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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.

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

Owner of Lot(s)

J. Patrick Kelly El Paso Cty,CO 04/06/1999 09:12

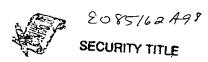
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Pursuant to Section 809 of the Declaration, the Directors of the Association sign, acknowledge and certify this Amendment.

ASSOCIATION:
HIGBY ESTATES HOMEOWNERS ASSOCIATION, INC. a Colorado non-profit corporation By: Director Director
By: Director
STATE OF COLORADO)) ss. COUNTY OF EL PASO)
The foregoing instrument was acknowledged before me this <u>oth</u> day of <u>March</u> 1999, by Carl Turse, as Manager of HIGBY PROJECT, L.L.C., a Colorado limited liability company.
Witness my hand and official seal. TRUDY PURCELL Notary Public State of Colorado My Commission Expires Aug. 15, 2001 My commission expires: 8/15/200/
STATE OF COLORADO) ss.
COUNTY OF)
The foregoing instrument was acknowledged before me this day of
, as the Board of Directors of Higby Estates Homeowners Association, Inc., a Colorado non-profit corporation.
Witness my hand and official seal.
Notary Public My commission expires:
J. Patrick Kelly El Paso Cty, CO 04/06/1999 09:12 099052227
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OWNERS CONSENT



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

DEANNA L. STARKEY Notary Public State of Colorado	STATE OF COLORADO) ss. COUNTY OF EL PASO) The foregoing instrument wa	Name(s) Printed: Bykeka Homes by Mickey Davis Lot(s) Number: 4, 15, 66 as acknowledged before me this/Oth day of MARCH
State of Colorado Liy Commission Expires Mar. 9, 2000 OWNER: Name(s) Printed: D'Signer, Inc. by Norm Karasa Lot(s) Number: 13, 24, 74 The foregoing instrument was acknowledged before me this 15th day of 1999, by Norm Karasa Notary Public: My commission expires: Name(s) Printed: Tim Briese Lot(s) Number: 14, 77, 68 STATE OF COLORADO The foregoing instrument was acknowledged before me this 15 day of 11000h 1999, by Tim 15 Briese Witness my hand and official seal. (SEAL) Notary Public: My commission expires: Notary Public: My commission expires: Notary Public: My commission expires:	Witness my hand and official (SEAL)	Seal. Alarra & Starter
Name(s) Printed: D'Signer, Inc. by Norm Karasa STATE OF COLORADO	Sigle of Colorado Lily Commission Expires Mar. 9, 2000	
The foregoing instrument was acknowledged before me this by day of March 1999, by Noem Farasa Witness my hand and official seal. (SEAL) Notary Public: My commission expires: Notary Public: My commission expires: Name(s) Printed: Tim Briese STATE OF COLORADO The foregoing instrument was acknowledged before me this 15 day of Moloh 1999, by Tim 15 Briese Witness my hand and official seal. (SEAL) Notary Public: My commission expires: Notary Public: My commission expires:		Name(s) Printed: D'Signer, Inc. by Norm Karasa
Witness my hand and official seal. (SEAL) Notary Public: My commission expires: Notary Public State OF COLORADO Notary Public: My commission expires: Notary Public: My commission expires: S. M. DAVIS NOTARY Public My commission expires:) ss.	Lot(s) Number: 13, 24, 74
STATE OF COLORADO Name(s) Printed: Tim Briese STATE OF COLORADO) Lot(s) Number: 14, 77, 68) ss. COUNTY OF EL PASO) The foregoing instrument was acknowledged before me this 15 day of 1999, by Tim 12 Briese Witness my hand and official seal. (SEAL) Notary Public: My commission expires: S. M. DAVIS NOTARY PUBLIC STATE OF COLORADO	1999, by <u>Noem Farasa</u> Witness my hand and official (SEAL) S. M. DAVIS	Notary Public:
STATE OF COLORADO) Lot(s) Number: 14, 77, 68) ss. COUNTY OF EL PASO) The foregoing instrument was acknowledged before me this 15 day of Molech 1999, by Tim 15 Briese Witness my hand and official seal. (SEAL) Notary Public: My commission expires: S. M. DAVIS NOTARY PUBLIC STATE OF COLORADO	STATE OF COLORADO	OWNER:
Witness my hand and official seal. (SEAL) Notary Public: My commission expires: S. M. DAVIS NOTARY PUBLIC STATE OF COLORADO) ss.	
Notary Public: My commission expires: S. M. DAVIS NOTARY PUBLIC STATE OF COLORADO	Witness my hand and official	I seal.
■ STATE OF COLORADO ■	S. M. DAVIS	Notary Public:
My Commission Expires 7/23/2001 3. Patrick Kelly El Paso Cty, CO 099052227		J. Patrick Kelly El Paso Cty,CO 099052227 04/06/1999 09:12

