

497 & 550 Bear Peak Rd - Westcliffe, CO 81252 - Custer County- NE

MLS: 2516608 - VL - Active - \$299,900

MLS #:	2516608	File #:	497 & 550 Bear Peak
Status:	Active	Status Changed:	02/13/2024
List Price:	\$299,900	Org. List Price:	\$299,900
Property Type:	Vacant Land/Acreage	Listing Type:	For Sale
Subtype:	AB-Any Builder, SFB Allowed, MFG Allowed, HOA-No, CC&R's-Yes	Zoning:	Agricultural, Residential
Acres:	42.16	Lot Dim:	
Lot Sq Ft:		Depth:	
Frontage:			
Finance Terms:	Cash, Conv.		

**Location Information:**

Address:	497 & 550 Bear Peak Rd - Westcliffe, CO 81252 - #: 16 & 17	Elem. School:	Custer County
Area:	Custer County- NE	Middle School:	
County:	Custer	Jr High School:	
Subdivision:	Silver Cliff Heights	High School:	
Gate #:		Tax APN #:	0010112352, 0010223600
Legal Desc.:	LOTS 16 & 17 SILVER CLIFF HEIGHTS #2	Taxes Annual:	\$1,513.46
Directions:	From Westcliffe, east on Main St (Hwy 96), left on Oak Creek Grade (CR 255), right on Aspen Trail Rd, stay right at first Y, follow around to the right to 2nd Y, bear left, at 3rd Y, bear left on Bear Peak Rd, follow to end, gate with a "Richard" sign. Through gate, then left down drive.	GPS:	N38° 12.882' W105° 20.457' 38.21469400 -105.34095150

Comments/Remarks: 40+ Acres, Two Lots, VIEWS!, Well, Septic & NO HOA

Public Remarks: Travel about 7 miles outside Westcliffe, Colorado, down a slightly winding dirt road to another series of winding dirt roads to arrive at a dead-end SPECTACULAR destination! These two lots are rife with trees, views, and improvements! Pass through the gated entrance, drop down the established driveway to the open, rolling, build site, complete with well and septic system. Summer getaway, home site, camping? All are available at this location. One camper on-site stays, as do the additional outbuildings (wood shed and storage shed). Now, let's talk about the INSPIRING long-range views of the Sangre de Cristo Mountains from this location! You'll see them from the property any time you look to the West. Because this offering is two separate lots, the other lot is also eligible for a well and septic should you choose to really maximize your investment. This is country living at its finest. The landscape is an open palette for your imaginative dreams, and even better, you'll have no drive-by traffic. Each lot is just over 20 acres, with plenty of room to roam, hike, play, enjoy, or just BREATHE. We've got more information if you'd like it (Pssst... don't wait too long!).

Utilities Services:

Utilities: Legal Access: Yes, Power Source: Solar, Propane: Available, Septic: Has Permit, Septic: Has Tank, Water: Private Well (Drilled)

Features:

Features Prop.: Access- All Year, Horse Property, Pond, RV/Boat Parking, Trees, View of Mountains

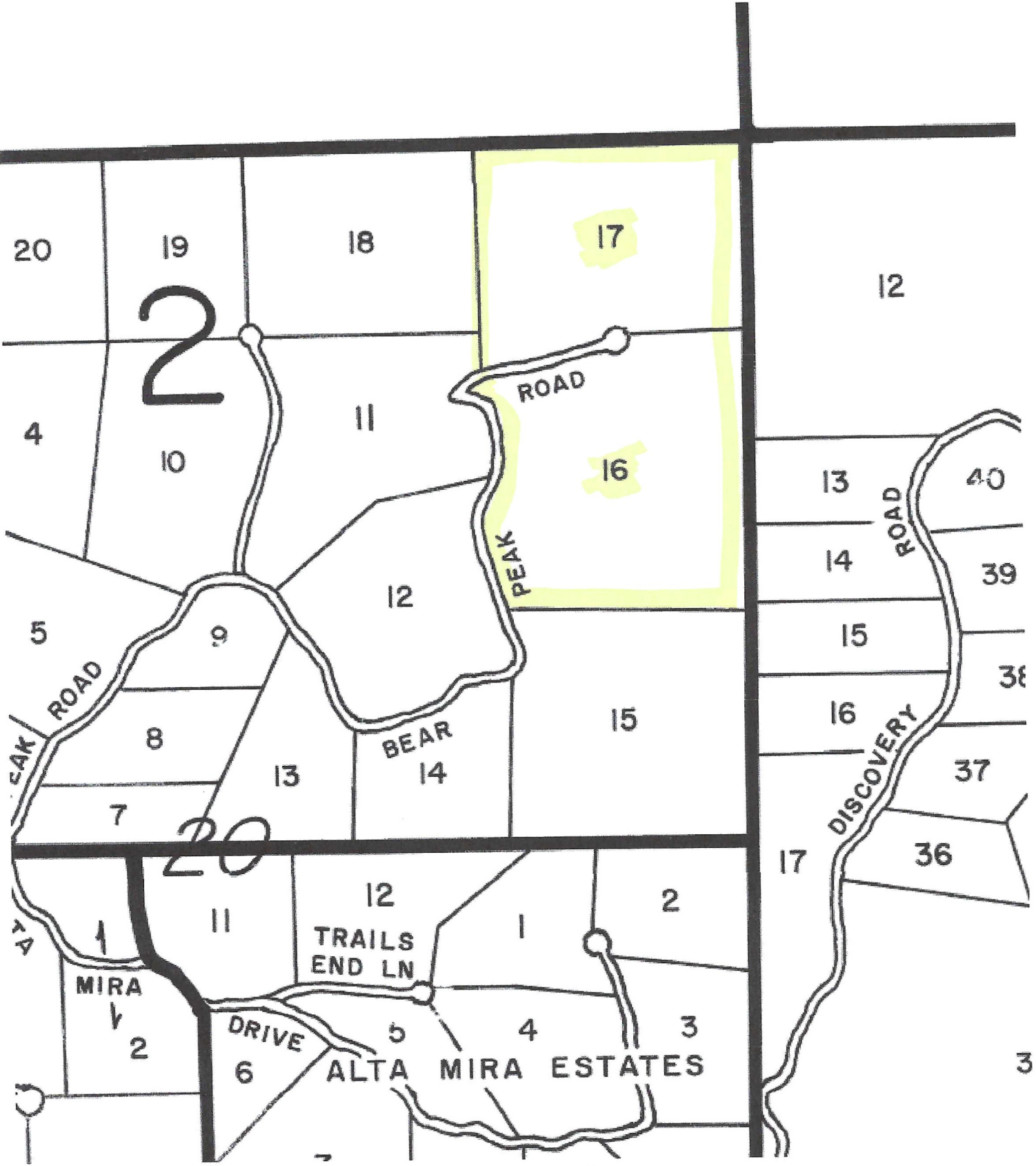
Listed By: Kimberly Powers - Summit & Main Realty Group

