

**Singletree Property Owners' Association
Rules and Regulations
Berry Creek Ranch Filings 1 through 4**

TABLE OF CONTENTS

Section 1

Maintenance of Structures and Grounds

Section 2

Machinery, Implements, Construction Materials and Other Items Placed on Lots, Storage of Construction Materials, and Enclosed Structures

Section 3

Commercial Vehicles and Parking

Section 4

Lot Maintenance and Use and Placement of Trash Containers

Section 5

Use and Occupancy of Residential Dwelling Units, Limitations on Rentals

Under Article VI, Section 22 of the Declaration, Article IV, Section 4.04 of the Bylaws and C.R.S. § 38-33.3-302(1)(a), it is provided that the Board may establish rules and regulations that are deemed necessary for the purpose for which the Declaration was adopted.

To facilitate a better understanding of the Covenants and Restrictions, and the Declaration, and without limiting the application thereof, the Board has adopted the following Rules which amend and restate all prior Rules, and the letter dated June 8, 2007:

SECTION 1
Maintenance of Structures and Grounds –

A. The structures and grounds of each Lot shall be maintained in good repair and in a neat, attractive, sanitary and safe manner by the Owner. Without limiting the application of the foregoing sentence or the Declaration the following maintenance standards are established by these Rules:

1. Painted and stained structures including trim are to be repainted periodically, so the structure is neat and attractive. Areas of peeling paint or faded or blotchy stain on structures are to be repainted or re-stained. All paint and stain color changes to structure, including front and garage doors, are required to be approved by the Design Review Committee (DRC).
2. Stucco on structures is to be maintained and areas that show extensive cracking should be repaired on a regular basis. The repaired areas are to be blended into the rest of the structure.
3. Broken boards, cracked trim and any other deterioration to a structure and all fencing, if any, are to be repaired and where necessary replaced. New, or replacement fencing that is being changed, requires the approval of the DRC.
4. Roofing should be properly maintained and when replaced should conform to the existing approved roofing materials and existing DRC Guidelines unless any proposed change is first approved by the DRC.
5. All significant or material landscape changes shall be reviewed and preapproved by the DRC prospectively. Xeriscaping is considered a significant landscape change. The use of xeriscape, non-vegetative turf grass or drought tolerant vegetative landscape is subject to DRC guidelines. The installation of non-vegetative turf grass is restricted to rear yard locations only.
6. Noxious weeds are to be controlled by the Owner.
7. Nothing in this Rule will limit any way the obligation of a Lot or Unit Owner to maintain the structures and grounds in good repair.

- B. Failure to maintain the structures and grounds of each Lot as required by the Declaration and the Rules may result in the Association issuing fines following notice and an opportunity to be heard.

SECTION 2

Machinery, Implements, Construction Materials and Other Items Placed on Lots –

Under Article VI, Section 22 of the Declaration, Article IV, Section 4.04 of the Bylaws and C.R.S. § 38-33.3-302(1)(a), it is provided the Board may establish rules and regulations that are deemed necessary for the purposes for which the Declaration was adopted.

To facilitate a better understanding of the Covenants and Declaration and without limiting the application thereof, the Board has adopted the following Rules:

Definitions and Rules: Article VI, Section 5 of the Declaration

The Declaration provides that Machinery and Implements, and the other items listed in Section 5, namely: trash, litter, junk, boxes, containers, bottles, cans, lumber or building materials, which are placed anywhere on any Lot, may not be visible from any neighboring Lot or public area. No rubbish, refuse, trash, plant litter or garbage shall be allowed to accumulate on any Lot.

Placing covers or tarps on machinery or implements or on any other items listed in Section 5 will not constitute concealment. Additions to the Lot for exterior shelving, exterior storage or exterior hangers for the property or items listed in Section 5 are not permitted. The restricted items may be placed in the garage.

