

Amendment



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AMCOV

To

08/14/2012 02:08:55 PM 8 Page(s)

Jefferson County, Colorado

Protective Covenants for

Hiwan Hills - Block 1

*H/60*

*1-8*

Pursuant to Paragraph 12 of the protective covenants filed in the Office of the Clerk and Recorder of Jefferson County, State of Colorado, and recorded on December 19, 1949 in Book 8 at Page 65 and on March 22, 1955 in Book 911 at Page 244 the majority of the voting owners of Hiwan Hills - Block 1 by this instrument do hereby change and alter in part the Protective Covenants by the addition of the following paragraph.

- 15. Short term rentals (defined as a period of less than 30 consecutive days) of any house within Hiwan Hills - Block 1 are hereby prohibited. No part of this Amendment to the covenants shall be construed to prohibit the rental of a house for a period of 30 days or greater, recognized as traditional house rentals.

Except as modified by this Amendment, the Protective Covenants remain in full force and effect. Any violation of this provision shall warrant the Hiwan Hills Improvement Association or any other Hiwan Hills - Block 1 lot owner to apply to any court of law or equity having jurisdiction thereof for an injunction or proper relief to enforce same in any court, and, in its discretion, may award the plaintiff(s) court costs and reasonable attorney's fees. No delay on the part of the declarant or any other person in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein.

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 lots in the Hiwan Hills - Block 1 and their successors and assigns; provided, however, that the owners of the majority of the lots in Hiwan Hills - Block 1 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.

Gary MacFarquhar, President		Date <u>6/26/12</u>
Joe Gerlach, Vice President		Date <u>6/27/12</u>
Eric Wilhelm, Treasurer & Secretary		Date <u>6/22/2012</u>
Jim Dollard, Member		Date <u>7/13/12</u>
Robert Durham, Member		Date <u>7/25/12</u>
Kim Levine, Member		Date <u>July 8, 2012</u>
Nan Rickey, Member		Date <u>6/28/2012</u>
Shane Smith, Member		Date <u>7-18-2012</u>
Lee Wolff, Member		Date <u>6/27/12</u>

Amendment

To

Protective Covenants for

2









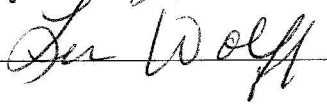
Hiwan Hills – Block 2

Pursuant to Paragraph 10 of the protective covenants filed in the Office of the Clerk and Recorder of Jefferson County, State of Colorado, and recorded on November 16, 1954 in Book 13 at Page 46 the majority of the voting owners of Hiwan Hills – Block 2 by this instrument do hereby change and alter in part the Protective Covenants by the addition of the following paragraph.

- 13. Short term rentals (defined as a period of less than 30 consecutive days) of any house within Hiwan Hills - Block 2 are hereby prohibited. No part of this Amendment to the covenants shall be construed to prohibit the rental of a house for a period of 30 days or greater, recognized as traditional house rentals.

Except as modified by this Amendment, the Protective Covenants remain in full force and effect. Any violation of this provision shall warrant the Hiwan Hills Improvement Association or any other Hiwan Hills - Block 2 lot owner to apply to any court of law or equity having jurisdiction thereof for an injunction or proper relief to enforce same in any court, and, in its discretion, may award the plaintiff(s) court costs and reasonable attorney's fees. No delay on the part of the declarant or any other person in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein.

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 lots in the Hiwan Hills – Block 2 and their successors and assigns; provided, however, that the owners of the majority of the lots in Hiwan Hills – Block 2 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.

Gary MacFarquhar, President		Date <u>6/26/12</u>
Joe Gerlach, Vice President		Date <u>6/27/12</u>
Eric Wilhelm, Treasurer & Secretary		Date <u>6/22/2012</u>
Jim Dollard, Member		Date <u>7/13/12</u>
Robert Durham, Member		Date <u>7/25/12</u>
Kim Levine, Member		Date <u>July 8, 2012</u>
Nan Rickey, Member		Date <u>6/28/2012</u>
Shane Smith, Member		Date <u>7-13-2012</u>
Lee Wolff, Member		Date <u>6/27/12</u>

Amendment

To

Protective Covenants for

Hiwan Hills – Block 3


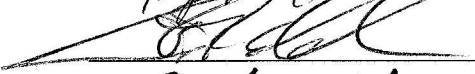
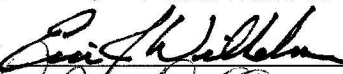

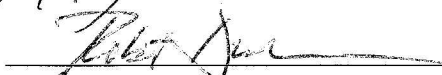
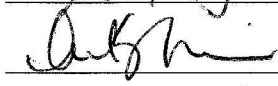


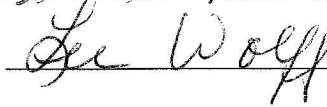
3

Pursuant to Paragraph 18 of the protective covenants filed in the Office of the Clerk and Recorder of Jefferson County, State of Colorado, and recorded on May 3, 1979 as Reception Number 79038674 the majority of the voting owners of Hiwan Hills – Block 3 by this instrument do hereby change and alter in part the Protective Covenants by the addition of the following paragraph.

