

### ROAD MAINTENANCE DECLARATION

THIS ROAD MAINTENANCE DECLARATION ("Declaration") is made this 6<sup>th</sup> day of September, 1994, for the purposes hereinafter stated. By reference in a deed of conveyance or other recorded document, as hereinafter provided, to this Declaration, the date of its recording and the reception number assigned by the Larimer County Clerk and Recorder to the recorded Declaration, this Declaration shall become a covenant running with the land, shall be a benefit and a burden to the land, all roads declared appurtenant to the deeded land are made a part of this Declaration and shall be appurtenant to the land, and all those taking title to the land shall be subject to this Declaration and shall have a nonexclusive right to the use and enjoyment of all roads made appurtenant to the land and made a part of this Declaration.

#### ARTICLE I Definitions

1. "Lot" shall mean a single tract or parcel of land described by metes and bounds or by reference to such single tract or parcel shown on a recorded plat, map, or separate legal description adequate to convey title to the tract or parcel.
2. "Owner(s)" or "Lot Owner(s)" shall mean the person(s), corporation(s), limited liability company, partnership(s), association(s), or other entity that owns a Lot.
3. "Association" shall mean NORTH RIM ROAD ASSN., a Colorado nonprofit corporation.
4. "Directors" shall mean the Board of Directors of the Association.
5. "Members" shall mean Lot Owners who shall all be members of the Association, with the members (Lot Owners) of each Lot having one vote on Association business for each Lot. The Lot Owners shall designate by majority representation that Owner empowered to cast the vote for the Lot Owners of each Lot at the Association meetings.
6. "Roads" shall mean the roads described on Exhibit "A" attached hereto and incorporated herein by reference, amended plat of Glacier View Meadows Third Filing (Deer Mountain Court and North Rim Road), and such additional roads as may be subsequently added by consent of the Association and referenced to this Declaration. The Roads shall be nonexclusive for the use and benefit of the Lots served by the Roads, the Lot Owners, their guests, invitees, agents, employees, and servants, and made subject to this Declaration in a deed of conveyance or by consent of the Lot Owner and the Association. The Roads shall serve Lots

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in Sections 15, 16, 20, 21, 22, 28, 29, and 30, Township 9 North, Range 72 West and Section 25, Township 9 North, Range 73 West of the 6th P.M., county of Larimer, state of Colorado, as more specifically designated from time to time in deeds or other documents. The Roads shall provide access to County Road 74-E (the Red Feather Lakes Road, a public road).

7. "Road Assessment" shall mean the annual dues assessed by the Directors on each Lot for the construction, repair, and maintenance of the Roads, and the operation of the Association. The Road Assessment may include reserves for unknown contingencies and for future plans. Even though a part of the road is in Glacier View Meadows Subdivision, the Glacier View Meadows Road and Recreation Association shall have no responsibility for the repairs, maintenance, or replacement of North Rim Road, Deer Mountain Court, the road described on Exhibit "A", and additional roads as may be added.

#### ARTICLE II Association and Road Assessments

1. North Rim Road Assn., a Colorado nonprofit corporation, the Association, has been formed for the purpose of collecting the Road Assessments, enforcing this Declaration, and constructing, repairing, and maintaining the Roads.

2. Until December 31, 1998, Donald B. Weixelman, or his designated assigns, reserves the right to appoint the Directors. After December 31, 1998, the Directors shall be elected by the Members pursuant to the Articles and Bylaws of the Association. Each Lot shall be entitled to one (1) vote on each matter coming before the Association Members.

3. Not less than one (1) nor more than three (3) Directors shall serve the Association.

4. The Directors shall have the power to make and amend from time to time and to enforce reasonable regulations for the use of Roads, which regulations may be enforced by injunction in any court of competent jurisdiction.

5. The Directors of the Association (North Rim Road Assn.) shall annually, annually being June 1 to May 31 of each year, set and collect the Road Assessments. Prior to June 1, 1999, the Road Assessment for each Lot shall not exceed \$200 per year for Lots of fifty (50) acres or less, plus \$50 per year for each residence or building occupied by persons in excess of one (1) such occupied residence or building on the Lot, and plus \$0.25 annually for each acre of the Lot over fifty (50) acres. Commencing June 1, 1999, the Directors shall set the Road Assessment, without regard to the limitations set forth above, to meet the reasonable needs of the Members.



