

**Proposed Amendments to the Association's Covenants, Conditions, Restrictions and Easements  
Fairway Pines Estates Owners Association**

August 2016

The Board of Directors of the Association is seeking your approval of changes to the Association's Covenants, Conditions, Restrictions and Easements (CCR&Es). These changes were recommended by the Association's legal counsel and have been reviewed and approved by the Association's Covenants and Rules Committee and the Board.

The following list describes the changes. The full text of the proposed amended CCR&Es is available for review or download on the association's website, [www.fairwaypinespoa.com](http://www.fairwaypinespoa.com). In the online full-text version, added text is shown in red underlined font. Deleted text is shown in red ~~struckthru~~ font.

**Description of Proposed Changes:** Following is a general description of the changes proposed to the Fairway Pines Estates Owners Association Covenants, Conditions, Restrictions and Easements (Covenants or CCR&Es). Check the association's website for the full text of these amendments.

1. Changes proposed in Items 1 and 2 of the Recitals section were recommended by legal counsel to comply with Colorado's Common Interest Ownership Act requirement that the Covenants include a legally sufficient description of the real estate included in the common interest community.
2. Additions made in Item 6 of the Recitals section simply list the community's governing documents.
3. All other changes clarify the status of Cluster Lots and Cluster Lot Units, including the rights and responsibilities of owners of Cluster Lots and Cluster Lot Units regarding the right to vote and obligations to pay dues and fees to the association, club, and other entities as required under the Covenants. Historically, owners of cluster lots have consistently been required to pay dues for each Cluster Lot Unit, whether developed or not. That is according to the Association's interpretation of the Covenants and as described on each of the filed plat maps. While the Association has successfully defended that approach in the past, that position has been questioned enough so that legal counsel suggested, and the Board agreed, that the matter be made crystal clear by amending the Covenants.

**The Association Board of Directors would appreciate your prompt review of these amendments and completion of the attached Owners Authorization and Consent Form, shown on the next page, and returning so that it is received no later than September 21, 2016, by one of the following means:**

- Submitting this completed form in person to the Association's Recording Secretary, Mary Ann Guilinger, OR
- Completing [be sure to SIGN, DATE and INCLUDE YOUR LOT NUMBER(S)] and returning this form by one of the following means:
  - Mail to OWNER CONSENT at P.O. Box 151, Ridgway, CO 81432.
  - Scan and email to [fpeoamaryann@gmail.com](mailto:fpeoamaryann@gmail.com).

**OWNERS AUTHORIZATION AND CONSENT FORM**  
**Fairway Pines Estates Owners Association**

Date: \_\_\_\_\_

The undersigned, being first duly sworn, does under oath hereby state and affirm as follows:

1. I/We are the current fee simple owner of Lot number(s) \_\_\_\_\_, located within Fairway Pines, Ouray County, Colorado. (Note: If you own more than one Lot, please list each additional lot number here: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_).
2. I/We have reviewed and do hereby consent to and approve the following described document, which has been posted by Fairway Pines Estates Owners Association ("**Association**") on the Association website, [www.fairwaypinespoa.com](http://www.fairwaypinespoa.com), and was available for our review:
  - a. First Amendment to the Second Restatement of the Declaration of Covenants, Conditions, Restrictions and Easements for Fairway Pines Estates ("**Declaration Amendment**").
3. I/We hereby authorize, empower and direct the Association to execute, record, make effective and implement the Declaration Amendment and such other documents, if any, necessary and appropriate to carry out the goals and objectives of these documents.

**Reviewed, Approved and Executed By the Undersigned.**

**LOT OWNER CONSENT:**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_