- 20. Short term rentals (defined as a period of less than 30 consecutive days) of any house within Hiwan Hills - Block 3 are hereby prohibited. No part of this Amendment to the covenants shall be construed to prohibit the rental of a house for a period of 30 days or greater, recognized as traditional house rentals.

Except as modified by this Amendment, the Protective Covenants remain in full force and effect. Any violation of this provision shall warrant the Hiwan Hills Improvement Association or any other Hiwan Hills - Block 3 lot owner to apply to any court of law or equity having jurisdiction thereof for an injunction or proper relief to enforce same in any court, and, in its discretion, may award the plaintiff(s) court costs and reasonable attorney's fees. No delay on the part of the declarant or any other person in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein.

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 lots in the Hiwan Hills – Block 3 and their successors and assigns; provided, however, that the owners of the majority of the lots in Hiwan Hills – Block 3 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.

Gary MacFarquhar, President		Date <u>6/26/12</u>
Joe Gerlach, Vice President		Date <u>6/29/12</u>
Eric Wilhelm, Treasurer & Secretary		Date <u>6/22/2012</u>
Jim Dollard, Member		Date <u>7/13/12</u>
Robert Durham, Member		Date <u>7/25/12</u>
Kim Levine, Member		Date <u>7-8-12</u>
Nan Rickey, Member		Date <u>6/28/2012</u>
Shane Smith, Member		Date <u>7-18-2012</u>
Lee Wolff, Member		Date <u>6/27/12</u>

Amendment

To

Protective Covenants for

Hiwan Hills – Block 4



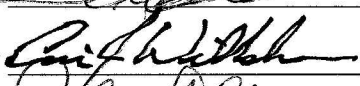
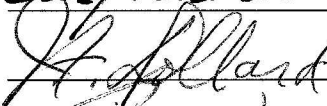

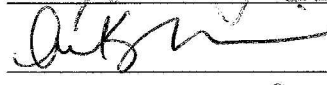
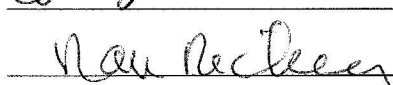
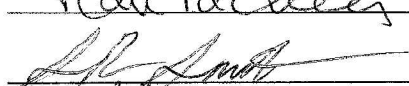
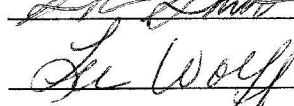
14

Pursuant to Paragraph 10 of the protective covenants filed in the Office of the Clerk and Recorder of Jefferson County, State of Colorado, and recorded on August 3, 1955 in Book 15 at Page 7, Reception Number 55616195 the majority of the voting owners of Hiwan Hills – Block 4 by this instrument do hereby change and alter in part the Protective Covenants by the addition of the following paragraph.

13. Short term rentals (defined as a period of less than 30 consecutive days) of any house within Hiwan Hills - Block 4 are hereby prohibited. No part of this Amendment to the covenants shall be construed to prohibit the rental of a house for a period of 30 days or greater, recognized as traditional house rentals.

Except as modified by this Amendment, the Protective Covenants remain in full force and effect. Any violation of this provision shall warrant the Hiwan Hills Improvement Association or any other Hiwan Hills - Block 4 lot owner to apply to any court of law or equity having jurisdiction thereof for an injunction or proper relief to enforce same in any court, and, in its discretion, may award the plaintiff(s) court costs and reasonable attorney's fees. No delay on the part of the declarant or any other person in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein.

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 lots in the Hiwan Hills – Block 4 and their successors and assigns; provided, however, that the owners of the majority of the lots in Hiwan Hills – Block 4 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.

