

Upon recording, return to:

land title  
map file



899269

Page: 1 of 5  
12/01/2004 11:01A  
Teak J Simonton Eagle, CO 314 R 26.00 D 0.00

**FIRST AMENDMENT  
TO  
PROTECTIVE COVENANTS OF VAIL VALLEY - THIRD FILING  
TOWN OF VAIL  
EAGLE COUNTY, COLORADO**

This First Amendment to Protective Covenants of Vail Valley -- Third Filing Town of Vail, Eagle County, Colorado ("Amendment") is made to be effective as of \_\_\_\_\_, 2004, by the undersigned property owners ("Owners").

Recitals

I. The Protective Covenants of Vail Valley -- Third Filing Town of Vail, Eagle County, Colorado (the "Declaration") was recorded with the Clerk and Recorder of the Eagle County, Colorado, on August 30, 1977 in Book 259 at Page 68 of the real estate records of the Clerk and Recorder of Eagle County, Colorado.

II. Pursuant to Section 12 of the Declaration, the owners of a majority of all of the sites in the subdivision are entitled to amend the special conditions contained the Declaration.

III. The undersigned Owners constitute the owners of a majority of all of the sites in the subdivision and wish to amend the Declaration as set forth herein.

Amendment

The Owners hereby amend the Declaration as follows:

A. Paragraph 2 of the Special Conditions, Stipulation and Protective Covenants, which reads, in its entirety, as follows:

2. On any site in the Subdivision containing two dwelling units, one of the units shall not exceed one-third (1/3) of the total gross residential floor area allowable, as defined by Ordinance No. 8, Series of 1973, Town of Vail, Eagle County, Colorado, as amended; however, in no event may the total gross residential floor area exceed 3,950 square feet on any site. Where two dwelling units are proposed on a site, they shall have the appearance of a single-family residential structure and may not be "mirror-image" units.

is amended to read, in its entirety, as follows:

2. On any site in the Subdivision the total gross residential floor area on the site shall not exceed the amount allowed by the applicable ordinances of the Town of Vail, Eagle County, Colorado. Where two dwelling units are proposed on a site, they



899269

Page: 2 of 5

12/01/2004 11:01A

Teak J Simonton Eagle, CO

314

R 26.00

D 0.00

shall have the appearance of a single-family residential structure and may not be "mirror-image" units.

B. Paragraph 5 of the Special Conditions, Stipulation and Protective Covenants, which reads, in its entirety, as follows:

5. Except for the pertinent ordinances of the Town of Vail, there shall be no general requirement as to setback distances or location or improvements with relation to property lines, provided, however, that the location of each improvement must be approved in advance by the Design Review Board. In determining the proper location for each improvement, the Design Review Board shall consider the location of existing and future improvements on adjacent property, and such other aesthetic considerations as it may deem appropriate. Careful attention shall be given to site location of each structure to minimize linearity and to protect privacy, view corridors, and protect natural land forms and vegetation.

is amended to read, in its entirety, as follows:

5. Improvements must be approved in advance by the Design Review Board of the Town of Vail in accordance with its then existing rules, regulations and guidelines.

C. Paragraph 10 of the Special Conditions, Stipulation and Protective Covenants, which reads, in its entirety, as follows:

10. All structures commenced in the Subdivision shall be pursued diligently to completion and shall be completed within 12 months of the date of commencement thereof, except as may be waived in writing by the Town of Vail.

is amended to read, in its entirety, as follows:

10. All structures commenced in the Subdivision shall be pursued diligently to completion under the applicable regulations of the Town of Vail.

D. Paragraph 13 of the Special Conditions, Stipulation and Protective Covenants, which reads, in its entirety, as follows:

13. The Company or its duly authorized representative may lawfully prosecute any proceeding in law or in equity against such person or persons or entity who shall violate these special conditions, stipulations, and protective covenants in any particular, and may recover such damages as may ensue because of such violation, including costs of suit and attorneys' fees.

is amended to read, in its entirety, as follows:

13. Deleted.

E. Except as modified herein, the Declaration remains in full force and effect.

SIGNATURES CONTINUE ON FOLLOWING PAGES



Teak J Simonton Eagle, CO

314

R 26.00

D 0.00

899269

Page: 3 of 5

12/01/2004 11:01A

The Owners of Lot 15, Vail Valley Third Filing,  
According to the Plat recorded August 30, 1977 in Book  
259 at Page 69, County of Eagle, State of Colorado.

RODERICK F.A. BALFOUR  
Director, Detroit Lakes Limited  
As General Partner of  
Nub Hill Partners  
Sole Member of Snowstorm LLC

KINGDOM OF ENGLAND

STATE OF COLORADO

OF LONDON

CITY AND COUNTY OF DENVER

)  
) ss.  
)

On this 22 day of NOVEMBER, 2004, before me, personally appeared  
RODERICK BALFOUR and DIRECTOR, DETROIT LAKES LIMITED  
who acknowledged themselves to be the Owners of Lot 15, Vail Valley Third Filing,  
according to the Plat recorded August 30, 1977 in Book 259 at Page 69, County of Eagle, State  
of Colorado.

Witness my hand and official seal.

[SEAL]

Notary Public

My commission expires: with life

ROBERT THOMAS JAMES BOND  
7 PILGRIM ST  
LONDON  
EC4V 6LB



899269

Page: 4 of 5

12/01/2004 11:01A

Teak J Simonton Eagle, CO

314

R 26.00

D 0.00

The Owners of Lot 10, Vail Valley Third Filing,  
According to the Plat recorded August 30, 1977 in Book  
259 at Page 69, County of Eagle, State of Colorado.

International RM Corp,  
MR RUFINO VIGIL, President

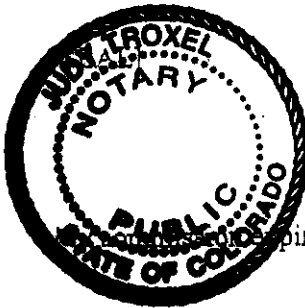
STATE OF COLORADO )

) ss.

CITY AND COUNTY OF DENVER )

On this 22<sup>nd</sup> day of October, 2004, before me, personally appeared  
Rufino Vigil and \_\_\_\_\_  
who acknowledged themselves to be the Owners of Lot 10, Vail Valley Third Filing,  
according to the Plat recorded August 30, 1977 in Book 259 at Page 69, County of Eagle, State  
of Colorado.

Witness my hand and official seal.



Judy Troxel  
Notary Public

Expires: 7/21/05



899269

Page: 5 of 5

12/01/2004 11:01A

D 0.00

The Owners of Lot 16 B, Vail Valley Third Filing,  
According to the Plat recorded August 30, 1977 in Book  
259 at Page 69, County of Eagle, State of Colorado.

*Carlos Hank Rhon*  
CARLOS HANK RHON

STATE OF COLORADO

CITY AND COUNTY OF DENVER

)  
) ss.  
)

On this 29 day of October, 2004, before me, personally appeared  
CARLOS HANK RHON and \_\_\_\_\_  
who acknowledged themselves to be the Owners of Lot 16 B, Vail Valley Third Filing,  
according to the Plat recorded August 30, 1977 in Book 259 at Page 69, County of Eagle, State  
of Colorado.

Witness my hand and official seal.

{SEAL}



*Eduardo Garcia Villegas*  
LIC. EDUARDO GARCIA VILLEGAS  
Notary Public No. 15 del Distrito Federal

My commission expires: \_\_\_\_\_