- 1. Machinery and Implements, without limiting the general meaning of the terms, will include the following:**
 - a. Motor-driven cycles (other than those designed only for highway use) and related trailers.
 - b. ATVs (All Terrain Vehicles) and related trailers.
 - c. Snowmobile and related trailers.
 - d. Motor-driven devices and related trailers that are primarily designed for recreational uses on terrain that is not suitable for nor normally used by licensed motor vehicles.
 - e. Snowplow blades designed to be attached to motor-driven conveyances, whether attached or not attached.
 - f. Ladders and scaffolding, including commercial racking (whether or not mounted on a vehicle), except when in use for maintenance of the Lot.

- g. All types of motor-operated equipment and tools that are used in construction or maintenance of property unless such are presently in use for the benefit of the Lot.
- h. Mechanical devices that are designed to be attached to motor driven equipment.
- i. Snow blowers, lawn and landscape maintenance devices including mowers, wheelbarrows, and trailers, when not in use for that purpose.
- j. Those items which meet a reasonable interpretation or definition of machinery and implements.

2. Machinery and Implements will not include the following:

- a. Grilling and barbecue devices, provided such are not used or placed within the minimum setbacks. (See Article IV of Section 10(b) of the Declaration.)
- b. Patio and outdoor furniture, provided such are not placed or used within the minimum setbacks.
- c. Hot tubs, provided such are adequately screened and are not located within the minimum setbacks, and are approved by the DRC.
- d. Children's toys, bicycles, and playground devices, provided such are placed (when possible) in areas on the Residential Lot, where street visibility is limited, and such are not within the minimum setbacks.
- e. Trampolines, provided such are placed for use in areas on the Residential Lot where street visibility is limited, and such are not within the minimum setbacks.
- f. Recreational devices, while in use, which are normally associated with customary family residential use, provided that such items are not be stored outside when not in use and such items are not to be regularly used in the setbacks of any Lot.
- g. Vacant Lots may not be used for storage.

3. Storage of Construction Materials During a Period of Construction

Machinery, lumber, or other building materials may be stored on a Lot only to the extent that is necessary and relevant to construction currently taking place on the Lot. The above items may be on the Lot where such is required for the construction and only while construction is being diligently and expeditiously pursued on the Lot. Should it be determined that construction is not being pursued diligently or expeditiously, or the items stored are not relevant to the construction, the Singletree Property Owners Association and/or the Design Review Committee, or their agents, may seek to declare a violation.

Any construction materials placed on a Lot during the period of construction are to be kept in an orderly fashion and in compliance with the Design Review Guidelines.

4. All Enclosed Structures

All enclosed structures of any kind must be preapproved by the DRC and separate enclosures for storage or any other purposes have not been allowed in Singletree and are strongly discouraged. The addition of structures to a home for storage or any other purpose is not allowed unless first approved by the DRC.

SECTION 3 Commercial Vehicles and Parking

Under Article VI, Section 22 of the Declaration, Article IV Section 4.04 of the Bylaws and C.R.S. § 38-33.3-302(1)(a), it is provided the Board may establish rules and regulations that are deemed necessary to provide for the purposes for which the Declaration was adopted.

To facilitate a better understanding of the Covenants and Declaration and without limiting the application thereof, the Board has adopted the following Definitions and Rules:

Definitions and Rules: Commercial Vehicles – Article VI, Section 10 of the Declaration

Under Section 10 it is provided that “No Lot, streets, private streets, or parking areas...shall be used as a parking, storage, display, or accommodation area for any type of commercial vehicle, house trailer, camping trailer, boat trailer, livestock trailer, hauling trailer, boat or accessories thereto, a truck larger than a ¾ ton pickup truck or any type of motor home except as a temporary expedience for loading, delivery, emergency, etc. ..., unless the same shall be stored, parked, or maintained wholly within a Garage area of a Dwelling Unit or building with the Garage door in a closed position. This section also allows trucks or other Commercial Vehicles on the premises where such “are necessary” for the construction of the structures.

The following sets out the Definitions and Rules to implement and enforce the Declaration:

1. A “Commercial Vehicle” is defined to include one which is used primarily for business purposes and has racks, toolboxes or other devices designed to carry commercially used machinery or tools, equipment, implements, ladders, or other devices indicating a commercial use.
2. Vans that have been permitted for for-hire passenger service are considered to be “Commercial Vehicles.”
3. The presence of limited signage indicating a logo, business name and telephone number will not in and of itself cause such vehicle to be classified as a Commercial Vehicle; however, a vehicle that is also painted or decorated so as to advertise and promote a commercial business or products is a “Commercial Vehicle.”

