so as to alter the natural flow onto or across the site or living unit of another. No site shall be used for the purpose of mining, quarrying, drilling, boring or exploring for or removing water, oil, gas, or other hydrocarbons, minerals, rocks, stones, gravel or earth.

Section m. Exterior Maintenance. In the event an owner of any Lot in the subdivision shall fail to maintain the premises and the improvements situated thereon in a manner satisfactory to the Board of Directors, the Association, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agents and employees, to enter upon said parcel and to repair, maintain, and restore the Lot and the exterior of the

buildings and any other improvements erected thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which such Lot is subject.

Section n. Signs. No signs of any character shall be displayed or placed upon any of the premises or Lots in said subdivision, except one professional sign of not more than twelve (12) square feet in area per side, advertising the property for sale, house numbers, occupants' name, or signs used by a builder to advertise the property for sale during construction. All signs are subject to approval by the Committee.

Section o. Exterior Antennas, Clotheslines and Exterior Storage Tanks. No exterior aerials or antennas, except for satellite dishes of less than 1 meter in diameter, will be permitted so long as they are attached to the residence or an approved accessory building. In addition, no grantee shall place upon his premises clotheslines, swimming pool filter tanks, fuel oil tanks, or similar tanks, which may be visible from the street. All tanks must be enclosed or otherwise appropriately screened so that they will not be visible from the street or from adjoining Lots. Protective enclosures to screen the above must be approved by the Committee as a part of the plans for the improvements to be located on the property.

Section p. Nuisance. Nothing shall be done or permitted on any lot which may be or become an annoyance or nuisance to the neighborhood.

Section q. Weed Control. Lot owners are advised that Routt County has adopted a weed management plan. Information regarding this plan may be obtained from the CSU Extension Office in the Routt County Courthouse annex.

Section r. Short Term Rentals. No short term rentals (less than 30 days) of dwelling units are permitted.

### **Recommended Design Guidelines**

Exterior Walls: Materials used for exterior walls should be physically and visually suited to the natural environment of Stagecoach. Wood, stone, brick and horizontal textured siding (with a spacing of four (4) to eight (8) inches) are preferred. They are attractive, durable and appropriate to a rural Colorado mountain setting. The most suitable colors for exterior walls are the medium to medium dark earth tones characteristic of the soil, rock outcrops, vegetation and other natural elements of Stagecoach. Choices should be limited to no more than three (3) shades of muted browns, tans, greens or grays.

Windows: Window construction and placement should compliment the overall design of the building. Preferred window types are wood framed or vinyl and vinyl clad aluminum in a color complimentary to the exterior walls. In no case should aluminum colored windows be used.

Roofs: The preferred roof pitch is 6:12. All roofs should have overhangs in the two (2) to three (3) foot range at a minimum which are designed to deflect rainwater and melting snow away from walls and the base of the building. Roof colors should be in keeping with the color ranges established for exterior walls. Roofs should be a single color, and will look best if coordinated with the exterior wall colors. Preferred roofing materials are metal, asphalt composition shingle or wood. Roof design should include breaks in runs longer than thirty (30) feet so as to add some visual interest.

Garages: Garages are an integral part of the design plan and should compliment the design of the living structure. Use care in the placement of garage doors so they do not visually dominate the main approach to the house, nor the view of the house from the street. Garages must be part of the design plan, but need not be connected to the main structure.

Decks or Porches: If decks or porches are included in the design, the material, color and design should compliment the main structure.

Exterior Lighting: Exterior lighting should be chosen with care so that it provides security, and yet does not create glare and light is not cast on neighboring properties. Exterior lighting should direct light downward, and the light source should be no more than minimally visible from neighboring properties.

Foundations: Concrete foundation walls exposed more than three (3) feet above ground should be faced or stained to match the exterior wall materials.

Solar Design: Special consideration should be given to how finishes and reflective surfaces will affect neighbors and passersby. When possible, solar panels should be mounted on a freestanding unit away from the house, and reasonably screened from view from the neighbors and the street with fencing or landscaping.

Grading: It is important that disruption of natural conditions be kept to a minimum and that all grading and fill areas be softened to avoid abrupt changes in natural terrain. Cuts should not be greater than twenty (20) feet in depth and slopes should be no steeper than 2:1 (horizontal to vertical). All grading areas must be revegetated as soon as possible to protect against erosion in keeping with the landscape plans submitted to the Committee. Each lot

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owner is responsible for using best management practices consistent with guidelines of the Routt County Committee on Water Quality to ensure that erosion and sedimentation is minimized during construction of driveways and structures.

**Siting:** Siting of the house to take advantage of views is a natural consideration, but there are also several other considerations to keep in mind. Buildings on hillsides should be set into the slope, not on it, sitting parallel to land contours and avoiding intrusions above ridgelines will help buildings fit naturally into the landscape. Leave significant site features (trees and rock outcrops) intact and have as little disruption of natural vegetation as possible.

**Driveways:** All cut and fill should be softened in accordance with grading guidelines and revegetated. Interference with natural drainage flows should be avoided, as should the disruption of drainage flows from the roadways.

**Fences:** The location, height and composition of all fences, retaining walls, screens, animal enclosures and similar improvements must be approved by the Committee. All fences must be constructed and maintained in a reasonable condition of a material and color complimentary to the exterior walls of the residential unit.

**Building Height:** Building height should be no greater than the maximum building height as defined by the then applicable zoning restrictions for the particular building type.

This Declaration of Covenants may be amended at any time, but only by a written document recorded in the real property records of the Routt County Clerk and Recorder executed and acknowledged by the Board of Directors of the Stagecoach Property Owners Association and all of the then owners of Lot 71 and Lots 104-108, inclusive, Meadowgreen at Stagecoach, Replat No.4.

**ROCKPOINT IMPROVEMENT  
COMPANY, L.L.C.**

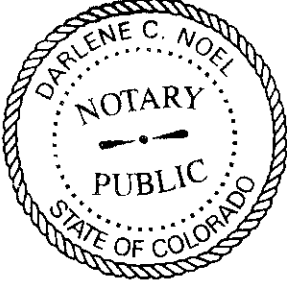
By:   
A. O. Saterdal, Manager

STATE OF COLORADO )  
COUNTY OF Rowitt ) ss.

The foregoing Declaration of Covenants was acknowledged before me on the 20<sup>th</sup> day of August, 1998, by A. O. Saterdal, Manager of RockPoint Improvement Company, L.L.C.

My commission expires: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_  
March 8, 2002

WITNESS my hand and official seal.



Darlene C. Noel  
Notary Public

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