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6. Each Owner of any Lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, or by instrument declaring this Road Maintenance Declaration a covenant running with his land, is deemed to covenant and agree to pay to the Association Lot assessments imposed by the Association to meet Road Assessments and abide by the terms of this Declaration and the regulations.

7. Any Road Assessment, charge, or fee provided for in this Declaration which is not fully paid within ten (10) days after the date due shall bear interest at a rate determined by the Board of Directors of the Association. In addition, the Board of Directors may assess a late charge thereon. Any Owner who fails to pay any Road Assessment, charge, or fee of the Association shall also be obligated to pay to the Association, on demand, all costs and expenses incurred by the Association, including reasonable attorney's fees, in attempting to collect the delinquent amount. The total amount due to the Association, including unpaid Road Assessments, fees, charges, fines, interest, late payment penalties, costs, and attorney's fees, shall constitute a lien on the defaulting Owner's Lot. The Association may bring any action, at law or in equity, or both, against any Owner personally obligated to pay any amount due to the Association, the Owners being liable, jointly and severally, and may also proceed to foreclose its lien against such Owners' Lot. An action at law or in equity by the Association against a delinquent Owner to recover a money judgment for unpaid amounts due to the Association for Road Assessments may be commenced and pursued by the Association without foreclosing or in any way waiving the Association's lien right.

#### ARTICLE III Lot Size and Zoning

1. Prior to June 20, 2001, except that land that is traded to the United States Forest Service, no land served by the Roads shall be divided into parcels of less than thirty-five (35) acres.

2. The land served by the Roads shall be zoned Re-Rural Estate or such other zoning approved by the Board of County Commissioners for Larimer County, Colorado.

#### ARTICLE IV Roads within Glacier View Meadows Subdivision Third Filing

The Association shall be responsible for the regulation of use, and the construction, repair, and maintenance of the road within Glacier View Meadows Subdivision Third Filing as described on Exhibit "A" attached hereto, North Rim Road, and Deer Mountain Court. The Association shall, and by these presents does, hereby indemnify and hold Glacier View Meadows Road and Recreation

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Association and its members harmless and free of any claim for the construction, repair, and maintenance of the Roads, and more specifically, the road in Glacier View Meadows Subdivision Third Filing described on said Exhibit "A."

**ARTICLE V**  
**Easements Conveyed to Association**

The road easements described on Exhibit "A" attached hereto shall be conveyed to the Association for the nonexclusive use and benefit of the Lot Owner(s), Lot(s), and Members. All Roads and other designated easements shall include the right for all Lot Owners to construct and maintain utility transmission facilities within the easements or as provided in the conveyance of the easements to serve the Lots. The Association shall have the right to convey the nonexclusive right to all Lots to use the Roads and utility easements.

**ARTICLE VI**  
**Roads and Utility Easements-Appurtenant**

All Roads and utility easements serving a Lot shall be and hereby are appurtenant to the Lot. A conveyance of the Lot shall convey, with or without mention, the nonexclusive right to the use of the Roads and utility easements, which are, by these presents, deemed appurtenant to all Lot(s) declared subject to this Declaration.

**ARTICLE VII**  
**Duration and Amendment**

1. This Declaration shall be in effect for a term of twenty (20) years from date of its recording with the Clerk and Recorder of Larimer County, Colorado, and shall continue thereafter for successive terms of ten (10) years each unless sixty percent (60%) or more of the Members shall vote to terminate this Declaration.

2. This Declaration may be amended from time to time by a vote of sixty percent (60%) or more of the Members present at a meeting where not less than a quorum of sixty percent (60%) of the Members is present.

3. No termination or amendment of this Declaration shall terminate or void in any manner or way the nonexclusive right of each Owner, and the appurtenance to each Lot, for the use of the Roads for ingress and egress to Larimer County Road 74-E, a public road. The nonexclusive right of use shall include the Owner, his guests, invitees, agents, employees, and servants.

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ARTICLE VIII  
Binding Effect

This Declaration shall be binding upon the Association, the Lot Owners, Members, and their heirs, personal representatives, successors, and assigns.

