Prepared By: Summit & Main Realty Group - Office: (719) 792-9108

610 S Matterhorn Circle - Westcliffe, CO 81252 - Custer County- SE

2516075

Status: Active **Status Changed:** 05/01/2023 List Price: \$925,000 Org. List Price: \$925,000

Single Family Building **Listing Type:** For Sale **Property Type:**

1 story + basement, Contemporary Zoning: Style: Subtype: CC&R's-Yes, Resale Home, HOA-No **HOA/Month:** 0.00 -- Includes: Road Maintenance



MLS: 2516075 - SFB - Active - \$925,000

2006

General Listing Information:

Beds: 3 Sq Ft Total: 3.432 Acres: 40.05 **Full Baths:** 1 Sq Ft Main: 1.716 Lot Sq Ft: 1,744,578

1/2 Baths: Sq Ft Upstairs: Lot Dim: 1 0 3/4 Baths: 1 Sq Ft Downstairs: 1,716 Frontage:

Depth:

Garage: 2 Detached Garage Sq. Ft.: Sq Ft Other: Yr Built: 1,500

Carport: 0 Sq Ft Unfinished: 0 Yr Remodeled:

Levels: 2 (1 above ground) Sq Ft Source: Assessor **Total Rooms:** 13 Finance Terms: Cash, Conv. **Bsmt Type:** Full Basement, Walkout Basement, Main Bdrm LvI: Main

Floorplan & Room Dimensions:

Level	Name	Dims	Ceil.	Remarks	Level	Name	Dims	Ceil.	Remarks
Main	Bath 1/2	6.1x7.4			Lower	Bath Full	5.1x9.4		
Main	Bath 3/4	10.5x9.11			Lower	Bedroom	18.7x20.7		
Main	Dining	17.1x5.9			Lower	Bedroom	20.9x20.6		
Main	Kitchen	18x12.8			Lower	Family	25.7x19.1		
Main	Laundry	5.8x8.4			Lower	Sitting	20.9x20.6		
Main	Living	21.1x30.11			Lower	Utility	9.11x9.11		
Main	Main Bedroom	13.3x21.1							

Residential

Location Information:

610 S Matterhorn Circle - Westcliffe, CO 81252 - #: 12 Elem. School: Address:

Custer County- SE Section: Middle School: Area: County: Custer Range: Jr High School: Subdivision: Wakefield Hills Township: **High School:**

> Tax APN #: 0010159763

GPS: N38° 5.201' W105° 19.62' Gate #: Taxes Annual: \$2,009.04 Legal Desc.: LOT 12 WAKEFIELD HILLS 38.08667650 -105.32700170

From Westcliffe East on 96 to a right on CR 341. Right on Buttercup, Left on Edelweiss, Right on Larkspur, Right on N Matterhorn

Circle to the driveway on right. No sign. Come in on N Matterhorn Circle due to the sharp driveway turn off S Matterhorn.

Construction Information:

Directions:

Exterior Constr: Stone, Stucco Roof Type: Metal Foundation: Stem Wall

Heating: Electric Air Cond.: None

Comments/Remarks: Spacious Entertainer with Million-Dollar Mountain Views

Public Remarks: Mountain properties like this are hard to find! - Looking to get out of the big city? Looking for peace and quiet? - Wake up every morning to incredible views through oversized windows that wrap around the entire house. - This property has an amazing well that produces 10 gpm. - The land offers perfect positioning for getting off the grid with solar. - Only 15 minutes to the Sangre de Cristo wilderness areas. - There is an abundance of wildlife. - Ready made for an ADU extension. - Phone and DSL run to the house and garage. - Carpet credit will be considered. - Septic upgraded in March 2023 with 44 additional infiltrators, certifying 3-BR status. - All-electric home in Wakefield Hills Subdivision.

