

**COPY**  
Feidmann, Nagel &  
MAR 18 2004  
Oliphant, LLC

**THIRD AMENDMENT TO  
FIRST AMENDED COVENANTS, CONDITIONS AND  
RESTRICTIONS  
FOR  
SAGEWOOD SUBDIVISION, FILING NO. 1  
TOWN OF HAYDEN, COLORADO  
(Addition of Sagewood Filing No. 2)**

**FILE COPY**

**KNOW ALL MEN BY THESE PRESENTS:**

**WHEREAS**, Sagewood Development, Ltd., a Colorado Limited Partnership, ("Declarant") being the owner of Sagewood Subdivision, Filing No. 1 ("Subdivision"), located in the town of Hayden, Routt County, State of Colorado;

**WHEREAS**, the First Amended Covenants, Conditions and Restrictions for Sagewood Subdivision, Filing No. 1 Town of Hayden, Colorado (Addition of Sagewood Filing No. 2) was filed on November 18, 2002, and an Amendment thereto was filed on May 11, 2004 (the First Amendment), as recorded in the office of Routt County Clerk and Recorder under Reception Number 601505, and a Second Amendment was filed on July 28, 2004 (the Second Amendment), as recorded in the office of Routt County Clerk and Recorder under Reception Number 605445, and whereby this document represents the third Amendment ("Third Amendment") to the First Amended Covenants, Conditions and Restrictions for Sagewood Subdivision, Filing No. 1 Town of Hayden, Colorado;

**WHEREAS**, that on Thursday, September 30, 2004, the second annual meeting for the Sagewood Property Owners Association, Inc., was called by the Board of Directors at 6:30 p.m. in the Board Room at the First National Bank of the Rockies, 252 West Jefferson, Hayden, Colorado, and that on Friday, February 11, 2005, a special meeting for the Sagewood Property Owners Association, Inc., was called by the Board of Directors at 5:30 p.m. in the offices of Prudential Real Estate, 1875 Central Park Drive, Steamboat Springs, Colorado:

**WHEREAS**, the Association members were noticed of such respective meetings and provided an agenda for each of the respective meetings pursuant to C.R.S. §38-33.3-308;

**WHEREAS**, the Association discussed and elected to amend the covenants with respect to pet restrictions, that fence restrictions be amended, and that provisions of dwelling size and quality be amended relating to building corners and roof pitch;

**WHEREAS**, the Board of Directors for the Association has adopted resolutions recommending amendments as just described to the First Amended Covenants, Conditions and Restrictions, as amended, which on each occasion was authorized by a vote by at least seventy-five percent (75%) of the owners at each respective meeting as cited herein,

**COPY TO CLIENT**  
03-18-05



TO WIT:

According to the Recorded Plat, the Subdivision does hereby establish this Amendment to the First Amended Covenants, Conditions and Restrictions ("Declaration") recorded in the office of Routt County Clerk and Recorder under Reception Number 573032, dated November 18, 2002, and as amended on May 11, 2004, and July 28, 2004, as recited herein, shall amend and replace the applicable provisions of the Declaration and amendments thereto for the purpose of creating and keeping the Subdivision attractive and aesthetically pleasing, all for the mutual benefit and protection of all property owners in the Subdivision.

Declarant has caused to be incorporated the Sagewood Property Owners Association, Inc. ("Association"), a Colorado nonprofit corporation, for the purposes described in its Articles of Incorporation and the Declaration. Further, the Declarant does hereby declare that the following amendment (the "Third Amendment") to the Declaration shall hereafter apply to the above described Subdivision as further restrictive and protective covenants running with the land and shall hereafter be binding upon the Declarant and all future owners of any part of said Subdivision:

Declarant and the Association hereby amends Article IV. Residential Use Covenants, subsections (b) and (c) to section 4.02 to read as follows:

**4.02 Dwelling Size and Quality.**

(b) All buildings must have at least five (5) exterior corners, extending from the sill plate to top plate on either the ground floor or a combination of ground floor and second story, with a minimum offset at corner to be 36 inches resulting in a minimum of at least one additional ridgeline. Dormers, cantilevers, or deck corners shall *not* be allowed to count as such a corner. Victorian designs as approved by the Architectural Committee could have four (4) main corners if in addition there are substantial covered porches (one-third or more of building frontage).

