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SECURITY TITLE

HIGBY ESTATES
FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
EL PASO COUNTY, COLORADO

This First Amendment to Declaration made as of this 10 day of March, 1999.

WITNESSETH

WHEREAS, the Higby Project, L.L.C., a Colorado limited liability company, (hereinafter called the "Declarant") recorded that certain Declaration of Covenants, Conditions and Restrictions of Higby Estates on June 23, 1998, at Reception Number 098086366 of the real property records of El Paso County, Colorado, hereinafter called the "Declaration"), and

WHEREAS, Sections 809 and 814 of the Declaration allow the Declarant and other owners of Lots, constituting 2/3's of the Lot in the Subdivision, to make the amendment contained herein.

NOW, THEREFORE, the Declarant and the undersigned Owners do hereby amend the Declaration as follows and does declare that such amendment shall be incorporated in the Declaration by this reference as if initially set forth therein:

1. Section 101 of the Declaration is hereby deleted and the following is hereby added to the Declaration:

"Section 101. Property Uses Except as provided herein, all single family residential Lots in the Subdivision shall be used exclusively for private residential purposes, and no dwelling erected or maintained within the Subdivision shall be used or occupied for any purpose other than for a single family dwelling. No trade, business, profession, commercial activity or other activity conducted for gain shall be carried on or within any Lot, except as provided in Section 107 and except that a home office for professional business, such as architects, accountants, lawyers, or as otherwise defined by the Approving Authority, may be permitted within a dwelling on a Lot so long as the operation or activity must not be apparent or detectable by sight, sound or smell, must conform to zoning codes, must be conducted by the Owner or a family member of Owner, must not employ at any time more than two persons who do not reside on the Lot, must not generate excessive traffic or parked vehicles, must not have any signs placed on the Lot, and must not involve any retail, manufacturing, distribution, wholesale, storage or repair business, and must have received the prior written approval of the Approving Authority. The home office must not involve the solicitation of the residents of the Subdivision and must not constitute an offensive use as determined by the Approving Authority.

Secretary: R.G., ED

2. Except as amended hereby, all of the covenants, terms, provisions, restrictions and obligations contained in the Declaration are hereby ratified and confirmed and shall be continued in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the dates shown below.

DECLARANT:

HIGBY PROJECT, L.L.C.,
a Colorado limited liability company

By: [Signature]
Its: [Signature]
Owner of Lot(s) _____

J. Patrick Kelly El Paso Cty, CO
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OWNERS CONSENT

SECURITY TITLE

The undersigned owners hereby consent to the First Amendment to the Declaration of Covenants, Conditions and Restrictions of Higby Estates.

OWNER:

Mickey Davis
Name(s) Printed: Rykeka Homes by Mickey Davis
Lot(s) Number: 4, 15, 66

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 10th day of MARCH, 1999, by Mickey Davis as President of Rykeka Homes

Witness my hand and official seal.
(SEAL)

DEANNA L. STARKEY
Notary Public
State of Colorado
My Commission Expires Mar. 9, 2000

Deanna L. Starkey
Notary Public: El Paso County
My commission expires: 3/9/2000

OWNER:

Norm Karasa
Name(s) Printed: D'Signer, Inc. by Norm Karasa
Lot(s) Number: 13, 24, 74

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 15th day of March, 1999, by Norm Karasa

Witness my hand and official seal.
(SEAL)

S. M. DAVIS
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 7/23/2001

S. M. Davis
Notary Public: _____
My commission expires: _____

OWNER:

Tim Bries
Name(s) Printed: Tim Bries
Lot(s) Number: 14, 77, 68

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 15 day of March, 1999, by Tim Bries

Witness my hand and official seal.
(SEAL)

S. M. DAVIS
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 7/23/2001

S. M. Davis
Notary Public: _____
My commission expires: _____

J. Patrick Kelly El Paso Cty, CO
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OWNERS CONSENT

SECURITY TITLE

The undersigned owners hereby consent to the First Amendment to the Declaration of Covenants, Conditions and Restrictions of Higby Estates.

OWNER:

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)
Name(s) Printed: Davis Builders by Carl Davis
Lot(s) Number: 2

The foregoing instrument was acknowledged before me this ___ day of ___, 1999, by ___ Witness my hand and official seal. (SEAL)

Notary Public:
My commission expires:

OWNER:

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)
Name(s) Printed: Oaksbury by Mark Davis
Lot(s) Number: 22, 41

The foregoing instrument was acknowledged before me this 10th day of March, 1999, by MARK DAVIS Witness my hand and official seal. (SEAL)

TRUDY PURCELL
Notary Public
State of Colorado
My Commission Expires Aug. 15, 2001

Notary Public: Trudy Purcell
My commission expires: 8/15/2001

OWNER:

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)
Name(s) Printed: Higby Project, L.L.C.
Lot(s) Number: 6, 8, 9, 10, 11, 16, 23, 25, 26, 35, 48, 49, 50, 51, 52, 53, 55, 58, 59, 62, 64, 65, 67, 69, 70, 73, 78, 83, 3, 27, 28, 29, 34, 38, 39, 45, 46, 47, 80, 82, 79, 72, 54

The foregoing instrument was acknowledged before me this 10th day of March, 1999, by CARL TURSE + MARK DAVIS Witness my hand and official seal. (SEAL)

TRUDY PURCELL
Notary Public
State of Colorado
My Commission Expires Aug. 15, 2001

Notary Public: Trudy Purcell
My commission expires: 8/15/2001

J. Patrick Kelly El Paso Cty, CO 099052227

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OWNERS CONSENT

SECURITY TITLE

The undersigned owners hereby consent to the First Amendment to the Declaration of Covenants, Conditions and Restrictions of Higby Estates.

OWNER:

Harley Jergensen, PRES

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

Name(s) Printed: Harley Jergensen/Carl Turse
Lot(s) Number: 1

The foregoing instrument was acknowledged before me this 10th day of March,
1999, by HARLEY JERGENSEN / CARL TURSE
Witness my hand and official seal.
(SEAL)

TRUDY PURCELL
Notary Public
State of Colorado
My Commission Expires Aug. 15, 2001

Trudy Purcell
Notary Public:
My commission expires: 8/15/2001

OWNER:

Harley Jergensen, PRES

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

Name(s) Printed: Harley Jergensen
Lot(s) Number: 5

The foregoing instrument was acknowledged before me this 10th day of March,
1999, by HARLEY JERGENSEN
Witness my hand and official seal.
(SEAL)

TRUDY PURCELL
Notary Public
State of Colorado
My Commission Expires Aug. 15, 2001

Trudy Purcell
Notary Public: Montrose Group, L.L.C.
My commission expires: 37, 43, 75, 81

OWNER:

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

Name(s) Printed: _____
Lot(s) Number: _____

The foregoing instrument was acknowledged before me this 10th day of March,
1999, by MARK DAVIS
Witness my hand and official seal.
(SEAL)

TRUDY PURCELL
Notary Public
State of Colorado
My Commission Expires Aug. 15, 2001

Trudy Purcell
Notary Public:
My commission expires: 8/15/2001

J. Patrick Kelly El Paso Cty, CO 099052227
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