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

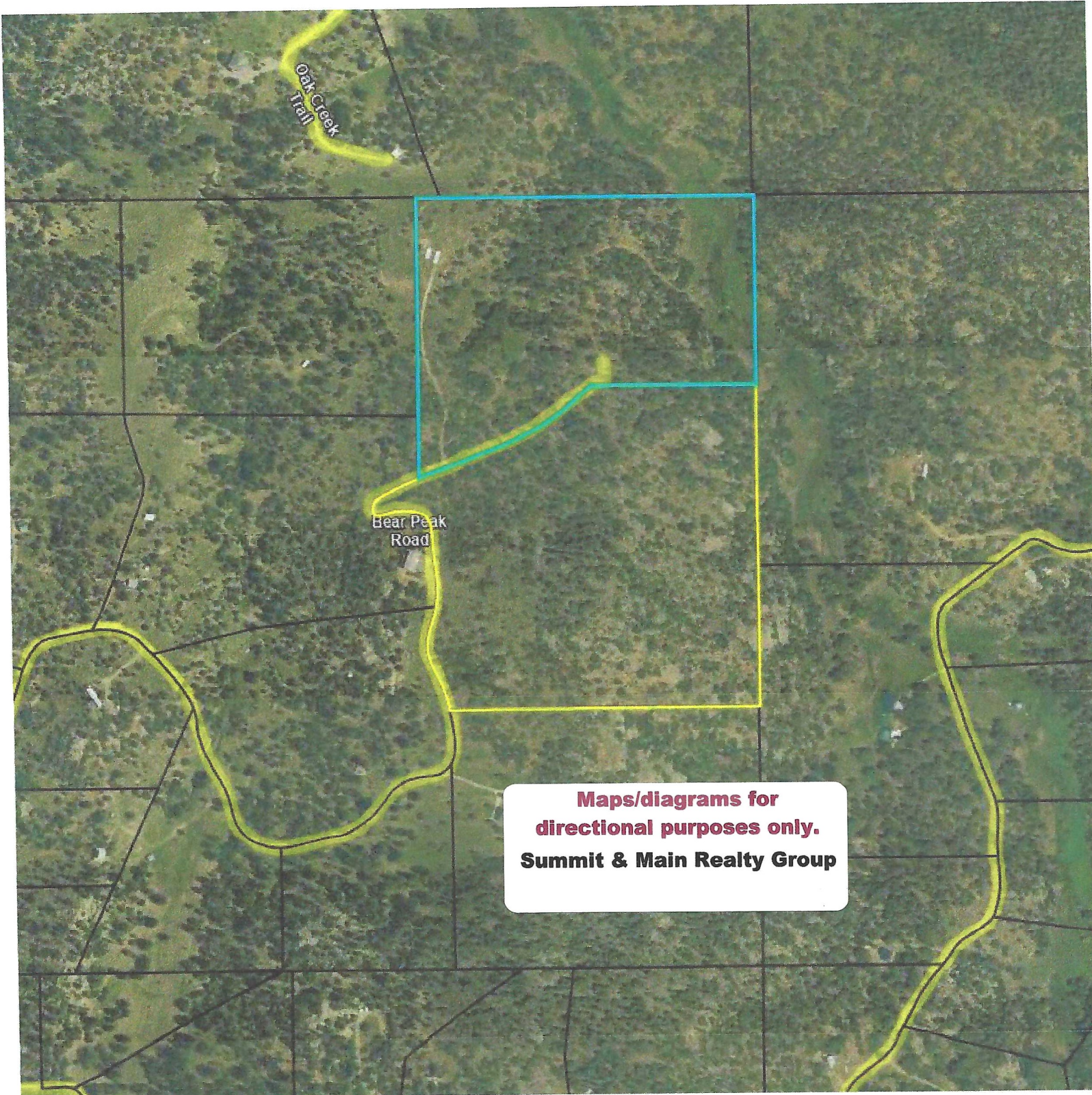
Office: (719) 792-9108
www.summitandmain.com



Maps/diagrams for directional purposes only.
Summit & Main Realty Group



Equal Housing Opportunity: All listings are offered in 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.



**Maps/diagrams for
directional purposes only.
Summit & Main Realty Group**

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1043

WELL PERMIT NUMBER <u>221342</u>			
DIV. 2	WD 13	DES. BASIN	MD

APPLICANT

Lot: 17 Block: Filing: 2 Subdiv: SILVER CLIFF HEIGHTS

SANTIAGO & DOREE NEWBERY
7377 GLACIER VIEW RD
LONGMONT, CO 80503-

APPROVED WELL LOCATION

CUSTER COUNTY
NE 1/4 NE 1/4 Section 20
Township 21 S Range 71 W Sixth P.M.

DISTANCES FROM SECTION LINES

200 Ft. from North Section Line
240 Ft. from East Section Line

(303) 530-2556

PERMIT TO CONSTRUCT A WELL

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 this 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 residential site of 20.54 acre(s) described as lot 17, filing 2, Silver Cliff Heights Subdivision, Custer County.
- 4) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The return flow from the use of this 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.