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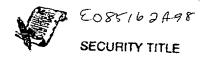
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OWNERS CONSENT

OWNER:



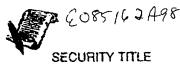
The undersigned owners hereby consent to the First Amendment to the Declaration of Covenants, Conditions and Restrictions of Higby Estates.

STATE OF COLORADO	Name(s) Printed: <u>Davis Builders by Carl Davis</u> Lot(s) Number: 2
) ss. Lot(s) Number: 2
COUNTY OF EL PASO)
The foregoing instrume 1999, by	ent was acknowledged before me this day of
Witness my hand and o (SEAL)	official seal.
	Notary Public:
	My commission expires:
	OWNER:
	OWNER:
	led can be
STATE OF COLORADO)	Name(s) Printed: Oaksbury by Mark Davis
:	Lot(s) Number: 22, 41
COUNTY OF EL PASO)	
The foregoing instrume 1999, by MAICK DA	nt was acknowledged before me this 10 th day of March,
Witness my hand and o	fficial seal.
(SEAL)	\mathcal{L}
TOURY RUDGELL	Notary Public:
TRUDY PURCELL Notary Public	My commission expires: 8/15/2001
State of Colorado Commission Expires Aug. 15, 2001	1 /
Commission Expires Aug. 13, 2001	OWNER:
	(om tundam. Par + / Die
CTATE OF COLUMN 1	Name(s) Printed: Higby Project, L.L.C.
STATE OF COLORADO)	Lot(s) Number: 6, 8, 9, 10, 11, 16, 23, 25, 26
COUNTY OF EL PASO	ss. 35, 48, 49,, 50, 51, 52, 53, 55, 58 59, 62, 64, 65, 67, 69, 70, 73, 78
	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
1999, by <u>CARL 7 URSE</u>	at was acknowledged before me this <u>ortalay</u> of <u>March</u> ,
Witness my hand and of	ficial seal.
(SEAL)	\mathcal{L}
	Notary Public:
TRUDY PURCELL	My commission expires: 8/15/2001
Notary Public	7 201
State of Colorado	
ommission Expires Aug. 15, 2001	

J. Patrick Kelly El Paso Cty, CO 099052227 04/06/1999 09:12 Doc \$0.00 Page Rec \$25.00 4 of 5

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OWNERS CONSENT



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

STATE OF COLORADO) SS. COUNTY OF EL PASO)	OWNER: Name(s) Printed: Harley Jergensen/Carl Turse Lot(s) Number: 1
The foregoing instrument w 1999, by HARLEY JERG Witness my hand and offici (SEAL) TRUDY PURCELL Notary Public State of Colorado My Commission Expires Aug. 15, 2001	Notary Public: My commission expires: 8/15/2001
STATE OF COLORADO)) ss. COUNTY OF EL PASO) The foregoing instrument wa	OWNER: Sarly Servance, Meer Name(s) Printed: Harley Jergensen Lot(s) Number: 5 as acknowledged before me this 10th day of March
1999, by HARLET SERGE Witness my hand and officia (SEAL) TRUDY PURCELL Notary Public State of Colorado y Commission Expires Aug. 15, 2001	
STATE OF COLORADO) ss. COUNTY OF EL PASO)	Name(s) Printed: Lot(s) Number:
Witness my hand and official (SEAL)	
,	J. Patrick Kelly El Paso Cty,CO 099052227

J. Patrick Kelly El Paso Cty,CO 04/06/1999 09:12 099052227 Doc \$0.00 Page Rec \$25.00 5 of 5