4. Commercial Vehicles, trucks (other than pickup trucks) , and hauling trailers are allowed on a Lot for the temporary expedience of loading and unloading, for the construction of structures and for the purposes of providing domestic services and repairs to a dwelling unit. Such Commercial Vehicles, and hauling trailers may be allowed on the Lot only during the times such are presently necessary for the purposed described in the preceding sentence.
5. An Owner or occupant of a Lot may not have or store a Commercial Vehicle, or hauling trailer on the Lot under the pretext of doing construction on the Lot unless such are presently necessary, being used in construction and is the primary reason the vehicles are on the premises.

Definitions and Rules: Parking – Article IV, Section 10(d) of the Declaration

Under Section 10 it is provided: “Off street parking shall be provided...” “All driveways and parking areas on grade in the Subdivision shall be paved. All required vehicle parking in the Subdivision shall be paved.”

Parking on the roads and shoulders, is prohibited in Singletree by Eagle County and no on street parking signs may be placed at the entrances to the community. The Eagle County Sheriff may issue tickets or warnings for illegal parking on the roads and shoulders.

The Association has requested that daytime parking be allowed by the Sheriff for construction and service providers if the vehicles park on the same side of the road where the construction or the service is taking place, provided that such does not crate unsafe conditions or restrict passage of other vehicles using the road. Daytime and evening parking on the roads and shoulders for meetings and social events will normally be allowed by the Sheriff. The Sheriff has been asked by the Association to ticket all vehicles that are parked overnight on the roads in Singletree. When and how the Association’s requests are complied with is a matter that is completely within the Sheriff’s discretion!

The following rules for parking were adopted by the Association:

1. Parking for vehicles that are allowed under the Declaration must be off-street and only on paved areas that were submitted to and approved by the Design Review Committee.
2. Parking areas paved or otherwise are not allowed in the setbacks.
3. Parking areas that are placed in the road rights-of-way are not “off-street.”

**SECTION 4
Lot Maintenance – Use and Placement of Trash and Containers**

Under Article VI, Section 22 of the Declaration, Article IV, Section 4.04(b) of the Bylaws, and C.R.S. § 38-33.3-302(1)(a), it is provided that the Board may establish rules and regulations that are deemed necessary to provide for the purposes for which the Declaration was adopted.

To facilitate a better understanding of the Covenants and Declaration, and without limiting the application thereof, the Board has adopted the following Definitions and Rules.

Definitions and Rules: Article VI, Section 5 and 14 of Article VI of the Declaration

The above-mentioned provisions of the Declaration require that no garbage, refuse, rubbish, plant litter or cuttings shall be on any Lot unless placed in a suitable container that is suitably located. It is also provided that no trash litter, junk, boxes, containers, bottles, cans, implements, machinery, lumber, or other building materials shall be visible.

To promote the appearance of Singletree the following rules and definitions will apply:

1. Container Suitably Located on a Lot. All containers used as described in Sections 5 and 14 shall be located, except on pickup days, within the Garage or in an approved enclosure. Should an enclosure be used, it must conform to the Design Guidelines and must be approved by the DRC. Such enclosures should be an integral part of the home and should fully screen the container(s). A trash enclosure shall be considered a structure and may not be located in the Lot minimum setbacks.
2. Suitable Container. Suitable container shall mean a container, which when used for garbage or consumable products, must be, covered and made of durable material, plastic or metal and must be bear proof. The use of boxes, uncovered containers or placing of debris on the street that can be distributed by wind or have contents that could attract animals is prohibited. Branches and cuttings from trees and shrubs which are bundled, bagged or otherwise contained will need not be in a container and may remain temporarily on the Lot until the next pickup day. All containers and removable lids are to be clearly labeled with the Owner’s street name and number
3. Day Scheduled for Pickup. Day scheduled for pickup shall mean the period from sunrise to sunset in which the containers and bundled branches and cuttings must be placed for pickup, emptied, and removed.
4. Animal Control. Animal owners should note Article VI, Section 2, of the Declaration which requires that animals are to be kept under strict control. Pursuant to Eagle County Resolution, control means the physical presence of the owner or responsible person so that it is at heel beside or otherwise controlled and obedient to a person competent to restrain the animal by command.