MPS
10/18/99

APPROVED
MPS

Hal D. Simpson
State Engineer

Michael P. Schenk
By



Receipt No. 0451687

State Engineer
Equal Housing Opportunity

DATE ISSUED

OCT 19 1999

By

EXPIRATION DATE

OCT 19 2001

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

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OCT 01 1999

COLORADO DIVISION OF WATER RESOURCES
DEPARTMENT OF NATURAL RESOURCES
1313 SHERMAN ST., RM. 818, DENVER CO 80203
phone - info: (303) 866-3587 main: (303) 866-3581

WATER RESOURCES
STATE ENGINEER

Water Well Permit Application
Must be completed in black ink or typed

NEW HOUSEHOLD USE ONLY
Review instructions prior to completing form

1. APPLICANT INFORMATION				6. USE OF WELL					
Name of applicant <i>Santiago AND/OR DOREE Newbery</i>				ORDINARY HOUSEHOLD PURPOSES INSIDE ONE SINGLE FAMILY DWELLING (NO OUTSIDE USE)					
Mailing Address <i>7377 Glacier View Road</i>									
City <i>LONGMONT</i>		State <i>CO</i>						Zip code <i>80503</i>	
Telephone Number (include area code) <i>303-530-2556</i>									
2. TYPE OF APPLICATION				7. WELL DATA					
CONSTRUCT A NEW HOUSEHOLD USE ONLY WELL ON LESS THAN 35 ACRES				MAXIMUM PRODUCTION RATE OF THE WELL WILL NOT EXCEED 15 GPM					
3. REFER TO (if applicable):				8. TYPE OF RESIDENTIAL SEWAGE SYSTEM					
Monitoring hole acknowledgment # MH-				<input checked="" type="checkbox"/> Septic tank / absorption leach field <input type="checkbox"/> Central system District name: _____ <input type="checkbox"/> Vault Location sewage to be hauled to: _____ <input type="checkbox"/> Other (attach copy of engineering design)					
4. LOCATION OF WELL				9. PROPOSED WELL DRILLER (optional)					
County <i>Custer</i>		Quarter/quarter <i>NE 1/4</i>		Quarter <i>NE 1/4</i>		Name <i>Negrette Drilling</i>			
Section <i>20</i>		Township N or S <i>21</i>		Range E or W <i>71</i>		License number <i>1043</i>			
Principal Meridian <i>6th</i>		Distance of well from section lines <i>200</i> ft. from <input checked="" type="checkbox"/> N <input type="checkbox"/> S		<i>240</i> ft. from <input checked="" type="checkbox"/> E <input type="checkbox"/> W		10. SIGNATURE of applicant(s) or authorized agent			
Well location address, if different from applicant address (if applicable) <i>550 Bear Peak Westcliffe CO 81252</i>				The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.					
5. TRACT ON WHICH WELL WILL BE LOCATED				Must be original signature <i>[Signature]</i>					
A. You must check one of the following - see instructions				Title <i>LAND OWNER</i>		Date <i>30 Sep 99</i>			
<input checked="" type="checkbox"/> Subdivision: Name <i>Silver Cliff Heights</i> Lot # <i>17</i> Block # _____ Filing/Unit# <i>2</i> <input type="checkbox"/> County Exemption (copy of county approval & survey must be attached) Exempt. name/# _____ Tract # _____ <input type="checkbox"/> Mining claim (attach copy of deed or survey) Claim name/# _____ <input type="checkbox"/> Other (attach legal description to application)				Office Use Only <i>Pro SB 35 files</i> <i>W.C.</i>		DWR Map No.			
B. STATE PARCEL ID# (optional): _____				CHECKS TRW451687 100199 DIV OF WATER RESOURCES DIV <u>2</u> CO <u>14</u> WD <u>13</u> BA _____ MD _____ USE MD					
C. # of acres in tract <i>20.54</i>									
D. THIS WILL BE THE ONLY WELL ON THIS TRACT									



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Form GWS-49 (12/95)

HOUSEHOLD USE ONLY - GENERAL INSTRUCTIONS

There are a variety of uses for ground water in Colorado. This form (GWS-49) is to be used when applying for a permit for a NEW well that would be USED FOR ORDINARY HOUSEHOLD USE IN ONE SINGLE-FAMILY DWELLING. This type of well CANNOT be used for outside uses such as the watering of domestic animals and the watering of home gardens and lawns.

This form should not be used in the following cases:

REPLACEMENT of an existing well - Use form GWS-44
If OUTSIDE use is proposed - Use form GWS-44

FEES The application must be submitted with the required \$60 non-refundable filing fee.
Checks should be payable to the COLORADO DIVISION OF WATER RESOURCES.

Applications are evaluated in chronological order. Please allow approximately six weeks for processing.

APPLICATIONS must be completed clearly, and legibly, in BLACK INK or typed. ALL ITEMS in the application must be completed. Incomplete applications may be returned to the applicant for more information. Do not change or alter this application in any way.

THE LOCATION of the well in item 4 must be correctly and accurately described. The county, quarter/quarter, section, township, range, principal meridian, and distance from section lines must be provided.

NOTE: Distances are not necessarily the same distances as the distances from (your) property lines.

For additional assistance in describing the location of your well review the publication entitled "How to Determine Well Locations" which was provided with your packet, or can be requested from any Colorado Division of Water Resource office.

A LEGAL DESCRIPTION of your lot or parcel of land is required in item 5. If your lot is not in a recorded subdivision, attach a copy of a deed or legal description that shows your tract was split from a larger tract prior to June 1, 1972.

An ORIGINAL signature must be on each application. The applicant's authorized agent may sign the application, if a letter signed by the applicant is submitted with the application authorizing them to act as agent for the purpose of obtaining a well permit.

