

2284000

Filed for record: December 8, 1977.  
Time: 9:00 A.M. and duly recorded in

6.00 PAID

State of Colorado )  
County of San Miguel ) ss

DECLARATION OF EASEMENTS

BOOK 369  
PAGES 20, 21 & 22

Gay Cappis-Recorder  
by *Gay Cappis* Deputy

THIS DECLARATION made and entered into by BR TELLURIDE PROPERTIES, a Colorado Limited Partnership, for convenience hereinafter referred to as the "Declarant",

W I T N E S S E T H:

WHEREAS, the Declarant is the holder of legal title to all of the parcels of real estate described as Tracts A, B, C and D-E, as set forth in the Declaration of Condominium Ownership and of Easements, Restrictions, and Covenants for The Brown Homestead Condominium, recorded February 18, 1977, in Book 363, at page 277, under Reception No. 199874, of the San Miguel County, Colorado, records; and

WHEREAS, Declarant intends to sell and will sell, convey and mortgage some or all of the tracts, improved or unimproved, and desires and intends that the several purchasers, owners, and mortgagees thereof, and/or persons acquiring any interest therein, now or hereafter shall at all times enjoy the benefits of and shall hold their said individual parcels subject to the rights, easements, burdens, uses and privileges hereinafter set forth.

NOW, THEREFORE, BR TELLURIDE PROPERTIES, a Colorado Limited Partnership, does hereby declare an easement for ingress and egress for the mutual and reciprocal use and benefit of all persons acquiring any interest in the tracts aforesaid, over, under, upon and across that portion of the tracts as set forth in Exhibit "A" attached hereto and made a part hereof. Said easement shall be used in common by present and future owners, lawful occupants, guests and mortgagees of all persons now or hereafter acquiring any interests in the tracts hereinbefore described.

Reference in the respective deeds of conveyance, or in any mortgage, trust deed or other evidence of obligation or

agreement, to the easement herein described shall be sufficient to create and reserve such easement to, and to impose upon and bind, the respective grantees, mortgagees, trustees or purchasers of said tracts as fully and completely as though said easement was fully recited and set forth in its entirety in such documents.

All costs or maintenance charges relative to the above described easement shall be allocated and paid in accordance with the aforesaid Declaration of Condominium Ownership and of Easements, Restrictions, and Covenants for The Brown Homestead Condominium.

IN WITNESS WHEREOF, BR TELLURIDE PROPERTIES, a Colorado Limited Partnership, as Declarant as aforesaid, has caused these presents to be signed and sealed by its General Partner this 8<sup>th</sup> day of DECEMBER, 1977.

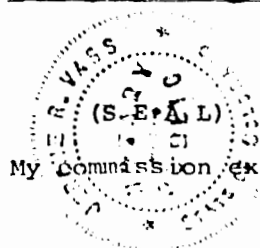
BR TELLURIDE PROPERTIES,  
a Colorado Limited Partnership,  
as Declarant as aforesaid

By [Signature] (SEAL)  
General Partner

STATE OF COLORADO )  
                          ) SS.  
COUNTY OF DENVER )

I, Jerome R. Vass, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that BURT M. RICHMOND, General Partner of BR TELLURIDE PROPERTIES, a Colorado Limited Partnership, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such General Partner, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of BR TELLURIDE PROPERTIES, a Colorado Limited Partnership, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 8<sup>th</sup> day of DECEMBER, 1977.



[Signature]  
Notary Public

My Commission expires Aug 9, 1981

Beginning at a point on the East side of the existing recorded Access Road which point lies S86°06' E., 161.0 feet; from the Southwest Corner of the Brown Homestead Condominium Lot, thence S89°36' E., 191.0 feet; thence N49°24' E., 45.0 feet; thence N40°36' W., 99.0 feet; thence along a curve to the left with a radius of 82 feet and central angle of 90° a distance of 128.8 feet; thence S 49°24' W., 73.0 feet to a point on the East side of the existing Access Road.