Unbranded Tour: https://my.matterport.com/show/?m=qhmCjgajwkB&brand=0&mls=1&

Utilities Services:

Utilities: Phone: Cell Service, Phone: Land Line, Power: Line On Meter, Septic: Has Permit, Septic: Has Tank, Water: Private Well (Drilled)

Features:

Features Prop.: Access- All Year, Deck(s), Landscape- Partial, Porch, Trees, View of Mountains

Features Int.: Ceiling Fans, Flooring: Carpet, Flooring: Tile/Clay, Vaulted Ceilings, Walk-in Closets, Window Coverings

Appliances: Dishwasher, Microwave, Oven/Range, Refrigerator, W/D Hookups, Water Heater

Listed By: Kimberly Powers - Summit & Main Realty Group

For more information contact: Summit & Main Realty Group - Office: (719) 792-9108



Date: 02/22/2024 Page 2 of 16

MLS #: 2516075 continued...

If you have any questions or would like more information about this listing or any other listings in the MLS, please contact:



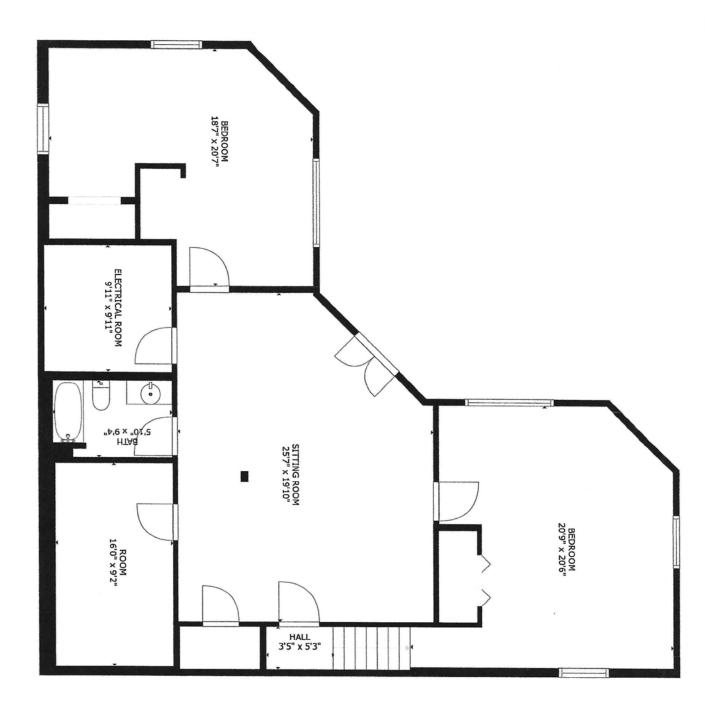
Summit & Main Realty Group

95 Main Street Suite A, PO Box 867 Westcliffe, CO 81252

Office: (719) 792-9108 www.summitandmain.com



GROSS INTERNAL AREA
FLOOR 1: 1581 sq. ft, FLOOR 2: 1645 sq. ft
EXCLUDED AREAS: , BALCONY: 370 sq. ft
TOTAL: 3225 sq. ft
SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.

