

ARLINDA J. SCHMIDT
EL PASO COUNTY CLERK & RECORDER

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**AMENDMENTS TO DECLARATION
OF PROTECTIVE COVENANTS, RESTRICTIONS,
EASEMENTS, CHARGES AND LIENS FOR A
PORTION OF PEYTON PINES FILING NO. 4,
AS RECORDED IN THE RECORDS OF THE CLERK
AND RECORDER OF THE COUNTY OF EL PASO
AND STATE OF COLORADO, ON DECEMBER 23, 1982**

The following amendments to the Declaration of Protective Covenants, Restrictions, Easements, Charges and Liens for a Portion of Peyton Pines Filing No. 4, as recorded in the records of the Clerk and Recorder of the County of El Paso and State of Colorado, on December 23, 1982 (hereinafter "Declaration of Covenants"), were adopted by written consent of the Owners representing seventy-five percent (75%) aggregate ownership interests in the Property encumbered by said Declaration of Covenants.

1. Article IV is amended by the addition of new Sections 5 and 6, as follows:

**ARTICLE IV
The Water System**

Section 5 - Conveyance of Groundwater. All Owners are required to convey groundwater rights underlying their property in the Dawson, Denver, Arapahoe and Laramie-Fox Hills formations in order to receive water through the central supply system. Such conveyance shall be made at no charge to the Association. In the event the Association is unable to provide water service to an Owner through the central supply system, the Association shall reconvey said groundwater rights to the Owner.

Section 6 - Alternative Option for Individual Well. Any Owner may elect not to receive water from the central water supply system, and to instead have water provided to his property through an individual exempt well. In the event an Owner elects to have water service supplied through an individual well, all expenses associated with the permitting, drilling, lining, casing, operating, maintaining, repairing and replacing the well, the pump, or any part thereof shall be the responsibility of the Owner, and not of the Declarant or the Association. Should an Owner with an individual well elect to receive water from the central water system, that Owner must first disconnect and cap his individual well, convey groundwater rights to the Peyton Pines Filing 4 Water Association as provided in Section 5 of this Article, and surrender the well permit for the individual well to the State Engineer's Office.

2. Article VI is amended to read as follows:

ARTICLE VI
Agricultural Use of Water on Lots

A Member shall be permitted only to apply water to a single contiguous area with no more than an aggregate of one-third acre of a lot for agricultural purposes, and then only during the months of May through September, inclusive, and subject to the availability of ample water for the domestic needs of the Subdivision. The Member shall designate the area on a sketch to be filed with the Association, if requested to do so by the Board.

3. Article VII is amended by the addition of a new Section 5, as follows:

ARTICLE VII
General Provisions

Section 5 - No Water Use Outside Subdivision. No water withdrawn from the wells comprising the Water System described in Article IV will be sold, transferred or used other than as provided in this Declaration of Covenants for domestic and irrigation purposes on the Property as defined herein.

The names of the landowners whose consent is claimed are as follows and their executed Consents are on file in the office of Peyton Pines Filing 4 Water Association, Inc.:

Peyton Pines, Ltd.
Lots 231, 232, 233, 234, 235, 238, 239, 244, 247 and 248
Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

Gerald J. Sadowsky
Lot 227
Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

George C. Pinyerd and Christie L. Pinyerd
Lot 251
Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

Jan Kazan-Jammal and Farouk K. Jammal

Lot 254

Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

Paul D. Johnson and La Rayne D. Johnson

Lot 250

Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

John Onuschak and Anna Onuschak

Lots 236, 237 and 241

Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

Vincent Kierney

Lot 230

Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

Warren Low and Jennifer L. Low

Lot 257

Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

Beckett Properties, Ltd.

Lot 242

Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

George V. Warda and Ramona L. Warda

Lot 255

Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

Alec B. Douglas and Janice E. Douglas

Lot 256

Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

Bela G. Vegvary and Leah T. Vegvary

Lot 228

Peyton Pines Filing No. 4 as reflected by that plat recorded in the records of the El Paso County, Colorado, Clerk and Recorder's Office, as Reception No. 00785849

Dated this 27th day of June, 1994.

PEYTON PINES, LTD.

By Dennis A. Trescott
Dennis A. Trescott
Manager

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

Subscribed and sworn to before me this 27th day of June, 1994, by Dennis A. Trescott, Manager for Peyton Pines, Ltd., a Colorado limited partnership.

Witness my hand and official seal. My commission expires

4/20/95

Brenda Howard
Notary Public



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