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

This Declaration of Covenants, Conditions and Restrictions for Pioneer Plaza Commercial Townhomes ("Declaration") is made this 21<sup>st</sup> day of June, 2005 by Eric B. Roemer, James Michael Marra and William Oberling ("Declarant").

**Recitals**

A. Declarant is the owner of certain real property situated in the County of Gunnison, State of Colorado, which is more particularly described on attached **Exhibit A** ("Property").

B. Declarant desires to create a common interest community pursuant to the Colorado Common Interest Ownership Act, Colorado Revised Statutes §38-33.3-101 et. seq. (the "Act") under the name of Pioneer Plaza Commercial Townhomes.

C. Declarant desires to divide the Property and the improvements thereon into townhome units ("Units").

D. Declarant will convey unimproved and/or improved Townhome Units as townhomes which may or may not be connected by party walls and subject to certain protective covenants, conditions, restrictions, reservations, lien rights and charges as set forth in this Declaration and on the Map.

**Now, therefore,** Declarant hereby declares that the Property shall be held, sold and conveyed subject to the following easements, reservations, restrictions, liens, charges, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with title to, the real property and be binding on all parties having any right, title or interest in the described Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof. This Declaration shall, to the extent possible, be subordinate at all times to the Master Declaration and shall be interpreted in a manner consistent with the Master Declaration. In the event of a conflict between the Association Documents and the Master Declaration or any of the other documents governing the operation of the Master association, the more restrictive provision shall control.

**ARTICLE 1**

**Scope of the Common Interest Community and Association:**

**Description of Unit/Definitions**

1.1 **The Common Interest Community.** The name of the Common Interest Community is Pioneer Plaza Commercial Townhomes. It is a planned community.



1.2 **The Association.** The name of the Association is Pioneer Plaza Commercial Townhomes Association, Inc.

1.3 **Maximum Number of Units.** The Common Interest Community contains twenty-two Units. The Declarant reserves the right to create a maximum of fifty Units.

1.4 **Description of Units.** Every instrument affecting the title to a Unit may describe that Unit as follows:

Unit \_\_\_\_, Pioneer Plaza Commercial Townhomes, according to the Map thereof bearing Reception No. 555753 and the Declaration of Covenants, Conditions and Restrictions for Pioneer Plaza Commercial Townhomes bearing Reception No. 555752 of the Gunnison County, Colorado records, County of Gunnison, State of Colorado.

Such method of description shall be sufficient for all purposes to sell, convey, transfer and encumber or otherwise affect the Unit and all other appurtenant properties and property rights and incorporate all of the rights, duties, limitations and burdens incident to ownership of a Unit as described in this Declaration. Upon annexation of additional Units as provided in this Declaration, such additional Units shall be described by their Unit identification number according to the recorded Map for such additional Units.

1.5 **Identification of Units.** The identification number of each Unit is shown on the Map.

1.6 **Unit Boundaries.** The boundaries of each Unit are as shown on the Map.

1.7 **Definitions.** The following words when used in this Declaration shall have the following meanings:

1.7.1 "Act" means the Colorado Common Interest Ownership Act, Colorado Revised Statutes Sections 38-33.3-101 et. seq.

1.7.2 "Association" means the Pioneer Plaza Commercial Townhomes Association, Inc., a Colorado non-profit corporation, its successors and assigns.

1.7.3 "Association Documents" means this Declaration, the Articles of Incorporation, the Bylaws, the Map, the Design Guidelines, and any procedures, rules, regulations or policies adopted under such documents by the Association.

1.7.4 "Common Elements" or "Common Areas" means any property within the Project which is not a Unit or a Limited Common Element, including easements or leasehold interests, which the Association has an obligation to maintain. The Common Elements initially owned by the Association upon execution of this Declaration by Declarant are described in attached **Exhibit B**.

1.7.5 "Executive Board" means the governing body of the Association.