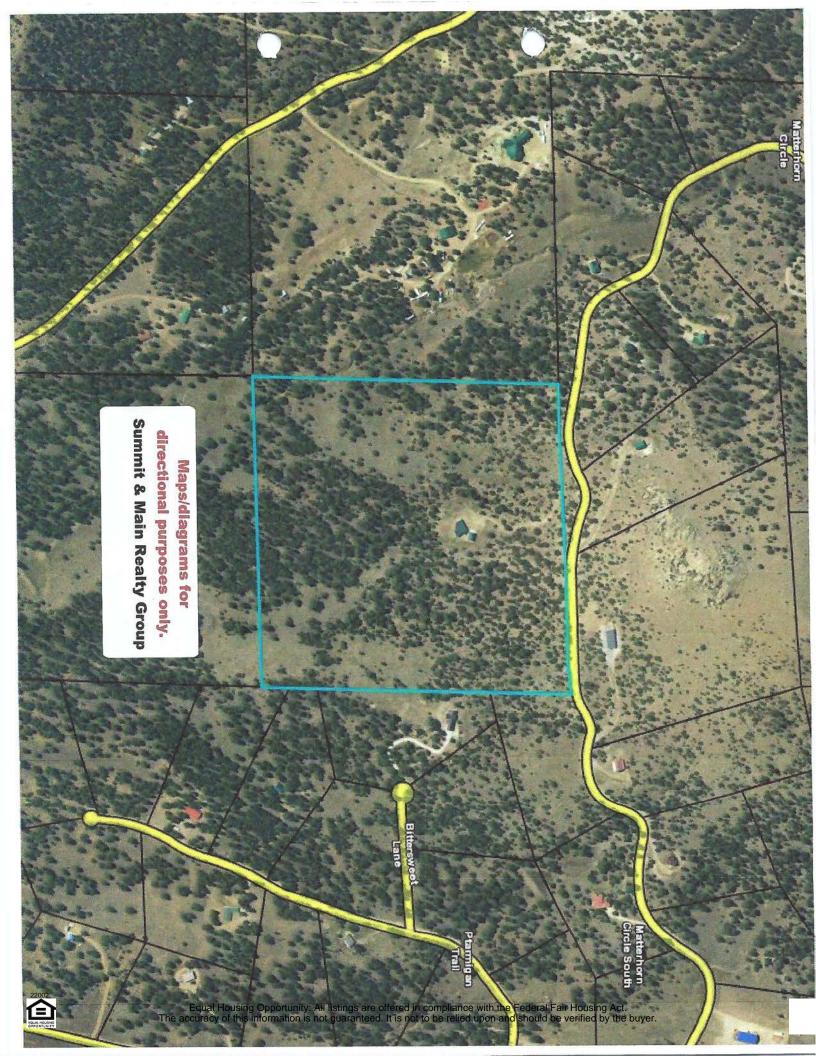




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SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.

PRIMARY BEDROOM 13'3" x 21'1" (F) BALCONY ROOM 10'5" x 5'9" HALL 14'9" x 12'1" HTA8 1'5 X "1'9 тя́иират "5'8 x "8'4" DINING ROOM 17'1" x 5'9" LIVING ROOM 21'1" × 30'11" KITCHEN 18'0" x 12'8" 0









APPLICANT

DIV. 2 CNTY. 14 WD 13 DES. BASIN

Lot: 12 Block: Filing: Subdiv: WAKEFIELD HILLS

APPROVED WELL LOCATION

CUSTER COUNTY

SW 1/4

SE 1/4

Section 33

MD

Twp 22 S

RANGE 71 W

6th P.M.

DISTANCES FROM SECTION LINES

800 Ft. from

South

Section Line

1950 Ft. from

East

Section Line

PERMIT TO CONSTRUCT A WELL

11587 N HOTSPRINGS DR

80134-

JIM LEMBECK

PARKER CO

(303)840-0555

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a tract of land of 40.05 acres described as lot 12, Wakefield Hills division of land, Custer County.
- 4) The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than 3 single family dwellings, the irrigation of not more than one (1) acre of home gardens and lawns, and the watering of domestic animals.
- 5) The maximum pumping rate shall not exceed 15 GPM.
- 6) The return flow from the use of the well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