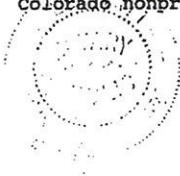
DATED in Larimer County, Colorado, the day and year first above written.

NORTH RIM ROAD ASSN., a Colorado  
nonprofit corporation

By Donald B. Weixelman  
Donald B. Weixelman, President

STATE OF COLORADO     )  
County of Larimer     ) ss.

The foregoing document was acknowledged, subscribed, and sworn to before me this 6<sup>th</sup> day of September, 1994, by Donald B. Weixelman, president of North Rim Road Assn., a Colorado nonprofit corporation.



[Signature]  
Notary Public  
My commission expires: Jul, 31, 1996



EXHIBIT "A"  
(Road and Utility Easements North Rim Road Assn.)

Road and utility easements of access from Larimer County Road 74-E,  
all in the county of Larimer, state of Colorado, to wit:

Access Road "A": North Rim Road as dedicated on the Replat of the  
Amended Plat of Lots 5 and 6, Glacier View Meadows Subdivision, Third  
Filing and Part of the Northeast  $\frac{1}{4}$  of Section 16, Township 9 North,  
Range 72 West of the Sixth P.M., Larimer County Colorado.

Access Road "B": A 60.00 foot wide access road right-of-way situat  
in Section 16, Township 9 North, Range 72 West of the 6th P.M.,  
Larimer County, Colorado, which considering the North line of the  
Northeast  $\frac{1}{4}$  of said Section 16 as bearing S 89° 52' 00" E and with  
all bearings contained herein relative thereto and the centerline  
of said access road right-of-way begins at a point on the said North  
line which bears S 89° 52' 00" E 1007.47 feet from the North  $\frac{1}{4}$  corner  
of said Section 16 and run thence S 03° 22' 45" E 30.06 feet; thence  
S 89° 52' E 522.06 feet; thence along the arc of a 121.11 foot radius  
curve to the left a distance of 33.04 feet, the long chord of which  
bears S 45° 25' 04" E 32.94 feet; thence S 53° 13' 58" E 56.64 feet;  
thence along the arc of a 228.26 foot radius curve to the right a  
distance of 144.93 feet, the long chord of which bears S 35° 02'  
37" E 142.51 feet; thence S 16° 51' 16" E 72.80 feet; thence S 09°  
52' 50" E 150.91 feet; thence along the arc of a 224.65 foot radius  
curve to the left a distance of 171.20 feet, the long chord of which  
bears S 31° 42' 45" E 167.09 feet; thence S 53° 32' 39" E 192.79  
feet; thence S 37° 18' 46" E 203.53 feet; thence S 16° 24' 32" E  
204.74 feet; thence S 09° 09' 19" E 261.62 feet; thence S 00° 46'  
02" W 188.46 feet; thence along the arc of a 131.52 foot radius curve  
to the right a distance of 136.32 feet, the long chord of which bears  
S 30° 27' 41" W 130.30 feet; thence S 60° 09' 21" W 79.51 feet; thence  
along the arc of a 96.83 foot radius curve to the left a distance  