PAID \$ 12.00

by *[Signature]* Gay Caplis-Recorder  
Deputy

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP  
AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR  
THE BROWN HOMESTEAD CONDOMINIUM

THIS DECLARATION made and entered into this 26<sup>th</sup> day  
of November, 1979, by BR TELLURIDE PROPERTIES, a  
Colorado Limited Partnership, as Declarant, (the "Declarant");

W I T N E S S E T H:

WHEREAS, by a Declaration of Condominium Ownership  
(the "Declaration") recorded in the Office of the Recorder  
of Deeds of San Miguel County, Colorado, on February 18,  
1977, in Book 363 at Pages 277-323, the Declarant submitted  
to the provisions of the Condominium Ownership Act (the  
"Act") certain real estate legally described in the Declara-  
tion and now described as Tract D-E in the First Amended  
Exhibit "A" attached hereto; and

WHEREAS, Burt M. Richmond has conveyed to Declarant  
certain real estate legally described as Tract F in the First  
Amended Exhibit "A" and Declarant now desires to add Tract F  
to the Development Area (as defined in Paragraph 1(c) of the  
Declaration); and

WHEREAS, the declaration reserves to the Declarant  
the right to annex and add to the Parcel and Property (as  
defined in the Declaration) and thereby add to the Condo-  
minium created by the Declaration all or any portion of the  
Development Area; and

WHEREAS, the Declarant now desires to so annex and  
add to said Parcel and Property and submit to the provi-  
sions of the Act and the Declaration certain real estate  
described as Tracts A, B, C and F in the First Amended Exhibit  
"A" (the "Additional Property"); and

WHEREAS, in consideration for the conveyance of Tract F to Declarant by Richmond, Declarant desires to establish for the benefit of the Richmond Tract and the Vass Tract, as shown on the Plat (as "Plat" is defined herein), easements and rights in, over and upon the Additional Property.

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

1. Tract F is hereby added to the Development Area, as defined in Paragraph 1(c) of the Declaration.

2. The Additional Property is hereby annexed to the Parcel and Property and is hereby submitted to the provisions of the Act as a part of the Condominium in accordance with, and shall be deemed to be governed in all respects by, the terms and provisions of the Declaration, as hereby and from time to time amended.

3. The legal description of the Parcel and Property, as set forth in the Declaration, is amended by deleting said legal description and substituting therefor First Amended Exhibit "A" therefor.

4. The Plat as shown in Exhibit "A" to the Declaration is amended by substituting therefor the Replat for BR PROPERTIES, LTD. recorded November 5, 1979 in Plat Book 1, Page 182, and the Plat of Brown Hensstead Condominium recorded November 9, 1979 in Plat Book 1, Pages 184, 185 and 186, hereinafter called the "Plat".

5. The Added Common Elements, as defined in Paragraph 21(d) of the Declaration are hereby granted and conveyed to the Unit Owners, including the grantees of the Units previously conveyed, subject to the Declaration, as hereby and from time to time amended, and subject to the easements herein created.

6. The undivided interest of each Unit Owner in the Common Elements, as reflected in Exhibit "B" to the Declaration, is amended by deleting said Exhibit "B" and substituting therefor First Amended Exhibit "B" hereto and the Unit Owners are, as provided in and subject to the terms of the Declaration, as hereby and from time to time amended, entitled to their respective undivided interests in the Common Elements, including the Added Common Elements, hereby annexed and added to the Parcel and Property.

7. The form of legal description for all the Units now comprising this Condominium, including both the Added Units and the Existing Units, shall be as set forth on First Amended Exhibit "D" attached hereto.