APPROVED

(5)95 State E Receipt No. 0383074 D. Singer

DATE ISSUED JUN 0 5 1995

French. Soo

EXPIRATION DATE JUN 0 5 1997



GWS	"PUMP INSTALLATION AND TEST REPORT"	for office use only			
11/90	STATE OF COLORADO, OFFICE OF THE STATE ENGINEER	RECEIVED			
1.	WELL PERMIT NUMBER 187489	אמי את ממג			
2.	OWNER NAME(S): JIM LEMBECK Mailing Address: 11587 N HOTSPRINGS City, St. Zip: PARKER, CO 80134 Phone: 303-840-0555	APR 05 '96 WATER RESCAPOES STATE ENGINEES COLO			
3.	WELL LOCATION AS DRILLED: SW 1/4 SE 1/4, Sec.: 33 Twp.: 22 S Range: 71 W 6THP DISTANCES FROM SECLINES 800 ft. from SOUTH Sec. line, and 1950 ft. from EAST Sec. Line. (south or north) (cast or west) SUBDIVISION: WAKEFIELD HILLS LOT: 12 BLOCK: FILING (UNIT):				
4.	PUMP DATA Type: SUBMERSIBLE Installation Complete	ted 4-1-96			
	Pump Manufacturer JACUZZI Pump Model No Design GPMTEN at RPM: 3450, HP: 3/4, Volts:	230 Full Load Amore			
	Pump Intake Depth 160 Feet, Drop/Column Pipe Size 1" INCHES,	KIND SCH 80			
	ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM				
	TURBINE DRIVER TYPE				
	Design Head, Sh	aft size Inches.			
5.	Airline Installed Yes No, Orifice Depth ft. Monitor Tube Installed Yes No, Depth ft. Flow Meter Mfg. Meter Serial No. Meter Readout Gallons, Acre feet, Beginning Reading				
6.	TEST DATA Check box if Test data is submitted on Supplemental Formula Date 4-1-96 4-1-96				
	Total Well Depth 169' Time 11:30A.M	<u>4-1-96</u> <u>4-1-96</u> <u>1:30</u> <u>2:30</u>			
	Static Level 35' Rate (GPM) 15	12 11 11			
	Date Measured 4-1-96 Pumping Lvl. 36	60 120 120			
7.	DISINFECTION: Type CHLORINE BLEACH Amt. Used 1 PI	NT-POURED-CIRCULATED			
8.	Water Quality analysis available. Yes No				
9.	Remarks POTIBILITY ONLY				
10.	10. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge, (Pursuant to Section 24-4-104 m(13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.)				
	CONTRACTOR: YOUNG'S DRILLING & PUMP SERVICES INC. Phone: (719)	275-5482 Lic. No. 997			
	Mailing Address PO BOX 2123 CANON CITY, CO 81215				
22002	Name/Title (please type or print) Signature Offered in compliance with the Federal Property of the Property	eral Fair Patis no Act			
EQUAL HOUSENG OPPORTUNITY	The accuracy of this information is not quaranteed. It is not to be relied upon and sho	uld be verified by the burger.			

	STATE OF COLORADO, OFFICE OF THE	EST REPORT" HE STATE ENGINEER		
1.	WELL PERMIT NUMBER	187489 RECEIVED		
2.	OWNER NAME(S): JIM LEMBECK Mailing Address: 11587 N. HOTSPRINGS City, St. Zip: PARKER, CO 80134 Phone: (303) 840-0555			
3.	WELL LOCATION AS DRILLED: SW 1/4 SE 1/4, Sec.: 33 Twp.: 22 S Range: 71 W 6TH P			
	DISTANCES FROM SECLINES 800 ft.from SOUTH Sec. line, and 1950 ft. from EAST Sec. Line OR			
	SUBDIVISION: WAKEFIELD HILLS LOT: 12 BLOCK: FILING (UNIT):			
	STREET ADDRESS AT WELLLOCATION:			
4.	GROUND SURFACE ELEVATION: ft.			
5.	DATE COMPLETED: 7-9-95 TOTAL DEPTH: GEOLOGIC LOG:			
	Depth Description of Material (Type, Size, Color, Water location)	8 3/4 0 19		
	0-4 BROWN TOPSOIL 4-48 TAN CLAY	6.0 19 169		
	48-169 GRAY & TAN GRANITE	7. PLAIN CASING OD (in) Kind Wall Size From (ft) To (ft) 6 5/8 STEEL .188 1 19 4.5 PVC .214 9 109 4.5 PVC .214 129 149		
		PERF. CASING Screen Slot Size 3/32"		
		4.5 PVC .214 109 129		
		4.5 PVC .214 149 169		
		8. FILTER PACK Material: Size: Interval: Depth:		
	REMARKS: WATER 140', 152'	10. GROUTING RECORD: Material Amount Density Interval Placement CEMENT 2 SACKS 15.3 8'-18' POSITIVE		
11.	DISINEECTION Town CHI ODDIE DI EACH			
	DISINFECTION, Type CHLORINE BLEACH	Amt. Used: 1 GAL. WATER INJECTED 18 HRS		
12.	WELL TEST DATA Check box if test data is submitted on supplemental form TESTING METHOD: AIR LIFT Static Level: 30 ft. Date/Time Measured: 7/9/95 3:00P.M. Production Rate 10 gpm. Pumping Level: 169 ft. Date/Time Measured: 7/9/95 Test Length (hrs) 1 Remarks:			
13.	I have read the statements made herein and know the contents thereof, and (pursuant to section 24-4-104 (13)(a) C.R.S., the making of false statements punishable as a class 1 misdemeanor.	that they are true to my knowledge. herein constitutes perjury in the second degree and is		
	CONTRACTOR: YOUNG'S DRILLING & PUMP SERVICES INC. PHONE: (719) 275-5482 Lic. No.: 592			
	Mailing Address: P.O. BOX 2123 CANON CITY, CO 81215			
002	Name/Title (please type or print) ROBERT YOUNG/DRILLER Signature	Date 9-11-95		
HOUGHO RTUNITY	The accuracy of this information is not guaranteed. It is no	throughpliance with the Federal Fair Housing Add 2-95 of to be relied upon and should be verified by the buyer.		

COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

RECEIVED

MAR 28 '95

WATER RESOUR

HEVEIVE

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in BLACK INK. No overstrikes or erasures unless initialed.

(A PERMIT TO USE GROUND WATER

(火) A PERMIT TO CONSTRUCT A WELL FOR: (X) A PERMIT TO INSTALL A PUMP

> COLO. () REPLACEMENT FOR NO. _ () OTHER_ WATER COLIFT CASE NO

WATER COOK! (ASE NO.
(1) APPLICANT - mailing address	FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN
NAME JIM LEMBECK	Receipt No. 383074 / 2
STREET 11587 N. HOTSPRINGS DR	Basin Dist.
CITY PARKER CD 80134	CONDITIONS OF APPROVAL
TELEPHONE NO. 303 840 ASST	This well shall be used in such a way as to cause no material injury to existing water rights. The
(2) LOCATION OF PROPOSED WELL	issuance of the permit does not assure the applicant that no injury will occur to another vested water
County CUSTER	right or preclude another owner of a vested water right from seeking relief in a civil court action.
SW % of the SE %, Section 33	
Twp. 22 S, Rng. 71 W, 6th P.M.	
(3) WATER USE AND WELL DATA	
Proposed maximum pumping rate (gpm)	
Average annual amount of ground water to be appropriated (acre-feet):	
Number of acres to be irrigated:	
Proposed total depth (feet):	
Aquifer ground water is to be obtained from:	
- N/A	
Owner's-well-designation	
GROUND WATER TO BE USED FOR:	
() HOUSEHOLD USE ONLY - no irrigation (0) (AC) DOMESTIC (1) () INDUSTRIAL (5) () LIVESTOCK (2) () IRRIGATION (6) () COMMERCIAL (4) () MUNICIPAL (8)	
() OTHER (9)	APPLICATION APPROVED
DETAIL THE USE ON BACK IN (11)	
(4) DRILLER NOT DECIDED	PERMIT NUMBER
Name	EXPIRATION DATE
Street	CHECKS TR#383074 032895 60.00
City	DIV OF WATER RESOURCES (STATE ENGINEER)
	b compliance with the Federal Fair Housing Act.



The accuracy of this information is not guaranteed. It is not to be relied upon and should be verified by the buyer.

I.D.