IF YOU HAVE ANY QUESTIONS regarding any item on the application form, please call the Division of Water Resources Ground Water Information Desk (303-866-3587), or the nearest Division of Water Resources Field Office located in Greeley (970-352-8712), Pueblo (719-542-3368), Alamosa (719-589-6683), Montrose (970-249-6622), Glenwood Springs (970-945-5665), Steamboat Springs (970-879-0272), or Durango (970-247-1845).

DETAILED INSTRUCTIONS ARE AVAILABLE UPON REQUEST

COLORADO DIVISION OF WATER RESOURCES, 1313 SHERMAN STREET, ROOM 821, DENVER, CO 80203

PHONE 303-866-3587 (Information), 303-866-3581 (Main), 303-866-3447 (Well & Water Rights Records), 303-866-3589 (Fax)

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



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WATER RESOURCES
STATE ENGINEER
COLO.

Date: 9/29/99

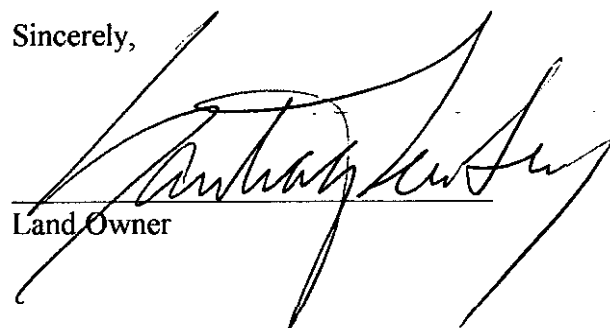
Colorado Division of Water Resources
1313 Sherman St., RM 818
Denver, CO 80203

Dear Permit Technician:

This correspondence is to let you know I have given Nequette Drilling and Excavating, Inc., permission to act as my agent in the preparing and to receive any correspondence regarding the Water Well Permit Application I am applying for. I ask that you contact a representative from that company for any questions on my application.

If you have any questions or concerns in this mater please call her at 719-783-2652 or write to her at P. O. Box 186, Westcliffe, CO 81252.

Sincerely,



Land Owner

Form No
11/90
Rev. 2/94

WELL CONSTRUCTION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use GWS.-31

GWS 31-91-01 REV.2/94

RECEIVED

JAN 28 2000

WATER RESOURCES
STATE ENGINEER
COLO.

1. WELL PERMIT NUMBER **221343**
2. OWNER NAME(s) **Doug Coleridge**
Mailing Address **4977 Bur Oak Lane**
City, St. Zip **Parker, CO 80134**
Phone **(303) 841-4712**

3. WELL LOCATION AS DRILLED: SW 1/4, SW 1/4, Sec. 32, Twp 20 S, Rng. 72 W, 6th PM
DISTANCE FROM SEC. LINE:
1250 ft. from South Sec. line and 400 ft. from West Sec. line. OR:
(north or south) (east or west)
SUBDIVISION: Cody Park LOT: 1 BLOCK: FILING: 5

4. GROUND SURFACE ELEVATION FT. DRILLING METHOD: Air Percussion
DATE COMPLETED: 1-11-00 TOTAL DEPTH 465 FT. DEPTH COMPLETED 465 FT.

5. GEOLOGIC LOG:

DEPTH	DESC. OF MAT	WATER LOC.
0	102	Pink and Gray Granite Alterating w/ Min.
102	107	Decomposed & Fractured Gray Granite
107	140	Pink and Gray Granite
140		Fractured
158		Fractured
330	337	Gray Granite with Mica
337	396	Gray & Pink Granite
396	405	Pink Granite
405	431	Gray Granite
431	456	Pink Granite
456	465	Gray Granite

REMARKS:

6. HOLE DIAM.(in)FROM (ft.)TO(ft.)
9 3/4
8 5/8 0 19
6 19 TD
5 1/2

7. PLAIN CASING
OD(in) Kind Wall Size From(ft.) To(ft.)
6 5/8 Steel .188 +1 19
4" PVC-200 .227 15 405

PERF CASING: Screen Slot Size: .025
6 5/8 Steel
4" PVC-40 .237 405 465

FILTER PACK: 9. PACKER PLACEMENT:
Material: Type:
Size: Interval:
Interval: Depth:

10. GROUTING RECORD:
Material: Cement
Amount: 3 bags w/ 16 gals.
Interval: 1' - 19'
Placement: Poured & Vibrated

11. DISINFECTION: Type H.T.H. Amt. Used 11 ozs
12. WELL TEST DATA: Check if Test Data is submitted on Supplemental Form
TEST METHOD Air.

Static Level 85 ft. Date/Time measured Production Rate 2 G.P. Min/ 1 Reliable
Pumping level ft. Date/Time measured Test length (hrs) 2

13. I have read the statement made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104 (13) (a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as class 1 misdemeanor.]

CONTRACTOR **Nequette Drilling** Phone **719-783-2652** Lic No. **1043**
Mailing Address **P.O. Box 186 Westcliffe, CO 81252**



Name/Title **David J. Nequette Driller/Owner** Signature *[Signature]*

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AB97-0167

Custer County, Colorado
Zoning Permit Application for an Accessory
Structure,
Either Open or Closed; or for Deck, Porch
or Balcony

Submit this application with the permit fee, and a drawing of the property that shows existing buildings, proposed buildings, wells and other water sources, and components of sewage disposal systems. The drawing must also show distances from the property lines to buildings, water sources and sewage disposal systems, as well as the access to the property.

This permit is for a structure that will NOT be used for human habitation.

This permit is valid for two years from the date of issue. If the exterior of the structure has not been completed in that time period, a new permit must be issued before further construction takes place.

The Custer County Zoning Resolution requires structures be located a minimum of 50 feet back from all property lines, including roadways, and structures be no higher than 25 feet.