Gary MacFarquhar, President		Date 6/26/12
Joe Gerlach, Vice President		Date 6/29/12
Eric Wilhelm, Treasurer & Secretary		Date 6/22/2012
Jim Dollard, Member		Date 7/13/12
Robert Durham, Member		Date 7/25/12
Kim Levine, Member		Date 7-8-12
Nan Rickey, Member		Date 6/28/2012
Shane Smith, Member		Date 7-18-2012
Lee Wolff, Member		Date 6/27/12

Amendment

To

Protective Covenants for

Hiwan Hills – Block 5




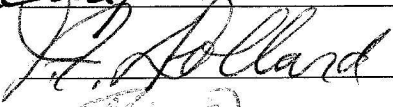
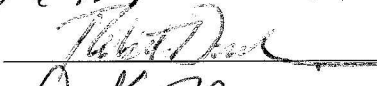
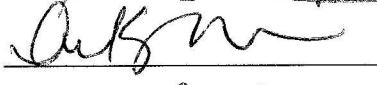
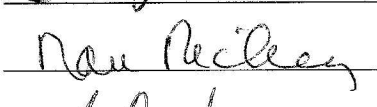

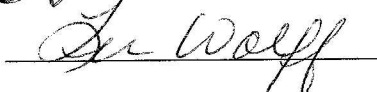
5

Pursuant to Paragraph 18 of 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, Reception Number 75753001 the majority of the voting owners of Hiwan Hills – Block 5 by this instrument do hereby change and alter in part the Protective Covenants by the addition of the following paragraph.

- 19. Short term rentals (defined as a period of less than 30 consecutive days) of any house within Hiwan Hills - Block 5 are hereby prohibited. No part of this Amendment to the covenants shall be construed to prohibit the rental of a house for a period of 30 days or greater, recognized as traditional house rentals.

Except as modified by this Amendment, the Protective Covenants remain in full force and effect. Any violation of this provision shall warrant the Hiwan Hills Improvement Association or any other Hiwan Hills - Block 5 lot owner to apply to any court of law or equity having jurisdiction thereof for an injunction or proper relief to enforce same in any court, and, in its discretion, may award the plaintiff(s) court costs and reasonable attorney's fees. No delay on the part of the declarant or any other person in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein.

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 lots in the 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.

Gary MacFarquhar, President		Date 6/26/12
Joe Gerlach, Vice President		Date 6/27/12
Eric Wilhelm, Treasurer & Secretary		Date 6/22/2012
Jim Dollard, Member		Date 7/13/12
Robert Durham, Member		Date 7/25/12
Kim Levine, Member		Date 7-8-12
Nan Rickey, Member		Date 6/28/2012
Shane Smith, Member		Date 7-18-2012
Lee Wolff, Member		Date 6/27/12

Amendment

6

To

Protective Covenants for



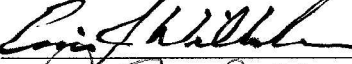


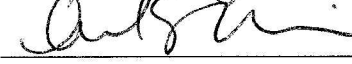



Hiwan Hills – Block 6

Pursuant to Paragraph 18 of the protective covenants filed in the Office of the Clerk and Recorder of Jefferson County, State of Colorado, and recorded on January 7, 1976 in Book 2806 at Page 769, Reception Number 76756808 the majority of the voting owners of Hiwan Hills – Block 6 by this instrument do hereby change and alter in part the Protective Covenants by the addition of the following paragraph.

- 19. Short term rentals (defined as a period of less than 30 consecutive days) of any house within Hiwan Hills - Block 6 are hereby prohibited. No part of this Amendment to the covenants shall be construed to prohibit the rental of a house for a period of 30 days or greater, recognized as traditional house rentals.

Except as modified by this Amendment, the Protective Covenants remain in full force and effect. Any violation of this provision shall warrant the Hiwan Hills Improvement Association or any other Hiwan Hills - Block 6 lot owner to apply to any court of law or equity having jurisdiction thereof for an injunction or proper relief to enforce same in any court, and, in its discretion, may award the plaintiff(s) court costs and reasonable attorney's fees. No delay on the part of the declarant or any other person in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein.

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 lots in the Hiwan Hills – Block 6 and their successors and assigns; provided, however, that the owners of the majority of the lots in Hiwan Hills – Block 6 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.