(5) THE LOCATION OF THE PROPOSED WELL and the area on	(6) THE WELL MUST BE LOCATED BELOW by distances from section lines.
which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.	
+-+-+-+-+-+	800 ft. from SOUTH sec. line
1 MILE, 5280 FEET	1950 ft. from EAST sec. line (east or west)
+ + + + + + + + +	LOT 12 BLOCK NA FILING # NA
NORTH SECTION LINE	SUBDIVISION WAKEFIELD HILLS
+ - + -	(7) TRACT ON WHICH WELL WILL BE
+NORTH + + + + + + + + + + + + + + + + + + +	No. of acres 40.05 . Will this be
	_
AST SECTION THE TOTAL TOTAL TOTAL TOTAL THE TO	the only well on this tract? YEC
+ + + 5 + - +	(8) PROPOSED CASING PROGRAM
WEST SEC	Plain Casing
+ • + • + + + + + + +	65/8 in from +1 ft. to 19 ft.
*	
	4 in. from 15 ft. to 130 ft.
SOUTH SECTION LINE	Perforated casing
	4 in. from 130 ft. to 150 ft.
+ + + + + + + +	in. from ft. to ft.
	(9) FOR REPLACEMENT WELLS give distance
+-+-+-+-+-+-+	and direction from old well and plans for plugging it:
	/n
The scale of the diagram is 2 inches = 1 mile Each small square represents 40 acres.	- AJA
WATER EQUIVALENTS TABLE (Rounded Figures) An acre-foot covers 1 acre of land 1 foot deep	
1 cubic foot per second (cfs) 449 gallons per minute (gpm) A family of 5 will require approximately 1 acre-foot of water per year.	
1 acre-foot 43,560 cubic feet 325,900 gallons. 1,000 gpm pumped continuously for one day produces 4.42 acre-feet.	
Owner(s):	40 00
Legal description: L#12, WAKEFIELD ITIUS, COUNTY	OF COUNTER, STATE OF COLORADO
(11) <u>DETAILED DESCRIPTION</u> of the use of ground water: Househ system to be used.	old use and domestic wells must indicate type of disposal
HOUSEHOLD USES LAUDAI GARDON & LIVERT	DCK SERVE OPTO 2 CINGIS
HOUSEHOLD USE, LAWN, GARDEN & LIVEST FAMILY DWILLINGS SEPTIC SUSTEM I	,
FAMILY DWELLINGS, SEPTIC SYSTEM U	ITH LEACH FIELD.
(12) OTHER WATER RIGHTS used on this land, including wells. G	ve Registration and Water Court Case Numbers.
FAMILY DWELLINGS, SEPTIC SYSTEM U	ITH LEACH FIELD.
(12) OTHER WATER RIGHTS used on this land, including wells. G	ve Registration and Water Court Case Numbers.
(12) OTHER WATER RIGHTS used on this land, including wells. Gi Type or right Used for (purpose)	ve Registration and Water Court Case Numbers. Description of land on which used
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(12) OTHER WATER RIGHTS used on this land, including wells. Gi Type or right Used for (purpose) (13) THE APPLICANT(S) STATE(S) THAT THE INFORMAT	ve Registration and Water Court Case Numbers. Description of land on which used
(12) OTHER WATER RIGHTS used on this land, including wells. Given the land of	ve Registration and Water Court Case Numbers. Description of land on which used
(12) OTHER WATER RIGHTS used on this land, including wells. Gi Type or right Used for (purpose) (13) THE APPLICANT(S) STATE(S) THAT THE INFORMAT	ve Registration and Water Court Case Numbers. Description of land on which used





CUSTER COUNTY PERMIT FOR INSTALLATION OF ON-SITE WASTEWATER TREATMENT SYSTEM

101-59-763 S23033001 Issue Date: 3/30/2023

James P Lembeck 658 E Chaunsey Dr Pueblo West, CO 81007 (718) 647-9127

Septic Contractor: Robert Buffum Perc done by: Kit Shy Perc Date: 10/19/2001 Applicant: Owner

Permit Type: **Modification** System Type: **Standard** Property Address: **610 Matterhorn Circle South**

Legal: Wakefield Hills, Lot 12

Lot size: 40.05 Number of people: 6 Number of bedrooms: 3 Tank Size: 1000

This septic will serve a **Dwelling** Water: **Private Well**

Conditions: Depth to bedrock: >96" Depth to water: >96" Slope:

Hole #1: 13.29 Hole #2: 12.05 Hole #3: 12.47

Soil Type: 1 Treatment Level: 1 Effluent Application Method: Gravity

	Rock or Tire Chips Sq. Ft.	Mfd Media other than Chambers Sq. Ft.	Chambers Sq. Ft.	Number of Chambers
Trench	562	506	394	33
Bed	675	608	472	39

Comments:

I hereby certify that I have installed this	s system as designed:
Licensed Contractor / Homeowner	Date
Inspected on: $3.30-23$	By:
Amount use tax paid:	Date:
Vandag C. Court	Final approval date: 3-30-23
Zoning Office / Inspector	



106773

166773 09/01/1994 02:15P B: 270 P:177* Mary Kattnig - Custer County Clerk

WAKEFIELD HILLS

DECLARATION OF

PROTECTIVE COVENANTS,

CONDITIONS AND RESTRICTIONS

THIS DECLARATION, MADE THIS 1st day of September, 1994, by the GALE C. TURNEY TRUST and the BOBBIE TURNEY TRUST.

