

**AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF EAGLE-VAIL SUBDIVISION
FILINGS NOS. 1 AND 2 AND WHISKEY HILL**

Adopted: July 7, 1992 Johnnette Phillips Eagle County County Clerk, Colorado

...ARTICLE VI

RESTRICTIONS

Section 1. Use. No Lot shall be used for any purpose other than that allowed for such Lot in accordance with the categories set forth in Section 1 of Article III above, and as such may be changed from time to time, or be used in any way inconsistent with the requirements or purposes of this Declaration.

Section 2. Animals. No animals of any kind or number shall be kept on any of the Properties for commercial purposes. No dangerous animals of any kind may be kept or brought onto the Properties. Only domestic animals normally associated with Residential family living may be kept on the Properties. The number of animals associated with any Lot or Dwelling Unit must be limited in number and kind in keeping with a reasonably quiet Residential atmosphere of the Properties and not rural or farm living. No animals shall be kept on the Property which make loud, disturbing, or objectionable noises or otherwise constitute a nuisance or inconvenience to any other residents of adjacent property. Every Owner which permissibly keeps an animal shall maintain strict control over the animal and prohibit it from behaving in a manner reasonably annoying to other Owners. Animals shall be kept on a leash when not in the residence or within a fenced yard. All animals must be kept in compliance with all existing local ordinances.

Section 3. Temporary Structures. No structure of a temporary character shall be used or permitted to be kept or stored on any portion of the Properties at any time, either temporarily or permanently, including any house trailer, mobile home, tent, Garage, or other outbuilding. No pet enclosure, cage, or kennel, either of a temporary or a permanent nature, shall be placed on the Properties unless specifically approved by the Committee: such approval shall be granted only if the Committee can impose conditions which reasonably assure that such pet enclosure, cage, or kennel is concealed from view from adjacent Lots and public areas. No Dwelling Unit shall be occupied in any manner at any time prior to its being fully completed (except for landscaping) in accordance with approved plans, nor shall any Dwelling Unit when completed be in any manner occupied until made to comply with all requirements, conditions and restrictions herein set forth. However, during the actual construction or alteration of a building, necessary temporary buildings for storage of materials may be erected and maintained by the person doing such work, if previously approved by the Committee.

Section 4. Miscellaneous Structures. No advertising, billboards, or signs of any character shall be erected, placed, permitted, or maintained on any Lot unless the prior written consent of the Committee has first been obtained. Real estate signs shall be allowed as regulated by Committee Guidelines.

Section 5. Property to be Maintained. All Lots, including Vacant Lots, shall at all times be kept in a clean, sightly, safe, and sanitary condition. No trash, litter, junk, boxes, containers, bottles, cans, implements, machinery, lumber, or other building materials shall be visible from any neighboring Lot or public area, except as necessary during the period of construction. All weeds and other growth on a Vacant Lot shall be kept trimmed and neat so as not to cause any unsightliness, in the opinion of the Committee. All unsightly structures, facilities, equipment, objects, and conditions shall be enclosed within an approved structure. All enclosed structures shall comply with the rules and regulations of the Committee as in effect from time to time. No rubbish, refuse, trash, plant litter, or garbage shall be allowed to accumulate, nor any fire hazard to exist.

Section 6. Underground Utility Lines. All electric, television, radio, telephone and other utility line installations and connections from an Owner's property line to a residence or other structures shall be placed underground.

Section 7. No Noxious or Offensive Activity. No noxious or offensive activity shall be carried on upon the Properties, nor shall anything be done or placed on any of the Properties which is or may become, in the judgment of the committee, a nuisance. No nuisance shall be allowed on any of the Properties, nor any use or practice which is the source of annoyance to residents or which interferes with the peaceful enjoyment or possession and proper use of the Properties.

Section 8. No Hazardous Activities. No activities shall be conducted on the Properties or on improvements constructed on the Properties which are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any of the Properties. No open fires shall be lighted or permitted on the Properties except in a contained barbecue unit while attended and in use for cooking purposes or within a safe and well-designed interior fireplace, or except such campfires or picnic fires on property designated for such by the Association.

Section 9. No Annoying Light, Sounds, or Odors. No light shall be emitted from any Lot, Dwelling Unit, or building which is unreasonably bright or causes unreasonable glare; no sound shall be emitted on any Lot or in any Dwelling Unit or building which is unreasonably loud or annoying; and no odor shall be emitted on any Lot or Dwelling Unit or building which is noxious or offensive.

Section 10. Restrictions on Parking and Storage. No Lot, streets, private streets, drives, or parking areas, unless specifically designated by the Association, shall be used as a parking, storage, display, or accommodation area for any type of commercial vehicle, house trailer, camping trailer, boat trailer, hauling trailer, boat or accessories thereto, truck larger than a 3/4-ton pickup truck, or any type of motor home except as a temporary expedience for loading, delivery, emergency, etc. (however, this restriction shall not restrict trucks or other commercial vehicles within the Properties which are necessary for the construction of structures), unless the same shall be stored, parked, or maintained wholly within a Garage area of a Dwelling Unit or building with the Garage door in a closed position. Notwithstanding the above, an Owner may store a boat or camper on a Lot, provided it is kept on a driveway, in a Garage, or other area approved by the committee.