PLEASE TYPE OR PRINT LEGIBLY

Land Owner	<u>Dorcie + Santiago Newberry</u>
<small>All land owners must be listed on this application.</small>	
Address	<u>7377 Glacier View Rd</u>
City, State, Zip	<u>Langmont, Co 80503</u>
Telephone (Home)	<u>(303) 530-2556</u>
(Business)	<u>(303) 530-2931</u>
Builder	<u>David + Ellie Heck</u>
Address	<u>620 Fowler</u>
City, State, Zip	<u>Silver Cliff, Co</u>
Telephone (Home)	<u>(303) 783-9537</u>
(Business)	<u>()</u>

Schedule Number for the Property: 102-23-600
(Assigned by the County Assessor's Office - Shown on the Tax Bill)

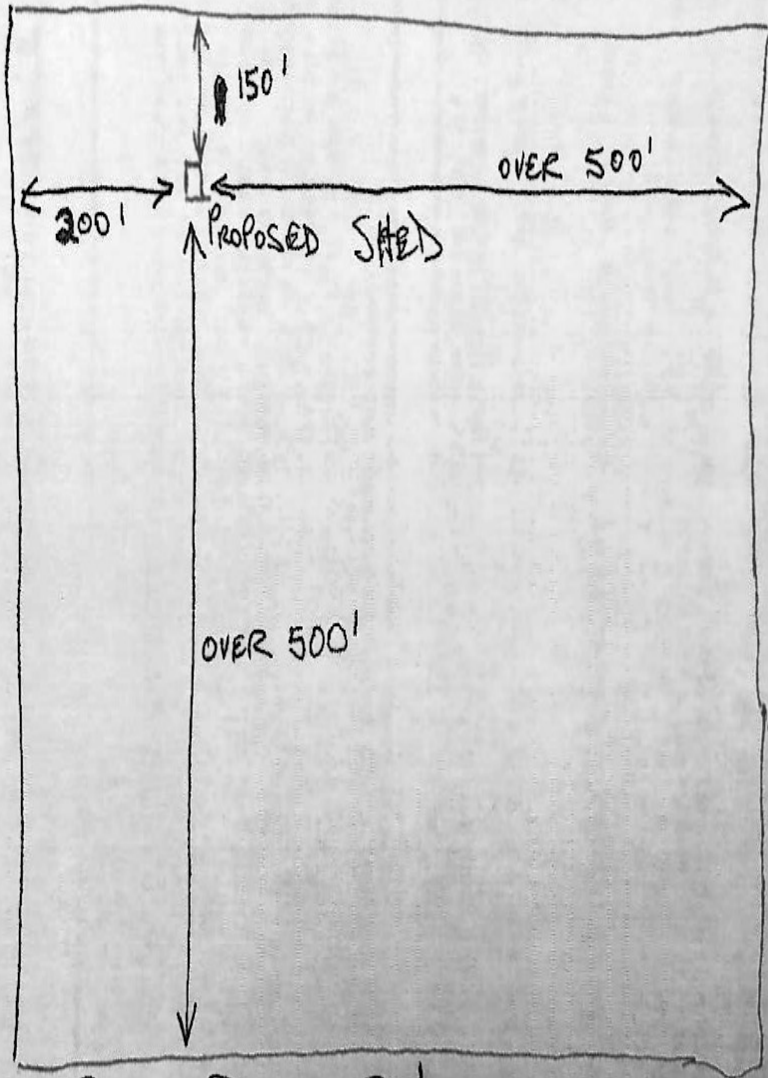
Legal Description of the Property: SE 4 2, 6 + 17

Property Address: 550 Pan Peak Rd
Silver Cliff Heights
Westcliffe, Co -

ZPMTABEO.WPS



107 72-600



550 BEAR PEAK Rd

SANTIAGO NEWBERRY



NOWRA

National Onsite

Wastewater Recycling Association, Inc.

P.O. Box 647, Northbrook, IL 60065-0647 • 847/559-9233

HOMEOWNER'S SEPTIC TANK SYSTEM GUIDE AND RECORD KEEPING FOLDER

SANITARY PERMIT:

ISSUED TO: Doree & Santiago Newberg DATE ISSUED: 8/20/99
ADDRESS: 550 Bear Blk Rd
LEGAL DESCRIPTION: sch 2, lot 17

SYSTEM DESCRIPTION:

SEPTIC TANK SIZE (GALLONS): 1000 PUMP TANK SIZE (GALLONS): _____
DRAINFIELD TYPE: TRENCHES BED MOUND LPP
 AT-GRADE LEACHING CHAMBERS OTHER: _____

DRAINFIELD DIMENSIONS: 17 IN FILTERS
ACCESSORIES: OUTLET FILTER AEROBIC TREATMENT UNIT
 SAND FILTER PUMP SIPHON
 D-BOX DIVERSION VALVE
 OTHER: _____

INSTALLING CONTRACTOR: Neavette Drilling
ADDRESS: _____
TELEPHONE: _____

SEPTIC TANK PUMPER: _____
ADDRESS: _____
TELEPHONE: _____

SYSTEM MAINTENANCE RECORD

DATE	DESCRIPTION	DATE	DESCRIPTION

PROVIDED TO YOU BY:

Custer County
Planning and Zoning
P.O. Box 203
Westcliffe, CO 81252



CUSTER CO. COPY

**Individual Sewage Disposal System
Information Sheet**

Client: Newbery
Street Address: 7377 Glacier View Road
City, State, Zip: Niwot, CO 80503
Phone No: 303 530 2556 **Fax No:**

Location of Proposed System

Address: Westcliffe, CO. 81252

Legal Description: Lot 17, Filing No.2, Silver Cliff Heights

General Information

Residential **Commercial** _____ **Multifamily** _____

Lot Size: 20.54 acres * **Water Supply:** Proposed Well

System Use: DOMESTIC **Type of System:** NEW

Number of Bedrooms in Dwelling: 3 **Garbage Disposal** _____ **Washer**
Dishwasher

Results

Design Perc Rate in Min In: 8 **Depth to Bedrock:** >8 FT. **Depth to Water:** >8 FT.
Slope: 5% N

