

570010

**DECLARATION OF COVENANTS
DUKES-HILLIARD PROPERTY**

WHEREAS, Dale E. Dukes and Kathryn M Hilliard (hereinafter Developers) are the owners of property known as the Dukes-Hilliard Property, Lots 1 through 4, Yuma County, Colorado.

WHEREAS, said covenants shall run with and apply to the properties listed in EXHIBIT A to this Declaration of Covenants.

1. Application. The covenants and restrictions contained herein shall pertain and apply to all Lots and Structures erected or placed in the Dukes-Hilliard Property.
2. Residential Use. All Lots shall be used for single-family residential purposes only.
3. Residential Structures. All residential structures must be stick-built or manufactured homes. No mobile homes built on non-removable steel chassis are allowed in the development. Manufactured homes must also meet all standards, regulations, and codes of the State of Colorado and Yuma County. Residential structures must be at least 1,400 "heated" square feet above ground, exclusive of any space in the garage, porches and basements.
4. Re-Subdivision of Property. No Lot may be split, divided, or subdivided for sale, resale, gift, transfer, or otherwise without the prior written approval of the Developers. Notwithstanding the foregoing, nothing herein shall prevent the Developers or owners of any contiguous Lot from combining two or more Lots into one Lot for construction of a single residence thereon.
5. Tractor Trailer. No more than two (2) tractor-trailers may be parked outside of a building on a Lot at any given time. Rental parking for up to two (2) tractor-trailers belonging to another is permitted, provided the tractor trailers must be parked inside a building.
6. Pet Animals and Livestock. Ownership and breeding of pets and livestock is allowed, provided it is not for a Commercial purpose. Responsible ownership is required.
7. Setbacks. The residence and any outbuildings, must be set back 25 feet from the adjoining property lines.
8. Home Occupations. Business activities are allowed, providing the Property Owners follow the guidelines set-forth by the "Yuma County Land Use Code pertaining to Home Occupations", in its entirety. Those guidelines are available from the County.
9. No Obnoxious or Offensive Activity. Unreasonable interference with the use and enjoyment of property, including activities considered to be obnoxious or offensive, or that may become an annoyance or nuisance to adjoining lots or other neighbors, shall not be permitted.
10. Exterior Radio Antenna Towers. No antenna towers shall be erected that extend higher than six feet (6') above the height of the tallest building structure on the lot.
11. Garbage and Waste Material. All refuse on the Property shall be kept in a clean and sanitary manner, and household trash shall be kept in closeable containers and emptied at least once a month. ALL inoperative vehicles should be kept out of view of adjacent property owners, and should only be stored if the Property Owner is named owner on the Title of the inoperative transportation equipment in question.
12. Open Burning. Burning of waste material on these Lots is governed by the State of Colorado and requires a permit. Campfires, non-commercial cooking and agricultural burning do not require a permit. The full Colorado Open Burn Guidelines can be obtained from the Colorado Department of Public Health & Environment.
13. Enforcement. The covenants contained herein shall take force and effect as of the date of recordation in Yuma County records. The right to enforce these covenants by injunction or to seek damages for violation or other remedy is dedicated to the Developers and Owners of the Lots herein. The restriction shall remain in full force for twenty-five (25) years from the date these covenants are recorded, at which time such covenant shall be automatically extended for successive periods of ten (10) years unless otherwise agreed upon by the Developers and Lot Owners. Developers retain two (2) votes and all Owners will be allowed one (1) vote for each Lot owned, and majority rules. Invalidation of any covenant or restriction herein by judgment, court order or otherwise, shall not affect any other covenant or restriction. Violation of a covenant or restriction shall not cause forfeiture or reversion of Title.
14. Intentions. The restrictions herein contained are deemed to run with the land, and all future owners of any of the lands described herein shall take same subject to such restrictions.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 16th day of May, 2017.

Dale B. Dukes
Dale B. Dukes

Kathryn M Hilliard
Kathryn M. Hilliard

STATE OF COLORADO)
) ss.
County of Phillips Yuma)

WITNESS my hand and official seal.
My commission expires: 01/21/18

Shelby Duff



Worked 6/9/17 Init. AW
Comp.# R214233
A _____ B _____ V _____
Date _____ Init. _____
ASSESSOR



EXHIBIT A

LEGAL DESCRIPTION FOR LOT 1

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 44 WEST OF THE 6th PRINCIPAL MERIDIAN, YUMA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 44 WEST OF THE 6th PRINCIPAL MERIDIAN, YUMA COUNTY, COLORADO; THENCE N 00°01'34" W ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13 A DISTANCE OF 949.92 FEET TO THE POINT OF BEGINNING OF LOT 1; THENCE CONTINUING N 00°01'34" W ON SAID WEST LINE A DISTANCE OF 1399.89 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 385; THENCE S 42°47'24" E ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 1027.79 FEET; THENCE S 47°12'48" W A DISTANCE OF 950.49 FEET TO THE POINT OF BEGINNING CONTAINING 11.21 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR LOT 2

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 44 WEST OF THE 6th PRINCIPAL MERIDIAN, YUMA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 44 WEST OF THE 6th PRINCIPAL MERIDIAN, YUMA COUNTY, COLORADO; THENCE N 00°01'34" W ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13 A DISTANCE OF 529.80 FEET TO THE POINT OF BEGINNING OF LOT 2; THENCE CONTINUING N 00°01'34" W ON SAID WEST LINE A DISTANCE OF 420.12 FEET; THENCE N 47°12'48" E A DISTANCE OF 950.49 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 385; THENCE S 42°47'24" E ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 438.52 FEET; THENCE S 47°12'36" W A DISTANCE OF 1095.13 FEET; THENCE S 89°59'44" W A DISTANCE OF 191.59 FEET TO THE POINT OF BEGINNING CONTAINING 11.22 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR LOT 3

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 44 WEST OF THE 6th PRINCIPAL MERIDIAN, YUMA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 44 WEST OF THE 6th PRINCIPAL MERIDIAN, YUMA COUNTY, COLORADO; THENCE N 00°01'34" W ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13 A DISTANCE OF 529.80 FEET; THENCE N 89°59'44" E A DISTANCE OF 191.59 FEET TO THE POINT OF BEGINNING OF LOT 3; THENCE N 47°12'36" E A DISTANCE OF 1095.13 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 385; THENCE S 42°47'24" E ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 496.49 FEET; THENCE S 00°06'08" E A DISTANCE OF 379.50 FEET; THENCE S 89°59'44" W A DISTANCE OF 1141.61 FEET TO THE POINT OF BEGINNING CONTAINING 11.21 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR LOT 4

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 44 WEST OF THE 6th PRINCIPAL MERIDIAN, YUMA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 44 WEST OF THE 6th PRINCIPAL MERIDIAN, YUMA COUNTY, COLORADO; THENCE N 00°01'34" W ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13 A DISTANCE OF 350.13 FEET TO THE POINT OF BEGINNING OF LOT 4; THENCE CONTINUING N 00°01'34" W ON SAID WEST LINE A DISTANCE OF 179.67 FEET; THENCE N 89°59'44" E A DISTANCE OF 922.21 FEET; THENCE S 00°04'23" E A DISTANCE OF 529.99 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 13; THENCE N 90°00'00" W ON SAID SOUTH LINE A DISTANCE OF 312.43 FEET; THENCE N 00°02'47" W A DISTANCE OF 349.91 FEET; THENCE N 89°59'21" W A DISTANCE OF 610.10 FEET TO THE POINT OF BEGINNING CONTAINING 6.32 ACRES, MORE OR LESS.