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Kathleen Neel - Summit County Recorder

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SECOND SUPPLEMENTAL DECLARATION OF COVENANT, CONDITIONS AND RESTRICTIONS OF THE CUCUMBER CREEK ESTATES

CUCUMBER CREEK ASSOCIATES, LLC, a Colorado limited liability company (“Declarant”) makes this Second Supplemental Declaration of Covenants, Conditions and Restrictions of the Cucumber Creek Estates (“First Supplemental Declaration”) for the purpose of adding a portion of the Expansion Property, as defined by Declaration of Covenants, Conditions and Restrictions of the Cucumber Creek Estates, dated February 7, 2020 and recorded on February 7, 2020 at Reception No. 1219959 (the “Original Declaration”) of the records of the Summit County Clerk and Recorder (the “Summit County Records”) to the Cucumber Creek Estates and subjecting such property to the provisions of the Original Declaration. All defined terms in the Declaration will have the same meaning in the Original Declaration, unless otherwise defined herein.

RECITALS

A. Declarant created the Cucumber Creek Estates (the “Project”) by executing the Original Declaration on February 7, 2020 and recording the Original Declaration on February 7, 2020 at Reception No. 1219959 of the Summit County Records; and

B. In addition to other real property, the Original Declaration included the following parcel of real property the Project:

Tract C, Cucumber Creek Estates, according to the Lot Line Vacation Plat filed August 8, 2019 Under Reception No. 1204702, County Of Summit, State Of Colorado

Hereinafter referred to as “Tract C”.

C. The Original Declaration defined the Expansion Property as Tracts A, E and F of the Cucumber Creek Estates Subdivision, according to the Plat filed June 19, 2018 under Reception No. 1172546 of the Summit County Records (the “Original Subdivision Plat”); and

D. On September 8, 2020, the lot line between the original Tract C, as defined above, and Tract E of the Expansion Property was vacated by the Tract C & E Lot Line Vacation and Cottage 3, Duplex 1A & 1B and Duplex 3A & 3B Plat recorded at Reception No. 1234344 (the “Lot Line Vacation Plat”) of the Summit County Records. The Lot Line Vacation Plat created the amended Lot C (“Amended Lot C”); and

E. On September 10, 2020, Declarant recorded the First Supplemental Declaration of Covenants, Conditions and Restrictions of the Cucumber Creek Estates at Reception No. 1234575 of the Summit County Records (“First Supplemental Declaration”) that submitted the Amended Lot C to the Declaration.

F. Subsequently, the lot line between the Amended Tract C, as defined above, and Tract F of the Expansion Property was vacated by the Tract C & F Lot Line Vacation and Cottages 4 & 5, Duplex 4A & 4B, Duplex 5A & 5B, and Duplex 6A & 6B Plat recorded on May 13, 2021 at Reception No. 1258731 of the Summit County Records (the "Second Lot Line Vacation Plat"). The Second Lot Line Vacation Plat created the second amended Lot C ("Second Amended Lot C"); and

G. Declarant now desires to submit the entirety of the Tract C created by the Second Lot Line Vacation Plat, which includes the Second Amended Tract C, as defined above and which was previously known as Tract F of the Expansion Property, to the Project through this Second Supplemental Declaration; and

H. Declarant also desires to update Exhibit A to the Declaration with the Lots created within the Association to date and to update Exhibit B with easements and encumbrances recorded after the recording of the original Declaration.

NOW THEREFORE, Declarant amends and supplements the Original Declaration and the as follows:

1. Exhibit A of the Original Declaration, as amended by the First Supplemental Declaration, is hereby deleted and restated in its entirety in the form attached hereto as Exhibit A, which now lists all Lots created within the Project.

2. Exhibit B of the Original Declaration is hereby deleted and restated in its entirety in the form attached hereto as Exhibit B.

3. Exhibit C of the Original Declaration is hereby deleted and restated in its entirety in the form attached hereto as Exhibit C.

3. Declarant ratifies and affirms all of the terms and the provisions of the Original Declaration, as modified by the First Supplemental Declaration, except as modified by this Second Supplemental Declaration. In the event of any conflict between the Original Declaration, as amended, and the Second Supplemental Declaration, the provisions of this Second Supplemental Declaration shall prevail.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this First Supplemental Declaration of Covenants, Conditions and Restrictions of the Cucumber Creek Estates has been executed by the Declarant this 18th day of February, 2022.