of 107.43 feet the long chord of which bears S 28° 22' 16" W 102.00  
feet; thence S 03° 24' 49" E 33.69 feet; thence along the arc of  
a 96.50 foot radius curve to the right a distance of 75.84 feet,  
the long chord of which bears S 19° 06' 01" W 73.90 feet; thence  
S 41° 36' 51" W 30.91 feet; thence S 26° 09' 24" W 189.14 feet; thence  
S 13° 55' 24" W 179.98 feet; thence S 23° 28' 14" W 148.91 feet;  
thence S 03° 02' 28" W 94.64 feet; thence along the arc of 112.21  
foot radius curve to the left a distance of 117.83 feet, the long  
chord of which bears S 27° 02' 32" E 112.49 feet; thence S 57° 07'  
33" E 103.74 feet; thence S 39° 45' 55" E 57.50 feet; thence along  
the arc of a 127.10 foot radius curve to the left a distance of 169.46  
feet, the long chord of which bears S 77° 57' 38" E 157.18 feet;  
thence N 63° 50' 38" E 104.01 feet; thence N 57° 54' 19" E 46.96  
feet; thence along the arc of a 200.34 foot radius curve to the right  
a distance of 185.50 feet, the long chord of which bears N 84° 25'  
52" E 178.95 feet; thence S 69° 02' 35" E 51.89 feet to the centerline  
of an intersection with a 60.00 foot wide access road right-of-way;  
thence along the centerline of said 60.00 foot wide right-of-way  
S 63° 30' 22" W 120.28 feet; thence S 58° 47' 52" W 256.03 feet;  
thence along the arc of a 589.34 foot radius curve to the left a  
distance of 246.35 feet, the long chord of which bears S 46° 49'  
22" W 244.56 feet; thence S 34° 50' 53" W 251.66 feet; thence S 22°  
31' 03" W 283.71 feet; thence S 35° 34' 29" W 430.11 feet; thence  
S 27° 45' 29" W 250.62 feet; thence S 39° 13' 58" W 224.44 feet;  
thence S 31° 06' 01" W 280.70 feet; thence S 52° 11' 36" W 88.96  
feet; thence along the arc of a 346.00 foot radius curve to the left  
a distance of 194.69 feet, the long chord of which bears S 36° 04'  
24" W 192.14 feet; thence S 19° 57' 11" W 143.26 feet; thence along  
the arc of a 153.03 foot radius curve to the right a distance of  
139.47 feet, the long chord of which bears S 46° 03' 43" W 134.69  
feet; thence S 72° 10' 15" W 60.10 feet; thence S 64° 39' 37" W 50.16  
feet; thence along the arc of a 123.87 foot radius curve to the right  
a distance of 86.33 feet, the long chord of which bears S 84° 37'  
32" W 84.59 feet; thence N 75° 24' 33" W 37.71 feet; thence along  
the arc of a 124.61 foot radius curve to the left a distance of 111.83  
feet, the long chord of which bears S 78° 52' 46" W 108.12 feet;  
thence S 53° 10' 04" W 140.05 feet; thence S 58° 50' 58" W 119.61  
feet; thence S 52° 38' 55" W 119.44 feet; thence S 61° 45' 58" W