Section 11 Abandoned Vehicles. No Abandoned or Inoperable Automobile or Vehicle of any kind shall be stored on the Properties except if wholly enclosed within a Garage. A written notice describing the Abandoned or Inoperable Vehicle and requesting the removal thereof may be personally served upon the Owner or posted on the unused vehicle by the Association or committee, and if such vehicle has not been removed within seventy-two (72) hours thereafter, the Board or committee shall have the right to remove the same without liability, and the expense thereof shall be charged against the Owner. If the Owner of the vehicle is a Member of the Association, the cost of removal shall be added to his next assessment due.

Section 12. Vehicle Repair. No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting, or servicing of vehicles of any kind may be performed on any Lot unless it is done within a completely enclosed Garage or other structure which screens the sight and sound of the activity from adjoining property and public areas. No car or other vehicle shall be placed upon blocks on any Lot, except in an enclosed Garage, with the door in a closed position. The foregoing restriction shall not be deemed to prevent washing and polishing of any motor vehicle, boat, trailer, or motor driven cycle together with those activities normally incident and necessary to such washing and polishing. The restrictions of this Section and Sections 10 and 11 are not meant to constrain or prohibit activities normally associated with the permissible uses to which a non-Residential Lot is actually put, except to the extent that such activities unreasonably impact adjacent Residential Lots.

Section 13. Height Restrictions. No structure shall be erected or maintained on any Lot which is in excess of the height restrictions set forth in the PUD Guidelines.

Section 14. Clotheslines and Storage. No clotheslines, drying yards, service yards, or storage areas shall be so located on any Lot so as to be visible from a public area.

Section 15. Garbage and Refuse Disposal. No garbage, refuse, rubbish, plant litter, or cuttings shall be deposited on any street or on any Lots unless placed in a suitable container suitably located. No garbage container shall be placed on or near a street except on the day scheduled for pickup for such garbage. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

No person shall deposit, throw, or leave any refuse on any public or private property including but not limited to the right-of-way of any road or highway, body of water or water course, park, playground, recreation area, building, refuse container or receptacle provided for private use. However, refuse and garbage may be deposited in an area designated by law for such disposal when authorized by the proper public authority; or in a receptacle or container installed for such use and as authorized by ownership or tenancy or in writing or by the personal direction of the owner, provider, or maintainer of the receptacle or container.

Section 16. Tanks. No tanks of any kind, except for small portable tanks associated with an outdoor gas cooking grill, elevated or buried, shall be erected, placed, or permitted upon any Lot without the prior written approval of the Committee.

Section 17. Wood Storage. Firewood storage is only permitted on the Lot owned by the Owner of such firewood and also only in the event same is neatly stacked or stored.

Section 18. Trees. No trees naturally existing prior to the commencement of any construction on a Lot or required as a part of an approved landscaping plan shall be cut or trimmed without the express, prior written approval of the Committee. The Committee shall not prohibit removal of any dead trees unless a clear showing is made that leaving such dead trees poses no safety hazard and there are reasons for leaving such trees which outweigh the benefits of removal; however, in any case the Committee may require replacement of any dead tree with new vegetation as a condition of approval.

Section 19. Utilities. Each Dwelling Unit shall connect with the water and sanitation facilities of the Eagle-Vail Metropolitan District and the Upper Eagle valley Sanitation District, or any successor districts, and no private wells or private sewage systems shall be allowed on the Properties.

Section 20. Mechanical Equipment. All antennas, boilers, air conditioning, cooling or heating equipment, and other mechanical equipment, excluding only solar collection devices, shall be concealed from public view. No satellite antennas or microwave dishes shall be allowed unless approved by the Committee

Section 21. Commencement of Construction. Construction of any type, including building alteration and remodeling, shall be diligently pursued to completion. No hazardous or unsafe conditions may be maintained on any construction site. Improvements intended for such construction site shall be promptly constructed.

Section 22. Commercial and Business Activities. No commercial or business activities of any character may be conducted within the Properties except on Commercial Lots, on Church Lots (only to the extent such activities are related to permissible Church Lot uses), or on Recreation Lots only to the extent such activity is recreational in character.

Section 23. Temporary Accommodations. It is the intent of this Section to maintain the Residential character of Lots which may be used solely for Residential purposes. It is recognized that the division of Dwelling Units into multiple temporary accommodations increases vehicle traffic, parking congestion, and the need for privately and governmentally provided services and is generally inconsistent with the use of Property for Residential purposes. Therefore, no portion of a Residential Dwelling Unit which is less than the whole Dwelling Unit shall be used for non-resident guest accommodations for compensation, and no Residential Dwelling Unit shall be used or divided so as to be used for accommodations for more than a single family or single group under privity of contract. Nor shall any hotel, motel, or Bed and Breakfast be allowed except upon Commercial, Church or Recreational Lots as further restricted herein.

Section 24. Rules and Regulations. The Board may, from time to time, create such other rules and regulations which shall be enforceable by the Board which they deem necessary to provide for the purposes for which this Declaration is adopted.