8. In consideration for the conveyance of Tract F to the Declarant, the rights of the Unit Owners to use and possess the Added Common Elements shall be subject to an easement over the Added Common Elements in favor of the Richmond Tract and the Van Tract as shown on the Plat, and their respective owners, agents, servants, family members, guests, tenants, messengers and assistants for the purposes of (i) the use of the same and the tennis courts and the access and ingress thereto and egress therefrom and (ii) the use of the land for the access and ingress to and egress from the Richmond Tract and Van Tracts as shown on the Plat. The foregoing easement shall be deemed and taken to be covenants running with the land, perpetually in full force and effect, and at all times shall inure to the benefit of and be binding on the undersigned, its successors and assigns, and any Unit Owners, including the grantees of the Units previously conveyed, purchasers, mortgagees, and other persons having an interest in the Property, or any part or portion thereof.

In consideration of the grant of easements hereinabove set forth, the owners of the Richmond Tract and Vass Tract, individually and not jointly, each shall pay annually to the Association, 1/22 of the cost of the maintenance, repair and replacement of the drains, tennis courts, and the road; provided however that, notwithstanding any language herein contained, no charges or other sums to be paid by the owners of the Richmond Tract or the Vass Tract shall constitute a lien against the Richmond Tract or the Vass Tract, nor shall the lien of any mortgage or trustee be affected thereby.

9. All the Unit Owners, by the Declarant, their attorney-in-fact, hereby consent to this Amendment to the Declaration, pursuant to the power and provision set forth in Paragraph 21 of the Declaration.

10. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the said BE TELLERINE PROPERTIES, a Colorado Limited Partnership, as Declarant and Attorney-in-Fact, do hereby, on and before these presents to be signed and sealed by its General Partner this 12 day of \_\_\_\_\_, 19\_\_.

BE TELLERINE PROPERTIES,  
a Colorado Limited Partnership,  
as Declarant and Attorney-in-Fact for all Unit Owners

 (SEAL)  
General Partner

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public  
in and for said County, in the State aforesaid, DO HEREBY  
CERTIFY that HURT M. RICHMOND, General Partner of BR TELLU-  
RIDE PROPERTIES, a Colorado Limited Partnership, personally  
known to me to be the same person whose name is subscribed  
to the foregoing instrument as such General Partner, appeared  
before me this day in person and acknowledged that he signed  
and delivered the said instrument as his own free and volun-  
tary act, and as the free and voluntary act of BR TELLURIDE  
PROPERTIES, a Colorado Limited partnership, for the uses and  
purposes therein set forth.

GIVEN under my hand and notarial seal this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_.

(N. E. A. B.)

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

My commission expires \_\_\_\_\_





TRUST AMENDED  
EXHIBIT "A"

Tract A

A tract of land lying within the San Miguel Townsite, San Miguel County, more particularly described as follows: Beginning at the South-west corner of Tract B, from which the North-east corner of said San Miguel Townsite (identical with Corner No. 1, Ohio Placer, M.S. No. 194) bears N67°41'01"E 421.96 feet; thence N80°36'W 66.64 feet; thence S16°11'E 228.39 feet; thence S79°44'W 22.26 feet; thence S30°41'30"E 60.78 feet to the Northwest corner of Tract B; thence, along the westerly boundary of Tract B, S10°17'W 169.00 feet; thence S48°00'W 10.93 feet; thence S41°09'W 26.93 feet; thence S18°12'W 25.00 feet to the point of beginning, together with all water and water rights, ditches and ditch rights held in connection therewith, subject to any and all covenants, conditions, easements and restrictions of record.

Tract B

A tract of land lying within the San Miguel Townsite, San Miguel County, more particularly described as follows: Beginning at the South-west corner of Tract C, from which the North-east corner of said San Miguel Townsite (identical with Corner No. 1, Ohio Placer, M.S. No. 194) bears N67°41'01"E 421.96 feet; thence N80°36'W 66.64 feet; thence S16°11'E 228.39 feet; thence S79°44'W 22.26 feet; thence S30°41'30"E 60.78 feet to the Northwest corner of Tract C; thence, along the westerly boundary of Tract C, S10°17'W 169.00 feet; thence S48°00'W 10.93 feet; thence S41°09'W 26.93 feet; thence S18°12'W 25.00 feet to the point of beginning, together with all water and water rights, ditches and ditch rights held in connection therewith, subject to any and all covenants, conditions, easements and restrictions of record.