Based on Known Data and per Custer Co. regulations, the system is acceptable for the following: **Standard System** **Engineered System** _____

***Minimum Septic Tank Size:** _____ GAL. ***Minimum Absorption Area:** _____ SQ FT.

***Comments:** Tank size and absorption area will be calculated by the Custer Co. Zoning and Planning Office.

Water well must be 100 ft. from leachfield- Colorado State Board of Health

SIGNATURE *Richard B. Custer* **DATE** 7/15/99



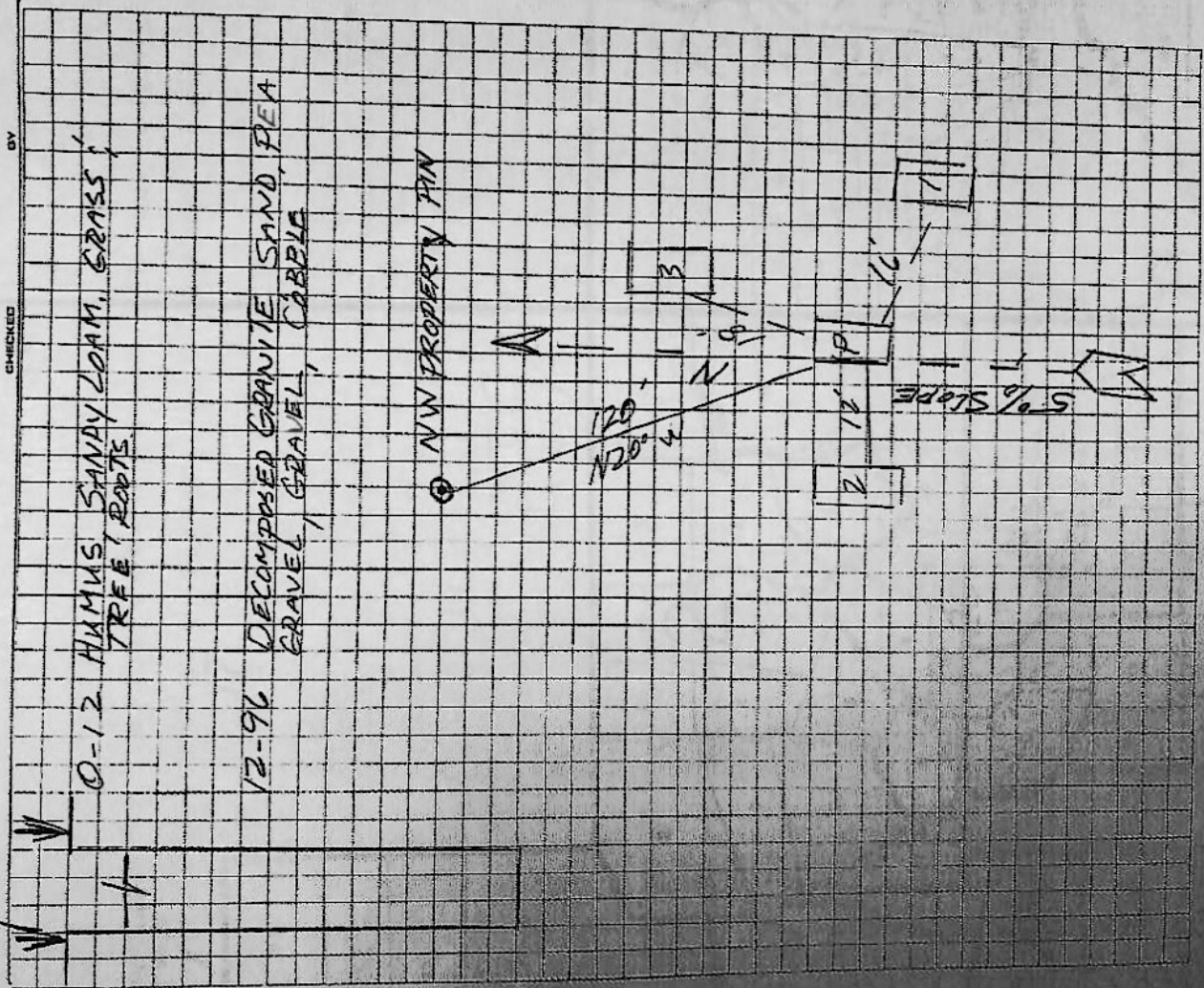
NEWBERY

PROJECT

DATE

6/30/99

BY

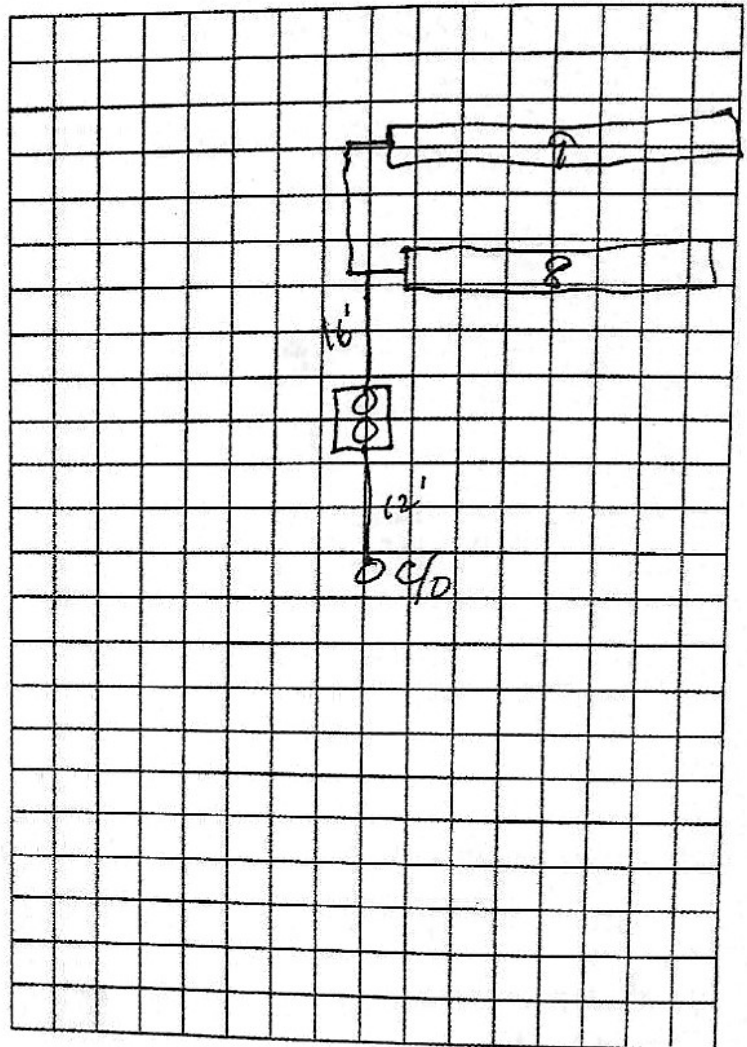


YOUR ONSITE WASTEWATER TREATMENT SYSTEM

So, you're an owner (and operator!) of a septic tank system. You should be proud! Your system is designed to be environmentally safe and to protect public health. A properly installed and operated septic tank system treats your wastewater and returns it to the groundwater to preserve and protect our groundwater resource. Successfully used for over 100 years, nearly one-third of the population of the United States is served by this method of wastewater treatment!