91.89 feet; thence S 72° 13' 50" W 86.18 feet; thence S 85° 24' 19" W 95.25 feet; thence N 82° 30' 03" W 89.14 feet; thence N 73° 35' 58" W 107.30 feet; thence N 68° 53' 30" W 154.37 feet; thence N 85° 18' 22" W 89.76 feet; thence along the arc of a 87.25 foot radius curve to the left a distance of 167.77 feet, the long chord of which bears S 39° 36' 36" W 143.09 feet; thence S 15° 28' 26" E 28.61 feet to the point on the South line of the Southwest 1/4 of said Section 16 which bears N 89° 56' 38" W 656.74 feet.

#### LEGAL DESCRIPTION OF A 60 FOOT ACCESS EASEMENT

An 80.00 foot wide access easement with shortened and extended sides with a 15.00 foot utility easement lying adjacent to each side of said access easement, situate in the North 1/2 of Section 21, Township 9 North, Range 72 West of the Sixth P.M., Larimer County, Colorado, which considering the North line of the Northwest 1/4 of said Section 21 as bearing S 89° 56' 38" E and with all bearings contained herein relative thereto which centerline is described as follows: begin at a point on the North line of the Northwest 1/4 of said Section 21, which bears N 89° 56' 38" W 656.74 feet from the North 1/2 corner of said Section 21, and run thence S 18° 59' 14" E 39.78 feet; thence along the arc of an 61.65 foot radius curve to the left a distance of 82.26 feet, the long chord of which bears S 47° 50' 49" E 78.82 feet; thence S 76° 42' 23" E 25.07 feet; thence S 53° 54' 55" E 73.19 feet; thence along the arc of a 54.94 foot radius curve to the right a distance of 69.15 feet, the long chord of which bears S 17° 51' 26" E 64.67 feet; thence S 18° 12' 03" W 119.76 feet; thence S 04° 30' 29" E 89.40 feet; thence S 29° 54' 04" W 66.38 feet; thence along the arc of a 129.09 foot radius curve to the left a distance of 95.41 feet, the long chord of which bears S 08° 43' 44" W 93.25 feet; thence along the arc of a 40.30 foot radius curve to the right a distance of 60.51 feet, the long chord of which bears S 30° 34' 21" W 54.98 feet; thence N 78° 48' 41" W 59.03 feet; thence S 77° 50' 21" W 73.60 feet; thence along the arc of a 25.91 foot radius curve to the left a distance of 46.37 feet, the long chord of which bears S 24° 28' 54" W 41.65 feet; thence S 29° 00' 32" E 140.40 feet; thence S 37° 30' 00" W 38.86 feet; thence N 89° 28' 32" W 55.22 feet; thence along the arc of a 27.32 foot radius curve to the left a distance of 78.38 feet, the long chord of which bears S 08° 19' 30" W 54.13 feet; thence S 73° 52' 28" E 101.70 feet; thence S 36° 35' 10" E 117.41 feet; thence along the arc of a 56.42 foot radius curve to the left a distance of 55.15 feet, the long chord of which bears S 64° 35' 00" E 52.98 feet; thence N 07° 24' 53" E 41.67 feet; thence S 53° 50' 47" E 39.09 feet; thence along the arc of a 28.21 foot radius curve to the left a distance of 39.77 feet, the long chord of which bears N 85° 45' 43" E 36.56 feet; thence along the arc of a 66.64 foot radius curve to the right a distance of 44.79 feet, the long chord of which bears N 64° 37' 35" E 43.96 feet; thence N 83° 52' 57" E 41.22 feet; thence N 63° 05' 43" E 53.63 feet; thence along the arc of a 51.75 foot radius curve to the right a distance of 61.55 feet, the long chord of which bears S 82° 49' 52" E 57.98 feet; thence S 48° 45' 26" E 45.73 feet; thence along the arc of a 104.82 foot radius curve to the left a distance of 85.01 feet, the long chord of which bears S 71° 59' 28" E 82.70 feet; thence N 84° 46' 30" E 56.79 feet; thence along the arc of a 61.98 foot radius curve to the right a distance of 63.72 feet, the long chord of which bears S 65° 46' 15" E 60.95 feet; thence S 35° 19' 00" E 59.04 feet; thence S 06° 33' 30" E 43.11 feet; thence S 58° 27' 01" E 63.66 feet; thence along the arc of a 31.42 foot radius curve to the right a distance of 71.88 feet, the long chord of which bears S 07° 04' 29" W 57.20 feet; thence S 72° 35' 58" W 120.07 feet; thence along the arc of a 113.55 foot radius curve to the right a distance of 67.90 feet, the long chord of which bears S 89° 43' 52" W 66.89 feet; thence N 73° 08' 14" W 91.34 feet; thence S 74° 37' 53" W 208.55 feet; thence S 70° 04' 39" W 123.72 feet; thence S 09° 07' 58" W 67.95 feet; thence along the arc of a 47.54 foot radius curve to the left a distance of 72.07 feet; the long chord of which bears S 45° 42' 23" W 65.36 feet; thence S 02° 16' 49" W 69.84 feet to a point on the South line of the North 1/2 of the Northwest 1/4 of said Section 21 right-of-way.