Tract C

A tract of land lying within the San Miguel Townsite, San Miguel County, more particularly described as follows: Beginning at the Southwest corner of Tract D, from which the North-east corner of said San Miguel Townsite (identical with Corner No. 1, Ohio Placer, M.S. No. 194) bears N67°41'01"E 421.96 feet; thence N80°36'W 66.64 feet; thence S16°11'E 228.39 feet; thence S79°44'W 22.26 feet; thence S30°41'30"E 60.78 feet to the Northwest corner of Tract D; thence, along the westerly boundary of Tract D, S10°17'W 169.00 feet; thence S48°00'W 10.93 feet; thence S41°09'W 26.93 feet; thence S18°12'W 25.00 feet to the point of beginning, together with all water and water rights, ditches and ditch rights held in connection therewith, subject to any and all covenants, conditions, easements and restrictions of record.

Tract D-E

A tract of land lying within the San Miguel Townsite, San Miguel County, more particularly described as follows: Beginning at a point from which the Northeast corner of said San Miguel Townsite (identical with Corner No. 1, Ohio Placer, M.S. No. 124) bears N57°38'E 648.18 feet; thence N80°36'W 141.50 feet; thence N10°12'E 87.00 feet; thence N49°00'E 60.45 feet; thence N10°12'E 146.91 feet; thence S81°43'30"E 106.30 feet; thence S10°44'W 282.63 feet to the point of beginning, together with all water and water rights, ditches and ditch rights held in connection therewith, subject to any and all covenants, conditions, easements and restrictions of record.

TRACT E

Parcel 1: A tract of land lying within the San Miguel Townsite, San Miguel County, more particularly described as follows:

Beginning at the Southeast corner of the Richmond Tract, as shown on Replat for RR Properties Ltd. recorded November 5, 1979 in Plat Book 1 at Page 182; thence North 10°12'E 42 feet; thence North 79°48'W 12 feet; thence South 10°12'W 42 feet; thence South 79°48'E 12 feet to the point of beginning.

Parcel 2: A tract of land lying within the San Miguel Townsite, San Miguel County, more particularly described as follows:

Beginning at the Northeast corner of the Richmond Tract as shown on Replat for RR Properties Ltd. recorded November 5, 1979 in Plat Book 1 at Page 182; thence South 10°12'W 38 feet; thence North 79°48'W 21.5 feet; thence North 10°12'E 38 feet; thence South 79°48'E 21.5 feet to the point of beginning.

FIRST PART OF  
EXHIBIT 700

UNIT

PERCENTAGE OF  
INCREASE IN  
CUMULATIVE DEFICIT

A1	4.26
A2	4.26
A3	4.26
A4	4.26
B1	4.26
B2	4.26
B3	4.26
B4	4.26
C1	4.26
C2	4.26
C3	4.26
C4	4.26
D1	4.26
D2	4.26
D3	4.26
D4	4.26
E1	4.26
E2	4.26
E3	4.26
E4	4.26

FIRST AMENDED  
EXHIBIT "D"

Condominium Unit \_\_\_\_\_, THE BROWN HOMESTEAD CONDOMINIUM, according to the Replat for B.R. Properties Ltd. filed for record November 5, 1979 in Plat Book 1 at Page 182 and the Plat of The Brown Homestead Condominium filed for record November 9, 1979 in Plat Book 1 at Pages 184, 185 and 186, and according to the Condominium Declaration for The Brown Homestead Condominium recorded February 18, 1977 in Book 363 at page 277, under Reception No. 199874 of the San Miguel County, Colorado records, as from time to time amended, SUBJECT TO the terms, conditions, provisions and obligations of said Condominium Declaration.

County of San Miguel, State of Colorado