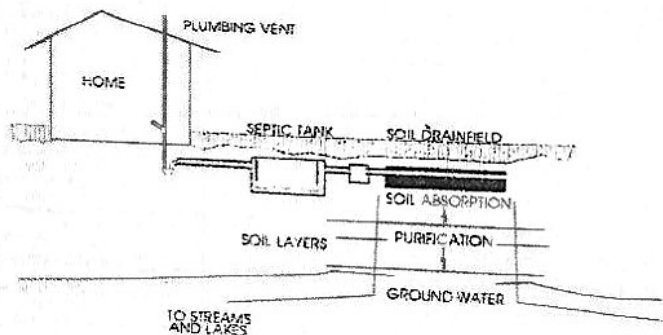
This folder provides you with information and guidelines for operation and maintenance of your system. By carefully reading and following these guidelines, you should receive many years of trouble-free service, while at the same time protecting our environment. Use this folder to keep other information about your system, including your permit, site drawings, descriptions of maintenance and repairs performed and other important documents.

Sketch System Layout Here



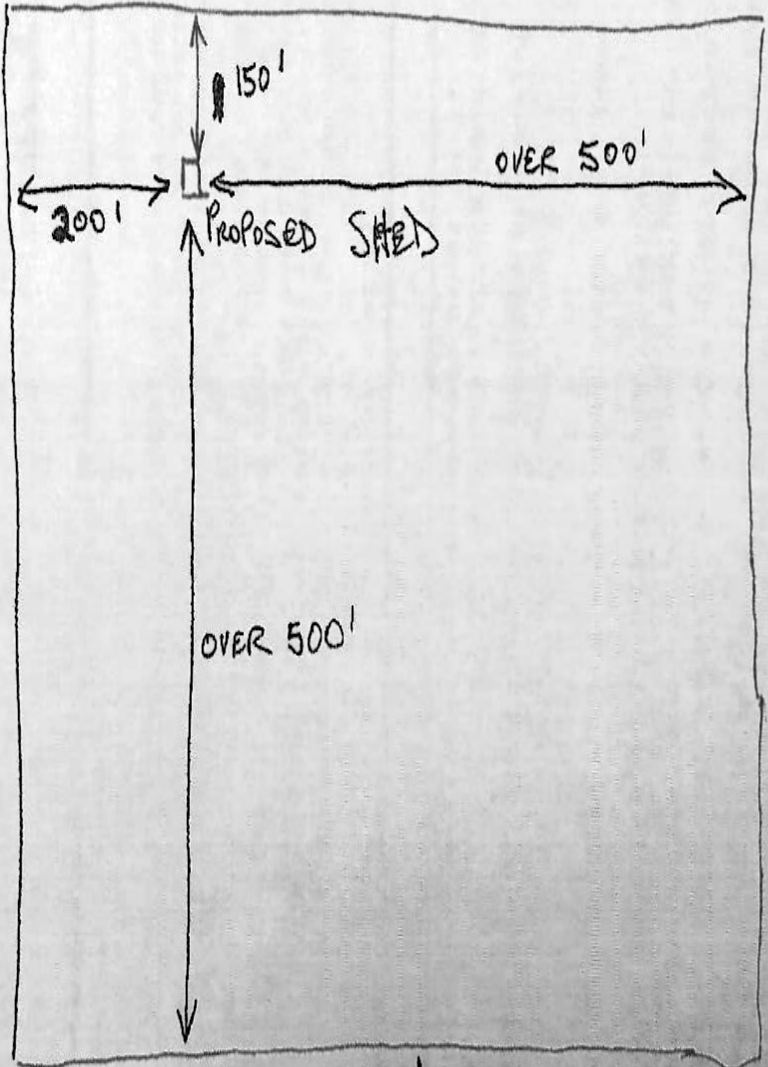
SYSTEM DESCRIPTION

A septic tank system uses natural processes to treat and dispose of the wastewater generated in your home. It typically consists of a septic tank and a drainfield or subsurface infiltration field. The system accepts both "blackwater" (toilet wastes) and "greywater" (wastes from the kitchen sink, bath and showers, laundry, etc...). Water that should not be discharged to the system includes water from foundation or footing drains, roof gutters and other "clear" water.