CUCUMBER CREEK ASSOCIATES, LLC
a Colorado limited liability company

By Its Manager: Breckenridge Lands, LLC,
a Colorado limited liability company

By: [Signature]
Thomas M. Begley, Manager

STATE OF COLORADO)
)ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 18th day of February, 2022 by Thomas M. Begley as Manager of Breckenridge Lands, LLC as Manager of Cucumber Creek Associates, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires:

[Signature]
Notary Public

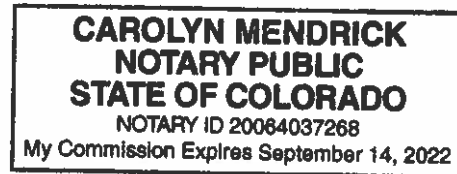


EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

PARCEL A:

TRACT B, CUCUMBER CREEK ESTATES, ACCORDING TO THE PLAT
FILED NOVEMBER 6, 2019 UNDER RECEPTION NO. 1212726,
COUNTY OF SUMMIT, STATE OF COLORADO

PARCEL B:

TRACT C, CUCUMBER CREEK ESTATES, ACCORDING TO THE TRACT
C & F LOT LINE VACATION AND COTTAGES 4 & 5, DUPLEX 4A & 4B,
DUPLEX 5A & 5B, AND DUPLEX 6A & 6B PLAT RECORDED ON MAY 13,
2021 AT RECEPTION NO. 1258731,
COUNTY OF SUMMIT, STATE OF COLORADO

PARCEL C:

GRANT OF EASEMENT FOR DRAINAGE AND DETENTION RECORDED
JANUARY 31, 2001 UNDER RECEPTION NO. 644117 AND GRANT OF
EASEMENT FOR SIGN RECORDED JANUARY 31, 2001 UNDER
RECEPTION NO. 644118, COUNTY OF SUMMIT, STATE OF COLORADO

EXHIBIT A**(Page 2)**

Lot	Tract	Votes	Percentage of Common Expenses
Cottage 1	B	1	1/17
Cottage 2	B	1	1/17
Duplex 1A	C	1	1/17
Duplex 1B	C	1	1/17
Duplex 2A	C	1	1/17
Duplex 2B	C	1	1/17
Cottage 3	C	1	1/17
Duplex 3A	C	1	1/17
Duplex 3B	C	1	1/17
Duplex 4A	C	1	1/17
Duplex 4B	C	1	1/17
Cottage 4	C	1	1/17
Duplex 5A	C	1	1/17
Duplex 5B	C	1	1/17
Duplex 6A	C	1	1/17
Duplex 6B	C	1	1/17
Cottage 5	C	1	1/17

EXHIBIT B

EASEMENTS AND LICENSES OF RECORD

1. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED JULY 05, 1950, IN BOOK 139 AT PAGE 82.
2. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED JULY 05, 1950, IN BOOK 139 AT PAGE 84.
3. TERMS, CONDITIONS AND PROVISIONS AS CONTAINED IN ANNEXATION AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE AND BRECKENRIDGE NORDIC VILLAGE CORPORATION RECORDED JANUARY 25, 1985 UNDER RECEPTION NO. 291295.
4. TERMS, CONDITIONS AND PROVISIONS AS CONTAINED IN SUBDIVISION AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE AND CHRISTIE HEIGHTS PARTNERSHIP RECORDED JULY 09, 1985 UNDER RECEPTION NO. 299669.
5. TERMS, CONDITIONS AND PROVISIONS AS CONTAINED IN ORDER OF INCLUSION INTO THE BRECKENRIDGE SANITATION DISTRICT RECORDED OCTOBER 29, 1985 UNDER RECEPTION NO. 306011 AND RECORDED AUGUST 12, 1988 UNDER RECEPTION NO. 357443.
6. THE EFFECT OF PEOPLES ORDINANCE NO. 25, RECORDED JANUARY 25, 1985, UNDER RECEPTION NO. 291296.
7. TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT AGREEMENT RECORDED JANUARY 31, 2001 AT RECEPTION NO. 644110.
8. EASEMENTS, NOTES AND DEDICATIONS AS SHOWN ON PLAT FOR CHRISTIE HEIGHTS SUBDIVISION FILING NO. 2 RECORDED JANUARY 31, 2001 UNDER RECEPTION NO. 644114.
9. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS OF GRANT OF EASEMENT RECORDED JANUARY 31, 2001 UNDER RECEPTION NO. 644117.
10. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS OF GRANT OF EASEMENT RECORDED JANUARY 31, 2001 UNDER RECEPTION NO. 644118.
11. TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT AGREEMENT RECORDED OCTOBER 01, 2012 AT RECEPTION NO. 1004271.

12. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION 2016-53 FOR ISSUANCE OF TDR CERTIFICATE FOR ONE DEVELOPMENT RIGHT RECORDED AUGUST 08, 2016 AT RECEPTION NO. 1118052 AND RERECORDED AUGUST 16, 2016 UNDER RECEPTION NO. 1118760 AND TDR CERTIFICATE RECORDED AUGUST 16, 2016 UNDER RECEPTION NO. 1118761

13. TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT AGREEMENT RECORDED AUGUST 22, 2016 AT RECEPTION NO. 1119421.

14. TERMS, CONDITIONS AND PROVISIONS OF NOTICE OF APPROVAL OF MASTER PLAN RECORDED DECEMBER 29, 2016 AT RECEPTION NO. 1130683.

15. TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT AGREEMENT RECORDED DECEMBER 29, 2016 AT RECEPTION NO. 1130684.

16. NOTES, DEDICATIONS AND EASEMENTS SET FORTH ON THE PLAT RECORDED JUNE 19, 2018 UNDER RECEPTION NO. 1172546

17. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT REGARDING EASEMENTS BETWEEN CHRISTIE HEIGHTS PARTNERSHIP, A CALIFORNIA GENERAL PARTNERSHIP AND CUCUMBER CREEK ASSOCIATES, LLC A COLORADO LIMITED LIABILITY COMPANY RECORDED JUNE 27, 2018 AT RECEPTION NO. 1173143.

18. TERMS, CONDITIONS AND PROVISIONS OF MEMORANDUM OF SEWER LINE EXTENSION AGREEMENT RECORDED JULY 05, 2018 AT RECEPTION NO. 1173696.

19. NOTES, DEDICATIONS AND EASEMENTS SET FORTH ON PLAT RECORDED AUGUST 9, 2019 UNDER RECEPTION NUMBER 1204702.

20. NOTES, DEDICATIONS AND EASEMENTS SET FORTH ON PLAT RECORDED NOVEMBER 6, 2019 UNDER RECEPTION NUMBER 1212726.

21. TERMS, CONDITIONS AND PROVISIONS OF GRANT OF EASEMENT RECORDED NOVEMBER 08, 2019 AT RECEPTION NO. 1212913.

22. EASEMENTS, NOTES AND DEDICATIONS AS SHOWN ON THE PLAT FOR CUCUMBER CREEK ESTATES RECORDED FEBRUARY 4, 2020 UNDER RECEPTION NUMBER 1219808.

23. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR

FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED FEBRUARY 07, 2020, UNDERRECEPTION NO. 1219959 AND FIRST SUPPLEMENT RECORDED SEPTEMBER 10, 2020 UNDER RECEPTION NO. 1234575.

24. TERMS, CONDITIONS AND PROVISIONS OF PRIVATE TRAIL EASEMENT AGREEMENT RECORDED MARCH 16, 2021 UNDER RECEPTION NO. 1252894 AND 1252895.

25. TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AGREEMENT RECORDED APRIL 30, 2021 UNDER RECEPTION NO. 1257444.

26. NOTES, DEDICATIONS AND EASEMENTS SET FORTH ON THE PLAT RECORDED MAY 13, 2021 UNDER RECEPTION NO. 1258731.

27. TERMS, CONDITIONS AND PROVISIONS OF GRANT OF EXCLUSIVE PARKING EASEMENT RECORDED concurrently UNDER RECEPTION NO. _____.

here with

EXHIBIT C

LEGAL DESCRIPTION OF EXPANSION PROPERTY

TRACT A

CUCUMBER CREEK ESTATES SUBDIVISION, ACCORDING TO THE PLAT
FILED JUNE 19, 2018 UNDER RECEPTION NO. 1172546,
COUNTY OF SUMMIT, STATE OF COLORADO