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10/11/75

**AMENDMENT**  
**TO**  
**PROTECTIVE COVENANTS**  
**FOR**  
**HIWAN HILLS - BLOCK 5**

Pursuant to Paragraph 18 of the protective covenants (the "Protective Covenants") filed in the Office of the Clerk and Recorder of Jefferson County, State of Colorado, and recorded on December 16, 1975, in Book 2800 at page 503, the undersigned, constituting the owners of a majority of the lots in Hiwan Hills - Block 5, by this instrument do hereby change and alter in part the Protective Covenants by revoking Paragraph 1 of the Protective Covenants in its entirety and substituting the following as Paragraph 1:

1. No lot shall be subdivided. No structure shall be placed, erected, or altered on any lot other than one detached, single-family dwelling not to exceed two stories or a maximum of 35 feet in height, a private garage for not more than 3 cars, and other outbuildings incidental to residential use of any lot. In the event any legal proceeding is commenced by one or more of the owners of lots in Hiwan Hills - Block 5 to enforce, or recover damages for any violation or threatened violation of, this Paragraph 1, if the lot owner(s) commencing such legal proceeding shall prevail such lot owner(s) shall be entitled to recover in such legal proceeding their costs and expenses incurred in connection with such legal proceeding, including reasonable attorney's fees, from the lot owner violating or threatening to violate this Paragraph 1. Further, in the event any legal proceeding is commenced by one or more of the owners of lots in Hiwan Hills - Block 5 to declare invalid this Paragraph 1, or any part thereof, such lot owner(s) successfully defending such legal proceeding shall be entitled to recover in such legal proceeding their costs and expenses incurred in connection with such legal proceeding, including reasonable attorneys' fees, from the lot owner(s) commencing such legal proceeding.

Except as modified by this Amendment, the Protective Covenants remain in full force and effect. In the case of any violation of the above Protective Covenants, the owner or owners of any lot in Hiwan Hills - Block 5 may, in addition to other remedies at law or in equity including action for damages, have such violations perpetually enjoined or, in the case of the erection or maintenance of any building, structure or thing in violation of any of the above Protective Covenants, may have such building, structure or thing removed by proper legal

proceedings. The above Protective Covenants shall be covenants running with the land and shall inure to the benefit of and be binding upon all owners of the lots in Hiwan Hills - Block 5 and their successors and assigns; provided, however, that the owners of the majority of the lots in Hiwan Hills - Block 5 may by instrument in writing duly signed, acknowledged and recorded in the Office of the Clerk and Recorder of Jefferson County, change, revoke or alter the above Protective Covenants in whole or in part.

This Amendment to Protective Covenants may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any lot owner(s) may execute this Amendment by signing any such counterpart.

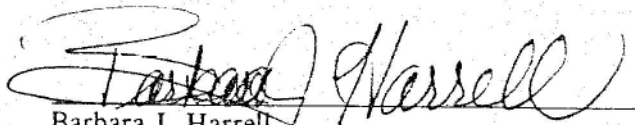
Executed by the owners of a majority of the lots in Hiwan Hills - Block 5, to be effective as of the date this Amendment to Protective Covenants for Hiwan Hills - Block 5 is recorded with the Clerk and Recorder of Jefferson County, Colorado.










  
Barbara J. Harrell  
Lot #226 and part of Lot #225

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON     )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 1994, by Barbara J. Harrell.

WITNESS MY HAND and official seal.  
My commission expires: 3/17/95

  
Notary Public

\_\_\_\_\_  
John C. Hugger  
Lot #227

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of November, 1994, by John C. Hugger.

WITNESS MY HAND and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Margaret A. Hugger  
Lot #227

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of November, 1994, by Margaret A. Hugger.

WITNESS MY HAND and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Roland A. Lohnert  
Lot #228

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of November, 1994, by Roland A. Lohnert.

WITNESS MY HAND and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Rosemarie A. Lohnert  
Lot #228

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of November, 1994, by Rosemarie A. Lohnert.

WITNESS MY HAND and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Joel Alan Berenbeim  
Joel Alan Berenbeim  
Lot #229

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON    )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 1994, by Joel Alan Berenbeim.

WITNESS MY HAND and official seal.  
My commission expires: 3/17/98

Renee K. Meach  
Notary Public



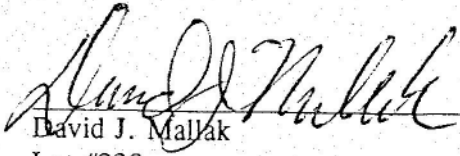
Susan Marie Berenbeim  
Lot #229

STATE OF COLORADO )  
 ) ss.  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of November, 1994, by Susan Marie Berenbeim.

WITNESS MY HAND and official seal.  
My commission expires: \_\_\_\_\_

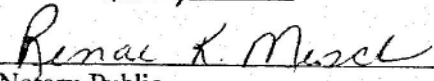
\_\_\_\_\_  
Notary Public

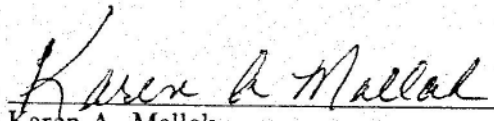
  
\_\_\_\_\_  
David J. Mallak  
Lot #230

STATE OF COLORADO )  
 ) ss.  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> December day of November, 1994, by David J. Mallak.

WITNESS MY HAND and official seal.  
My commission expires: 3/17/98

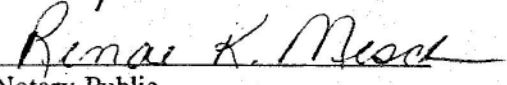
  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Karen A. Mallak  
Lot #230

STATE OF COLORADO )  
 ) ss.  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> December day of November, 1994, by Karen A. Mallak.

WITNESS MY HAND and official seal.  
My commission expires: 3/17/98

  
\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
Donald John McBride  
Lot #233

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of November, 1994, by Donald John McBride.

WITNESS MY HAND and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Jean T. McBride  
Lot #233

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of November, 1994, by Jean T. McBride.

WITNESS MY HAND and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

*Sterling E. Nelson, Trustee*  
Sterling E. Nelson, Trustee  
Lot #234

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF JEFFERSON    )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 1994, by Sterling E. Nelson, Trustee

WITNESS MY HAND and official seal.  
My commission expires: 3/17/98

*Renee K. Meach*  
Notary Public





George Krauss  
Lot #241

STATE OF COLORADO )  
 ) ss.  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of November, 1994, by George Krauss.

WITNESS MY HAND and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

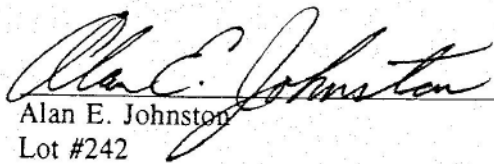
Ruth A. Krauss  
Lot #241

STATE OF COLORADO )  
 ) ss.  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of November, 1994, by Ruth A. Krauss.

WITNESS MY HAND and official seal.  
My commission expires: \_\_\_\_\_


\_\_\_\_\_  
Notary Public

  
Alan E. Johnston  
Lot #242

STATE OF COLORADO )  
 ) ss.  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 1994, by Alan E. Johnston.

WITNESS MY HAND and official seal.  
My commission expires: 3/17/98

  
\_\_\_\_\_  
Notary Public