Basic System

102-73-600



550 BEAR PEAR Rd

SANTIAGO NEWBERRY

Septic Permit Application

Type of Structure Accessory Building - Totally Enclosed
 Accessory Building - Open on at Least One Side
 Deck or Balcony Other _____

Permit is for New Construction Addition to Existing Structure

Size of property: _____ 20.5 acres or dimensions
 _____ x _____

This structure will have the following:

Enclosed Accessory Use:

<input type="checkbox"/> Walkout Basement	Floor area: _____	sq ft
<input checked="" type="checkbox"/> First Level	Floor area: <u>10 x 12 (120)</u>	sq ft
<input type="checkbox"/> Second Level	Floor area: _____	sq ft
<input type="checkbox"/> Third Level	Floor area: _____	sq ft

Open Accessory Use (Open on at least one side):

<input type="checkbox"/> Walkout Basement	Floor area: _____	sq ft
<input type="checkbox"/> First Level	Floor area: _____	sq ft
<input type="checkbox"/> Second Level	Floor area: _____	sq ft
<input type="checkbox"/> Third Level	Floor area: _____	sq ft

Deck, Porch or Balcony:

<input type="checkbox"/> First Level	Floor area: _____	sq ft
<input type="checkbox"/> Second Level	Floor area: _____	sq ft
<input type="checkbox"/> Other: _____	Floor area: _____	sq ft

Gross Floor Area (except Decks, etc.): 120 - square feet

The height of a structure is determined by (1) measuring the relative elevations of the natural grade at the base of the structure. After locating the building site on the ground, find the lowest point on the ground, and the highest point on the ground. Then, (2) measuring the height of the structure from the highest point on the natural grade to the highest point on the roof line.

Distance from lowest to highest points of grade: 1 ft. 0 in

Distance from highest point on grade to highest point on roofline: 10 ft. _____ in

PRMT-BED-WPC



**DECLARATION OF AGREEMENT ESTABLISHING PROTECTIVE COVENANTS
IN SILVER CLIFF HEIGHTS FILING[s] 2, 3, 4, 5, 6, 7**

KNOW ALL MEN BY THESE PRESENTS: That:

WHEREAS, LDS, Inc. is the owner of certain real property located in the County of Custer, State of Colorado, described as Silver Cliff Heights, Filing[s] 2, 3, 4, 5, 6, and 7, and,

WHEREAS, the owner desires to place certain restrictions on said premises for the use and benefit of themselves and their grantees, in order to establish and maintain such premises as a protected community;

NOW, THEREFORE, for itself and its grantees, LDS, Inc., hereby publishes, acknowledges, declares, and agrees with, to and for the benefit of all persons who may hereafter purchase and from time to time hold and own any of the said tracts, that they own, and hold said above-described tracts subject to the following restrictions, covenants and conditions, all of which shall be deemed to run with the land and to inure to the benefit of and be binding upon the owners at any time of any of the said tracts, their heirs, personal representatives, successors and assigns, to-wit:

PART A. SPECIAL AGREEMENTS

1. **CLEARING OF TREES:** There shall be no removal of trees from any lot except that which must be removed in connection with construction on the property, landscaping or that which is consistent with good conservation practices.
2. **EASEMENTS:** Easements for installation and maintenance of utilities, drainage facilities, roadways, bridle paths, hiking trails and such other purposes incident to the development of the property are reserved as shown on the recorded plat. Such easements will be kept open and readily accessible for service and maintenance of utility and drainage facilities.
3. **NUISANCES:** Nothing shall be done or permitted on any tract which may be or become an annoyance or nuisance to the reasonable requirements of the neighborhood. No noxious or offensive activities shall be conducted upon any tract.
4. **RUBBISH AND REFUSE:** Rubbish, garbage or other waste shall be kept and disposed of in an orderly manner so that such materials shall not be visible to nor exposed to the owners of other tracts herein. No tract shall be used for dumping of trash, refuse, or waste.

PART B. SPECIAL COVENANTS PERTAINING TO RE-SUBDIVISION

WHEREAS, all tracts in the present plat are in excess of 5 acres and it is the intention of LDS, Inc., that all owners be permitted the maximum freedom of use possible of their individual



tracts which do not infringe on the rights of the other owners. It is understood, however, that some of the tracts may be re-subdivided at some future date and,

NOW, THEREFORE, The following covenants and restrictions shall apply to any tract or lots consisting of less than five acres.

1. **TEMPORARY RESIDENCES:** No structure of temporary character, trailer, basement, tent or accessory building shall be used on any tract as a residence, temporarily or permanently, provided, however, for such use and location during the construction phase of the permanent dwelling and for short periods for vacation camping and vacation use.
2. **LIVESTOCK AND POULTRY:** No animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot, except horses, dogs, cats, or other pets may be kept provided they are not kept, bred, or maintained for any commercial purpose.
3. **GARBAGE AND REFUSE DISPOSAL:** No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
4. **COUNTY, STATE, OR FEDERAL REGULATIONS:** All County, State or Federal regulations pertaining to public health, welfare, and land use must be complied with.

PART C. **GENERAL PROVISIONS**

1. **TERMS OF COVENANTS:** Each of the covenants, restrictions, and reservations set forth herein shall continue to be binding for a period of ten years from the date of filing hereof in the Office of the Clerk and Recorder of Custer County, Colorado, and shall automatically be continued thereafter for successive periods of ten years each; provided, however, that the owners of seventy-five percent of the lots which are subject to these covenants may release all or part of the land so restricted from any one or more of said restrictions, or may change or modify any one or more of said restrictions, by executing and acknowledging an appropriate agreement or agreements in writing for such purposes and filing the same in the Office of the County Clerk and Recorder of Custer County, Colorado, at least one year prior to the expiration of the first ten-year period, or one year prior to the expiration of any successive ten-year period thereafter.
2. Covenants 6 and 7 will remain in effect until the State or the County in which the property is located zones said property for a use incompatible with wildlife and wild recreational values.
3. **ENFORCEMENT:** Enforcement shall be by proceedings in law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

4. SEVERABILITY: Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

[signed]

[notarized]

RECEPTION NUMBERS

Filing 2	104452
Filing 3	104500
Filing 4	104507
Filing 5	104508
Filing 6	104509
Filing 7	104656

