

126171

SEP 14 1959

-AMENDMENT TO PROTECTIVE COVENANTS-

WHEREAS, on April 2, 1959, Smartt Homes, Inc., a Colorado corporation, recorded Protective Covenants concerning Smartt's Subdivision No. 7 to the City of Colorado Springs, El Paso County, Colorado, excepting Block 7 therefrom, and which appear in Book 1736 at Page 245 of the Records of El Paso County, and

WHEREAS, the undersigned owners of the majority of the lots in Smartt's Subdivision No. 7 to the City of Colorado Springs, El Paso County, Colorado, in accordance with said covenants, do desire to amend and modify said Protective Covenants and to further exclude from said Protective Covenants and area of application Lots 1 through 5, inclusive, Block 6, and all of Block 10 except the minimum depth of 100 feet on the South side of South Circle Drive across from Lots 1 through 11, inclusive, in Block 8, Bassett Drive, and Lot 13 in Block 4 in Smartt's Subdivision No. 7 to the City of Colorado Springs, El Paso County, Colorado;

NOW, THEREFORE, the undersigned, being the owners of the majority of the lots in Smartt's Subdivision No. 7 to the City of Colorado Springs, El Paso County, Colorado, which are subject to Protective Covenants, do hereby amend and modify said Protective Covenants to be and read as follows:

PART A -- PREAMBLE

"On this 2nd day of April, 1959, for the purpose of protecting the present and future property values of the properties in Smartt's Subdivision No. 7 to the City of Colorado Springs excepting Lots 1 to 5, inclusive, in Block 6, all of Block 7, and all of Block 10 except the minimum depth of 100 feet on the South side of South Circle Drive across from Lots 1 through 13, inclusive, in Block 8, Bassett Drive, and Lot 13 in Block 4 therefrom, El Paso County, Colorado, the undersigned owners of said properties hereby place the following restrictions on the use of said properties."

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"PART B -- AREA OF APPLICATION

"The residential area covenants in Part C in their entirety shall apply to Smartt's Subdivision No. 7 to the City of Colorado Springs, excepting Lots 1 to 5, inclusive, in Block 6, all of Block 7, and all of Block 10 except the minimum depth of 100 feet on the South side of South Circle Drive across from Lots 1 through 13, inclusive, in Block 8, Tassett Drive, and Lot 1 in Block 4 therefrom, El Paso County, Colorado."

DATED at Colorado Springs, Colorado, this 10th day of September, A. D. 1959.



ATTEST: Engel D. Smith  
Secretary

SMARTT HOMES, INC.,  
a Colorado corporation  
BY: [Signature]  
President



ATTEST: Engel D. Smith  
Secretary

CUSTOM CONTRACTING CO.,  
a Colorado corporation  
BY: [Signature]  
President



ATTEST: Bernard L. Ford  
Secretary

PIKES PEAK DEVELOPMENT CO.,  
a Texas corporation  
BY: [Signature]  
President



ATTEST: Bernard L. Ford  
Secretary

ART DEVELOPMENT, INC.,  
a Texas corporation  
BY: [Signature]  
President



ATTEST: Bernard L. Ford  
Secretary

ART HOMES, INC.,  
a Texas corporation  
BY: [Signature]  
President

DAVID FLORES  
an individual  
BY: [Signature]

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STATE OF COLORADO ) ss.  
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 17th day of September, 1959, by James H. [unclear] president, and [unclear] secretary of Smartt Homes, Inc., a Colorado corporation; by [unclear] president, and [unclear] secretary of Custom Contracting Co., a Colorado corporation; by [unclear] president, and [unclear] secretary of Pikes Peak Development Co., a Texas corporation; by [unclear] president, and [unclear] secretary of Art Development, Inc., a Texas corporation; by [unclear] president, and [unclear] secretary of Art Homes, Inc., a Texas corporation; and by [unclear] individual.

Witness my hand and notarial seal.  
My commission expires \_\_\_\_\_

Notary Public

