

District Court, Huerfano County, Colorado 401 Main Street, Suite 304, Walsenburg, Colorado 81089 Phone 719-738-1040	DATE FILED: May 23, 2018 4:09 PM CASE NUMBER: 2018CV30011
IN THE MATTER OF: GHOST RIVER RANCH	▲ COURT USE ONLY ▲
	Case Numbers: 2018 CV 30011 Division: D Courtroom:
ORDER AND DECREE AMENDING THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GHOST RIVER RANCH PROPERTY OWNERS ASSOCIATION	

THIS MATTER CAME ON for hearing on May 22, 2018 at 10:30 a.m., regarding the Petition filed by the Board of Directors of the Ghost River Ranch Property Owners Association. Present were Daniel B. Slater, Esq., appearing for the Board of Directors of the Association, and Nicholas Jaimez, a member of the Association. A court interpreter for Mr. Jaimez also appeared by telephone. There were no other appearances. Upon hearing the statements of the parties, and upon review of the file in this matter, the Court hereby **FINDS** and **ORDERS**:

1. The Petitioner has complied with all requirements of C.R.S. § 38-33.3-217 (7).
2. No more than thirty-three percent of the unit owners entitled by the declaration to vote on the proposed amendments have filed written objections to the proposed amendments with the Court prior to the hearing. Objections were filed by Nancy Wukitsch and Christopher Stern, along with one unfiled objection received by Mr. Slater.
3. Neither the Federal Housing Administration nor the Veterans Administration is entitled to approve the proposed amendments.
4. The amendments do not eliminate any rights or privileges designated in the declaration as belonging to a declarant.
5. The proposed amendments do not eliminate any rights or privileges designated in the declaration as belonging to any lenders that hold security interests in one or more units and that are entitled by the declaration to vote on the proposed amendment.
6. The proposed amendments would neither terminate the declaration nor change the allocated interests of the unit owners as specified in the declaration.

7. Accordingly, the Petition is hereby GRANTED.
8. The association shall cause this Order and Decree to be recorded with the Clerk and Recorder for both Huerfano and Pueblo Counties. Once recorded, this Order and Decree, and the amendments adopted below, shall have the same legal effect as if they were adopted pursuant to any requirements set forth in the declaration.

THE COURT THUS DECREES that the Declaration of Covenants, Conditions, and Restrictions for Ghost River Ranch Property Owners Association (hereafter, the "Covenants"), first recorded with the Huerfano County Clerk and Recorder on February 27, 2003 at Reception Number 200300357521, is hereby amended as follows:

1. The following is added as a new Section 1.05 of the Covenants:

Section 1.05 Quorum. For the purposes of the Association, a quorum shall be defined by Colorado statutes governing common interest communities, notwithstanding any provisions to the contrary contained in the Articles or Bylaws. However, only members in good standing shall be counted toward the determination of a quorum.

2. Section 3.04 of the Covenants is amended as follows:

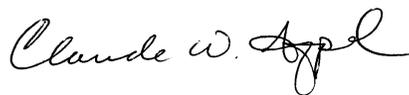
Section 3.04 Bylaws and Articles. The purposes and powers of the Association and the rights and obligation with respect to Owners set forth in this Declaration may be amplified by provisions of the Articles and Bylaws. Notwithstanding any provisions to the contrary contained in such Articles and Bylaws, the Articles and/or Bylaws may be amended at a regular or special meeting of the members of the Association, where a quorum is present, by a simple majority vote.

3. The following is added as a new Section 9.15 of the Covenants:

Section 9.15 Commercial Operations. No Owner shall allow or permit a Parcel to be used, in whole or in part, for any kind of commercial or industrial operations. This prohibition shall not apply to home-based professional services, agricultural or ranching use (in compliance with Section 9.04), or an operation that is already fully operational at the time of the adoption of this provision.

May 23, 2018

BY THE COURT:



Claude W. Appel, District Judge

Cc: Slater