

FEB 28, 1985 10:00 AM

Harriet B Anderson. Recorder Park County

THE FLUME PLACER CIVIC ASSOCIATION. INC.

E. SECOND ADDITION TO PROTECTIVE COVENANTS

WHEREAS, at various times Protective Covenants were executed and filed by various owners of real property located within Tracts 39 and 40, and the Flume Placer Claim, being a portion of Sections 10 and 15 in Township 11 South, Range 72 West of the 6th P.M. in the County of Park and State of Colorado, an example of said Protective Covenants having been recorded on October 25, 1977, in Book 271 at Page 82 of the records of Park County. Colorado, and WHEREAS, said recorded Covenants, in part "C" thereof, provide that the same may be amended by two-thirds of the tracts within said described real estate, and being thirty-two total residential tracts within said area, and

WHEREAS, the undersigned are the owners of more than two-thirds of the residential tracts in said area, and desire to amend said recorded Covenants by adding certain provisions, as hereinafter set forth, relating to fishing privileges and guests.

NOW, THEREFORE, the Protective Covenants, an example of which was recorded October 25, 1977, in Book 271 at Page 83 of the records of Park County. Colorado, and the Addition to Protective Covenants recorded August 21, 1981, in Book 329 beginning at Page 699 of the records of Park County, Colorado, are hereby amended by adding the following-provisions in this Second Addition to Protective Covenants:

- (1) Those who may fish without paying a guest fee:
 - (a) Natural Person Tract Owners: The Fishing Member shall be one owner and spouse, their parents, and their lineal descendants, including grandchildren, and spouses of lineal descendants, if any. For purpose of this provision, an "owner" shall be deemed to be any natural person having a fee simple interest in one of the tracts defined in the example of Protective Covenants recorded in Book 271 at Page 83 of the records of Park County. Colorado.
 - (b) Non-Natural Person Tract Ownership: (Such as corporation, trust, partnership, beneficiaries, etc.). The Fishing Member shall be one designated individual and spouse, their parents, and their lineal descendants, including grandchildren, and spouses of lineal descendants, if any. There may be only one non-natural owner.
 - (c) Notice: In the case of more than one natural owner and spouse of a tract and in the case of non-natural person ownership, the owners must provide written notice to the Secretary and the Fishing and Stream Committee of The Flume Placer Civic Association, Inc. the names of the Fishing Members as set forth in (a) and (b) above who are to be designated. Fishing Members may not be substituted during any fishing season unless a vacancy of a Fishing Member occurs by reason of death. Fishing Members may be substituted if written Notice

of such substitution is received by the Secretary and Fish and Stream Committee **prior to May 1st of the calendar year in which, or after which, the substitution shall be effective.** This designation shall be in existence until notification of change. The designation shall be good for a minimum of twelve months.

(2) **Guest Fee:** An amount each day **as determined from time to time by the Board of Directors of Flume Placer Civic Association,** Inc., and initially to be the sum of \$7.00 per day per guest. Guests are all other persons other than the Fishing Member as defined in above sections. **Fishing guests are allowed on the stream only when the Fishing Member is on the Association premises.**

(3) **Covenants to Run With the Land.** The covenants and restrictions of this Second Addition to Protective Covenants, as well as the first Addition to Protective Covenants and the original Protective Covenants hereinabove referred to, **shall run with and bind the land,** and shall inure to the benefit of and be enforceable by FLUME PLACER CIVIC ASSOCIATION, INC. or by the owner of any lot subject to this declaration, their respective legal representatives, heirs, successors and assigns.

(4) Except as the same may be herein amended, the Protective Covenants and first Addition to Protective Covenants as hereinabove referred to shall remain in full force and effect.

DATED at the places and at the times as hereinafter set forth in the acknowledgements of the various owner signatures by various notaries public.

Second Addition to Protective Covenants:

Adopted by mail ballot.

Book 378 Pages 40, 41, 42, 43, 44, 45, 46, 47, 48 & 830 contain the notarized signatures of:

George C. and Sally A' Beals
Clifton Michael Boggs
Barbara Ann Carlton
Donald L. and Deanna G. Cockroft
Peter H. and Marieanne M. Davison
Irma P. and Richard W. Hanes
William A' and Alice Mary W. Fowler
Cal E. and Joyce A. Githens
Daniel G.M. and Margaret C. Hannaway
Daniel G. and Pamela A' Hostetler
Norma I. Landis
Craig W. Larimer and Craig W. Larimer, Jr.
Oliver P. LeCompte
R. Bruce Mahncke
George A. and Diana R. Mahoff
Stanley M. and Leona H. Newman
Mary E. Pelner
Robert H. and Margaret P. Ramsay
Fred W. and Mildred R. Seibel
William R. and Phyllis Dodson Snow
Nancy M. Taggart
John T. and Priscilla J. Waltershausen
Glenn L. and D. Marie Weaver
Lloyd W. and Ruth L. Dezarn
Jeanette S. O'Connor
Craig E. and Penny K Whitney

J.H. Fowler (Margaret Bolton's tract)