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**AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS  
FOR PIONEER PLAZA COMMERCIAL TOWNHOMES**

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PIONEER PLAZA COMMERCIAL TOWNHOMES is made with an effective date of the 16<sup>th</sup> day of AUGUST, 2005, by Eric B. Roemer, James Michael Marra and William Oberling (Declarant).

**WHEREAS**, Declarant is the owner of real property, which is a common community interest known as Pioneer Plaza Commercial Townhomes (hereinafter Property), as shown on the Map thereof recorded in the office of the Gunnison County Clerk and Recorder, bearing Reception No. 555753; and

**WHEREAS**, the Declaration of Covenants, Conditions, and Restrictions for Pioneer Plaza Commercial Townhomes was recorded at Reception No. 555752 in said Office of the Gunnison County Clerk and Recorder (hereinafter Declaration); and

**WHEREAS**, Declarant desires to amend the Declaration by adding the language set forth below, the effect of which shall not modify the Map of Pioneer Plaza Commercial Townhomes to any extent.

**NOW, THEREFORE**, this Amendment to the Declaration of Covenants, Conditions and Restrictions For Pioneer Plaza Commercial Townhomes shall run with the Property and shall be binding upon all persons and entities having any right, title or interest in and to the Property or any part thereof, their heirs, successors and assigns and their tenants, employees, guests and invitees and shall inure to and be for the benefit of each owner of the Property.

**ARTICLE 6, Use Restrictions**, Section 6.5 of the Declaration, **Permitted Uses**, shall be amended to add use for shop crafts by addition of the following provision.

- 6.5.10 Shop craft use, which shall be defined as a business establishment devoted solely to the arts and crafts which conforms to the following requirements:
- a. sells, produces, or makes items that by their nature are designed or made by an artist or craftsman using hand skills;
    - (i) hand skills shall not be interpreted to exclude the use of appropriate machine tools to create art and craft items.
  - b. employs not more than three (3) persons; and
  - c. is conducted in such a fashion that (i) no more dust, fumes, gases, odors, smoke or vapors escape from the premises than that which is usual in the neighborhood; (ii) all by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid odor or air pollution other than that which is usual in the neighborhood; and (iii) no noise or disturbance of adjoining premises takes place other than that which is usual on the Property.
  - d. Not more than one shop craft use shall be permitted per space allocated for shop craft use;



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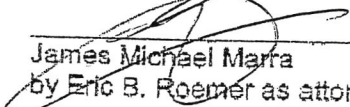
- (i) space shall be defined as an area enclosed by walls, ceiling and a floor.
- e. In the event an Owner constructs, leases or occupies a space for shop craft use on the first floor of said Owner's Unit and building thereon, at least 20% of the total first floor square footage, whether condominiumized or not, shall be allocated for retail use in conformity with those uses described in sections 6.5.1 and 6.5.2 of the Declaration.

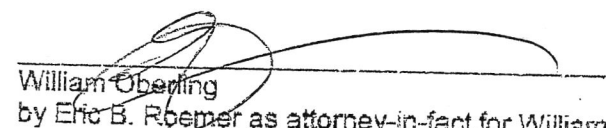
All other provisions of the Declaration of Covenants, Conditions and Restrictions for Pioneer Plaza Commercial Townhomes, not amended hereby, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to the Declaration of Covenants, Conditions and Restrictions for Pioneer Plaza Commercial Townhomes as of the day and year first above written.

DECLARANT:

  
 \_\_\_\_\_  
 Eric B. Roemer

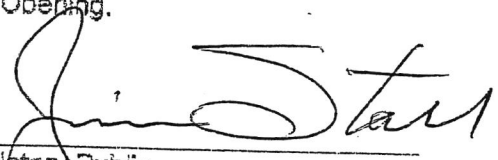
  
 \_\_\_\_\_  
 James Michael Marra  
 by Eric B. Roemer as attorney-in-fact for James Michael Marra

  
 \_\_\_\_\_  
 William Oberling  
 by Eric B. Roemer as attorney-in-fact for William Oberling

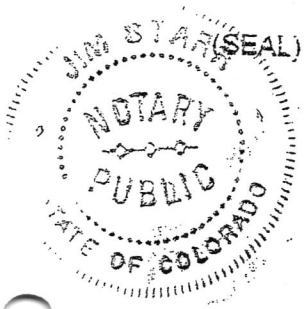
STATE OF COLORADO     )  
   ) ss.  
 County of Gunnison     )

The above and foregoing Amendment to the Declaration of Covenants, Conditions and Restrictions for Pioneer Plaza Commercial Townhomes was acknowledged before me this 5th day of August, 2005 by Eric B. Roemer for himself and as attorney-in-fact for James Michael Marra and William Oberling.

Witness my hand and official seal.

  
 \_\_\_\_\_  
 Notary Public

My commission expires:  
6/21/06



The above Amendment to the Declaration of Covenants, Conditions and Restrictions for Pioneer Plaza Commercial Townhomes was approved by Gunnison County this 16<sup>th</sup> day of August, 2005.



Hap Channell, Vice Chairperson



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