Access Road "D": A 60.00 foot wide access road right-of-way situate in the South 1/2 of the North 1/2 of Section 21, Township 9 North, Range 72 West of the 6th P.M., Larimer County, Colorado, which considering the West line of the Southeast 1/4 of said Section 21 as bearing S 00° 00' 45" E and with all bearings contained herein relative thereto, the centerline of which begins at a point on the South line of the said South 1/2 which bears S 89° 38' 19" W 2370.23 feet from the East 1/2 corner of said Section 21 and runs thence along the arc of a 436.64 foot radius curve to the right a distance of 72.06 feet, the long chord of which bears N 34° 07' E 71.98 feet; thence N 38° 50' 38" E 177.53 feet; thence N 16° 02' 35" E 102.56 feet; thence along the arc of a 85.92 foot radius curve to the left, a distance of 90.56 feet, the long chord of which bears N 14° 09' 16" W 86.43 feet; thence N 44° 21' 07" W 224.62 feet; thence along the arc of a 81.21 foot radius curve to the right a distance of 115.55 feet, the long chord of which bears N 03° 35' 41" W 106.05 feet; thence N 37° 09' 45" E 123.26 feet; thence N 20° 18' 26" E 79.67 feet; thence N 03° 25' 12" E 110.97 feet; thence N 29° 16' 06" W 81.73 feet; thence along the arc of a 173.19 foot radius curve to the left a distance of 97.35 feet, the long chord of which bears N 45° 22' 18" W 96.08 feet; thence N 61° 28' 30" W 143.75 feet; thence along the arc of a 146.85 foot radius curve to the left a distance of 96.38 feet, the long chord of which bears N 80° 16' 39" W 94.66 feet; thence S 80° 55' 12" W 214.22 feet; thence along the arc of a 150.29 foot radius curve to the right a distance of 114.72 feet, the long chord of which bears N 77° 18' 59" W 111.45 feet; thence N 55° 33' 10" W 32.43 feet; thence along the arc of a 202.31 foot radius curve to the left a distance of 98.04 feet, the long chord of which bears N 69° 26' 06" W 97.08 feet; thence N 83° 19' 02" W 157.54 feet; thence along the arc of a 54.00 foot radius curve to the right a distance of 80.67 feet, the long chord of which bears N 40° 31' 06" W 73.37 feet to a point on the North line of the South 1/2 of the North 1/2 of said Section 21 which bears S 89° 58' 01" W 729.68 feet from the Northeast corner of the South 1/2 of the Northwest 1/4 of said Section 21.



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Access Road "E": A 60.00 foot wide access road right-of-way situate in the South  $\frac{1}{4}$  of Section 21, Township 9 North, Range 72 West of the 6th P.M., Larimer County, Colorado, which considering the West line of the Southeast  $\frac{1}{4}$  of said Section 21 as bearing S 00° 00' 45" E and with all bearings contained herein relative thereto, the centerline of which begins at a point on the North line of the said Southeast  $\frac{1}{4}$  which bears S 89° 38' 19" W 2370.19 feet from the East  $\frac{1}{4}$  corner of said Section 21 and run thence along the arc of a 436.64 foot radius curve to the left a distance of 86.19 feet, the long chord of which bears S 23° 44' 02" W 86.05 feet; thence S 18° 04' 45" W 221.53 feet; thence along the arc of a 193.81 foot radius curve to the left a distance of 116.37 feet, the long chord of which bears S 00° 52' 40" W 114.63 feet; thence S 16° 19' 25" E 128.78 feet; thence along the arc of a 158.25 foot radius curve to the left a distance of 96.86 feet, the long chord of which bears S 33° 51' 25" E 95.35 feet; thence S 51° 53' 25" E 209.15 feet; thence S 45° 14' 40" E 246.44 feet; thence along the arc of a 88.47 foot radius curve to the right a distance of 91.02 feet, the long chord of which bears S 15° 46' 19" E 87.06 feet; thence S 13° 42' 02" W 185.03 feet; thence S 15° 26' 47" E 364.53 feet; thence along the arc of a 174.27 foot radius curve to the right a distance of 185.94 feet, the long chord of which bears S 15° 07' 11" W 177.24 feet; thence S 45° 41' 09" W 194.36 feet; thence S 37° 50' 13" W 75.21 feet; thence along the arc of a 303.94 foot radius curve to the right a distance of 99.11 feet, the long chord of which bears S 47° 10' 44" W 98.67 feet; thence S 56° 31' 14" W 35.16 feet; thence along the arc of a 330.92 foot radius curve to the right a distance of 147.51 feet, the long chord of which bears S 69° 17' 25" W 146.29 feet; thence S 82° 03' 36" W 116.72 feet; thence along the arc of a 251.26 foot radius curve to the right a distance of 98.71 feet, the long chord of which bears N 86° 41' 08" W 98.08 feet; thence N 75° 25' 51" W 617.22 feet to the end of said access road right-of-way.

Together with a nonexclusive fifteen (15) foot wide utility easement adjacent to the west boundary of North Rim Road described as Access Road "A"; and a fifteen (15) foot wide nonexclusive utility easement on both sides of the remainder of the above-described access roads. The utility easement shall include, but not be limited to, telephone, television, electric, water, gas, sewer, and "information highway."