WITNESSETH

WHEREAS, the GALE C. TURNEY TRUST and the BOBBIE TURNEY TRUST are owners of certain real property in the County of Custer, State of Colorado, which is more particularly described as follows:

WAKEFIELD HILLS, A subdivision in Sections 32 and 33, Township 22 South, Range 71 West, and Section 5, Township 23 South, Range 71 West all of the 6th Principle Meridian pursuant to the plat thereof recorded an January 28, 1993 under Reception No. 161278 of the 28 records of Custer County, Colorado.

USE RESTRICTIONS, COVENANTS AND EASEMENTS

- 1. Building Use and Type: All lots designated shall be restricted to residential use either as vacation homes or year round dwellings. Such structures shall be only one family dwellings and shall be for residential use only. Auxiliary buildings or structures usual to a residence may be erected or placed thereon. Not more than one dwelling shall be erected or placed on any lot except that one guest house and one caretakers house which shall consist of not less than 600 square feet on the ground floor level may be erected in addition to the main dwelling. Private stable, shed or animal shelter with no minimum dimensions shall be permitted provided such are not used for any commercial purposes.
- 2. <u>Dwelling Size:</u> No primary dwelling shall be erected or placed on any lot unless such dwelling has a ground floor area of not less than 1,000 square feet, however, the guest house and caretaker's house ground floor area shall be of not less than 600 square feet exclusive of garages, carports, open porches, patios or court areas.
- 3. Temporary Residences: No basement, shed, tent nor structure of a temporary nature may be used as temporary or permanent living quarters. This covenant does not preclude vacation camping in tents, trailers, or campers for a period not to exceed thirty (30) continuous days.
- 4. Building Location: No building shall be crected nearer than hundred (100) feet from any boundary along a street, or so that any part of said building is closer than one hundred (100) feet to any of the other boundary lines of said premises. In case of single ownership of more than one tract, this restriction shall apply to the parcel as a whole. For the purpose of this, covenants, eaves, steps, and open porches shall be considered as a part of the building.
- 5. <u>Time of Construction:</u> Once construction is started it must be completed within twelve (12) months.



- 6. <u>Easements:</u> Easements for installation and maintenance of utilities, roadways and such other purposes incident to development of the property as reserved and shown by notes on the recorded plot of WAKEFIELD HILLS, will be kept open and readily accessible for use, service, and maintenance.
- 7. Nuisances: Nothing shall be done or permitted on any tract which may be or become an annoyance or nuisance to the neighborhood. No noxious or offensive activities shall be carried on upon any tract.
- 8. Garbage and Refuse Disposal: No part of the property above or below ground shall be used or maintained as a dumping ground for rubbish, trash, garbage, debris or other waste. At all times the property shall be maintained in a sanitary condition. Reasonable preventions shall be taken against fire hazards and no outdoor burning of any kind shall be permitted upon the premises (except for cooking) unless in an approved incinerator with ash control.
- 9. Water and Sewage: All water wells and sewage disposal systems placed upon any tract shall comply with the requirements of Custer County and the State of Colorado Health Departments. No septic tank or field system shall be nearer than one hundred (100) feet to any tract line except with the consent of the appropriate health official of the State, and no sewage, waste water, trash, garbage or debris shall be emptied, discharged or permitted to drain into any body of water in or adjacent to the subdivision. No outside toilets or privies shall be permitted on any tract. All toilet facilities must be a part of the residence or garage and any tract. All toilet facilities must be a part of the residence or garage and shall be of a modern flush type and connected with a proper septic tank system, or other system approved by the Health Department and otherwise complying within thiese covenants.
- 10. Mining Operations: No oil, gas, coal, sand, gravel, or other mineral development, drilling, refining, quarrying, mining, crushing, manufacturing, or processing operations of any kind shall be permitted upon or in any portion of the property; nor shall oil or gas wells, tanks, tunnels, mineral excavations or shafts be permitted. The foregoing shall not be construed to prevent the drilling of water wells to serve the premises for domestic purposes.
- 11. Hunting, Trapping and use of Firearms: No hunting nor trapping of any kind shall be permitted in any of the areas covered by these covenants. Further, no use of or discharge of firearms shall be permitted within any of the land area herein covered with the only exception being that an individual lot owner or their invitees may target shoot in their lot only.
- 12. Commercial Activity: No Store, office or other place of business of any kind shall be erected or permitted upon any of the residential lots or any part thereof and no commercial activity shall be permitted.
- 13. Mobile Nomes: No mobile home or trailer type residential dwelling will be allowed in the subdivision except as set forth in Paragraph 3.
- 14. Re-Subdividing: There shall be no re-subdividing of any of the said lots.
- 15. <u>Utilities:</u> All utilities shall be underground.
- 16. Animals and Pets: All animals, livestock, and pets shall be penned up, chained up or fenced at owner's expense and shall be the sole obligation and expense of the lot owner.