Gary MacFarquhar, President		Date <u>6/26/12</u>
Joe Gerlach, Vice President		Date <u>6/27/12</u>
Eric Wilhelm, Treasurer & Secretary		Date <u>6/22/2012</u>
Jim Dollard, Member		Date <u>7/13/12</u>
Robert Durham, Member		Date <u>7/25/12</u>
Kim Levine, Member		Date <u>7-8-12</u>
Nan Rickey, Member		Date <u>6/28/2012</u>
Shane Smith, Member		Date <u>7-18-2012</u>
Lee Wolff, Member		Date <u>6/27/12</u>



Amendment

To

Protective Covenants for

Hiwan Hills – Block 7



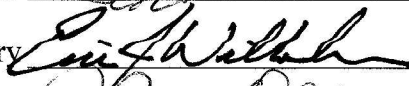



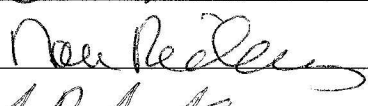

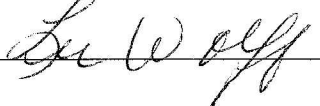
7

The protective covenants filed in the Office of the Clerk and Recorder of Jefferson County, State of Colorado, and recorded on May 14, 1974 in Book 2622 at Page 796, Reception Number 74639502 are amended with the following by the majority of the voting owners of Hiwan Hills – Block 7 by this instrument to hereby change and alter in part the Protective Covenants by the addition of the following paragraph.

- 33. Short term rentals (defined as a period of less than 30 consecutive days) of any house within Hiwan Hills - Block 7 are hereby prohibited. No part of this Amendment to the covenants shall be construed to prohibit the rental of a house for a period of 30 days or greater, recognized as traditional house rentals.

Except as modified by this Amendment, the Protective Covenants remain in full force and effect. Any violation of this provision shall warrant the Hiwan Hills Improvement Association or any other Hiwan Hills - Block 7 lot owner to apply to any court of law or equity having jurisdiction thereof for an injunction or proper relief to enforce same in any court, and, in its discretion, may award the plaintiff(s) court costs and reasonable attorney's fees. No delay on the part of the declarant or any other person in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein.

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 lots in the Hiwan Hills – Block 7 and their successors and assigns; provided, however, that the owners of the majority of the lots in Hiwan Hills – Block 7 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.

Gary MacFarquhar, President		Date <u>6/26/12</u>
Joe Gerlach, Vice President		Date <u>4/27/12</u>
Eric Wilhelm, Treasurer & Secretary		Date <u>6/22/2012</u>
Jim Dollard, Member		Date <u>7/13/12</u>
Robert Durham, Member		Date <u>7/25/12</u>
Kim Levine, Member		Date <u>7-8-12</u>
Nan Rickey, Member		Date <u>6/28/2012</u>
Shane Smith, Member		Date <u>7-18-2012</u>
Lee Wolff, Member		Date <u>6/27/12</u>

Amendment

To

Protective Covenants for

Hiwan Hills – Block 8

The protective covenants filed in the Office of the Clerk and Recorder of Jefferson County, State of Colorado, and recorded on May 21, 1982, Reception Number 82034431 are amended with the following by the majority of the voting owners of Hiwan Hills – Block 8 by this instrument to hereby change and alter in part the Protective Covenants by the addition of the following paragraph.

35. Short term rentals (defined as a period of less than 30 consecutive days) of any house within Hiwan Hills - Block 8 are hereby prohibited. No part of this Amendment to the covenants shall be construed to prohibit the rental of a house for a period of 30 days or greater, recognized as traditional house rentals.

Except as modified by this Amendment, the Protective Covenants remain in full force and effect. Any violation of this provision shall warrant the Hiwan Hills Improvement Association or any other Hiwan Hills - Block 8 lot owner to apply to any court of law or equity having jurisdiction thereof for an injunction or proper relief to enforce same in any court, and, in its discretion, may award the plaintiff(s) court costs and reasonable attorney's fees. No delay on the part of the declarant or any other person in the exercising of any right, power, or remedy contained herein shall be construed as a waiver thereof or an acquiescence therein.

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 lots in the Hiwan Hills – Block 8 and their successors and assigns; provided, however, that the owners of the majority of the lots in Hiwan Hills – Block 8 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.

Gary MacFarquhar, President



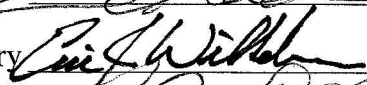
Date 6/26/12

Joe Gerlach, Vice President



Date 6/27/12

Eric Wilhelm, Treasurer & Secretary



Date 6/22/2012

Jim Dollard, Member



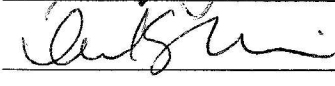
Date 7/13/12

Robert Durham, Member



Date 7/25/12

Kim Levine, Member



Date 7-8-12

Nan Rickey, Member



Date 6/28/2012

Shane Smith, Member



Date 7-18-2012

Lee Wolff, Member



Date 6/27/12