(c) All roofs to have a minimum pitch of 6 in 12. Factory painted metal roofing is allowed excepting galvanized and white. Roofs shall be nonreflective.

Declarant and the Association hereby amends Article IV. Residential Use Covenants, section 4.04 (as amended July 28, 2004) to read as follows:

**4.04 Fences.** Any fence, wall or similar type barrier to be constructed, erected or maintained on a Lot shall not exceed seventy-two inches (72") in height and shall not interfere with or encroach upon any trail easements or rights of way. Fences shall not be installed anywhere in front of the building foundation line closest to the street.

Declarant and the Association hereby amends Article IV. Residential Use Covenants, section 4.11 to read as follows:



**4.11 Animals and Pets.**

(a) No noisy, obnoxious or offensive animals, including but not limited to, livestock nor poultry shall be raised, bred or kept or allowed on any Lot. An aggregate total of three (3) dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose and are at all times quiet and clean and are restricted to the rear and side areas of each Lot kept in accordance with all applicable laws, rules and regulations of the appropriate governmental authorities. The board of directors with the advice and counsel of a veterinarian may identify specific breeds such as Pit Bulls that will not be permitted in the subdivision.

(b) Animals and pets which are allowed must be kept and restricted to a cleanly maintained and fenced area at the rear portion of the lot (rear of the foundation) or either side yard (sides of the foundation) if the entire fenced area is opaque. In all other areas of the Subdivision, animals must be on leash under a handler's immediate control. Under no circumstances shall animals be chained or tied to a leash outdoors.

(c) All animals must be insured by their owners for liability for a minimum of \$100,000. The board of directors may request proof of insurance.

Declarant and the Association additionally publishes and corrects a scrivener's error contained on the Second Amendment, as filed on July 28, 2004, and as further recited above, whereby such amendment reflected a 2/3 approval vote, however, seventy-five percent (75%) of the members had approved the Second Amendment at that time. Accordingly, the Second Amendment is hereby changed to reflect the correct approval vote of 75% rather than a 2/3 approval vote as initially indicated.


Pursuant to the special meeting as cited herein, the Declarant and Association have caused to adopt Rules and Regulations kept on file with the Association's Secretary.

FURTHER sayeth not.

Executed this 12th day of March, 2005.

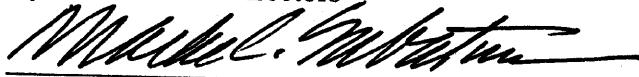
By: SAGEWOOD DEVELOPMENT, Ltd.  
a Colorado Limited Partnership

By Solleron Resources, Inc.,  
A Colorado Corporation,  
General Partner

  
\_\_\_\_\_  
Thomas M. Hallin, Declarant

By: SAGEWOOD PROPERTY OWNERS ASSOCIATION, Inc.  
a Colorado Not-For-Profit Corporation

By the Board of Directors



Mark Sabatini, President and Director

STATE OF COLORADO )  
 )ss.  
COUNTY OF ARAPAHOE )

Subscribed, sworn to and acknowledged before me this 12th day of March, 2005,  
by Thomas M. Hallin, as President of Soloron Resources, Inc., the General Partner of  
Sagewood Development, Ltd., a Colorado limited partnership.

WITNESS my hand and official seal.

My Commission expires:

1/7/09

**ETHAN MAXWELL**  
NOTARY PUBLIC  
STATE OF COLORADO

My Commission Expires 01/07/2009



STATE OF COLORADO )  
 )ss.  
COUNTY OF Summit )

Subscribed, sworn to and acknowledged before me this 16<sup>th</sup> day of March, 2005,  
by Mark Sabitini, as Director representative for the Sagewood Property Owners  
Association, Inc., a Colorado not-for-profit corporation.

WITNESS my hand and official seal.

My Commission expires:

20 2008

LISA AMERY  
NOTARY PUBLIC  
STATE OF COLORADO