Page 2 of 4





166773 09/01/1994 02:15P B: 270 P: 179 Mary Kattnig - Custer County Clerk

- 17. County, State, and Federal: All county, state, and federal laws and guidelines shall be followed in regard to zoning and zoning laws, building and building codes, water and water rights, if any, fire prevention and supression, preservation of natural resources an otherwise.
- 18. Covenants to Run With the Land: These covenants and restrictions shall run with the land, and shall be binding upon all successive and future owners and occupants who shall have the same right to invoke and enforce the covenants, conditions, restrictions, and reservations applicable to this conveyance as the original parties hereto.
- 19. Enforcement: The declarant and any one or more owners of a parcel in the tract of land described above shall be entitled to maintain legal or equitable proceedings to enjoin, abate or obtain other appropriate relief in respect to any and all breaches of the protective covenants set forth herein against any person(s) or associations violating or attempting to violate any covenant, to either to restrain violation or to recover damages. The failure to enforce any right, reservation, restriction or condition contained herein, however long continued, shall not be deemed a waiver of the right to do so thereafter, as to the same breach, or as to breaches occurring prior to or subsequent thereto and shall not bar or affect its enforcement. Invalidation by any court of any restriction herein contained shall not in any way affect any of the other restrictions, but they shall remain in full force and effect.
- 20. <u>Liability:</u> There is no common expense liability for any lot within the meaning of the Colorado Common Interest Ownership Act since there is no Property Owners Association and no common expenses or amenities.
- 21. Amendments: These covenants may be amended by the affirmative vote of two-thirds (2/3) of all of the lot owners. Each lot shall be entitled to one vote per lot. The owners of at least one-third (1/3) of the lots may call for a vote on the proposed amendment. Copies of the proposed amendments shall be sent to each lot owner by certified mail. The notice shall provide that the vote shall be held at a time and place in Custer County, Colorado at least thirty (30) days after the mailing of said notice. Voting may be by mail, personally or by written proxy.

IN WITNESS WHEREOF, the Grantors have caused these covenants to be adopted <u>lsr</u> day of <u>September</u>, A.D., 1994.

GALE C. TURNEY TRUST

BOBBIE TURNEY TRUST

By: Babbie Turky Junter

STATE OF COLORADO)

COUNTY OF LOGan

The foregoing instrument was acknowledged before me on this 36 day of (1603 , 1994, by

As trustee of the GALE C. TURNEY TRUST

Witness my hand and official seal.

My commission expires: 12-3196

PUBLIC
IN AND OF

Mul Delande

STATE OF COLORADO)

COUNTY OF LOGON !

The foregoing instrument was acknowledged before me on this 200 day of (200), 1994, by

As trustee of the BOBBIE TURNEY TRUST

Witness my hand and official seal.

My commission expires: 12 3/- 96



Mich Delanikas