SECTION 5

**Use and Occupancy of Residential Dwelling Units—Berry Creek Ranch Filings Nos. 1-4;
Including Limitations on Rentals, Home Businesses**

Under Article VI, Section 22 of the Declaration and under Article IV Section 4.04 of the Bylaws, it is provided the Board may establish rules and regulations that are deemed necessary to provide for the purposes of the Declaration.

To facilitate a better understanding of the Covenants and Restrictions and the Declaration, and without limiting the application thereof, the Board has adopted the following Definitions and Rules:

Definitions and Rules—Family and Residential Uses --Article I, Sections, 9, 10 and 21.

Singletree, under the Declaration is a family Residential community, not a resort community, and it is provided in the Declaration that dwelling units in Singletree are to be occupied by families on a regular Non temporary basis. The following summarizes the requirements of the Declaration and provides Rules and Definitions to carry out the purposes of the Declaration for the use and occupancy of Residential Dwelling Units.

1. Each Dwelling Unit in Singletree may be occupied and used as set forth in the Declaration, and may be used solely for Residential occupancy on a Non temporary basis. Each Dwelling Unit will have only one kitchen with cooking facilities, garage and an entrance separate from any other family that could legally occupy the lot.
2. “Non temporary”, means that the occupant has the exclusive right to occupy the Dwelling Unit for a continuous period of at least six (6) months.
3. A “Family” includes a Family member. A family is defined to include immediate relatives (spouse, children, parents, and siblings), or not more than two unrelated adults (and their children).
4. The Association may not apply the Declaration to limit occupancy of a dwelling Unit based on race, color, religion, sex, sexual orientation, familial status, handicaps or national origin.
5. The Board of Directors of Singletree Property Owners may find special circumstances that will allow other individuals to occupy the Dwelling unit as a Family member.
6. Guests including persons previously known by the Owner or lessee may occupy the Dwelling Unit. A person will not be considered a Guest if the person(s) is employed or derives income from business or commercial activities in Eagle, Pitkin or Summit Counties, and the days of consecutive occupancy exceeds 14 days or the total annual occupancy exceeds 30 days. Persons, other than Family members, who pay rent, provide other compensation or share expenses of the Dwelling Unit, are not Guests.
7. These rules are not intended to prohibit owners, from time to time, having Guests or family join them for family or social gatherings. The Association asks that when such events take place the neighbors’ right to enjoy their properties is respected.
8. Time-sharing, or the creation of time share estates or a fractional fee as defined under Colorado law or Eagle County Regulations are not allowed by the Declaration for any Dwelling Unit or for any Lot. To the extent that such ownership could be allowed by law

the persons using the Dwelling Unit must also meet the requirement that the occupancy of a Dwelling Unit must be non temporary and only by a Family as defined herein.

9. Overcrowding of a Residential Dwelling Unit is not permitted. Should the occupancy allowed by these rules cause parking on the streets, limit access to another's dwelling unit, cause excessive noise or negatively impact the quality of life of the neighborhood, the Association may take action against the owner(s) of the Dwelling Unit and may impose reasonable restrictions to cause the overcrowding conditions to be eliminated.

10. When not in residence an Owner or their lessee may wish to have the home occupied by a house sitter for periods of time. In most cases these arrangements should not exceed 60 days.

Definitions and Rules---Lease and Rental of Dwelling Units---Article I, Section 21, Article VI, Section 21 and Article VIII, Section 7.

1. An Owner may lease or rent a Dwelling Unit, as defined above, provided the term of the lease is for a continuous or Non-temporary period, not less than six (6) months, and the lease must be for the entire Dwelling Unit. The lease or rental of less than an entire Dwelling Unit to any person is not allowed.

2. All leases or rental agreements must be in writing and shall provide that failure to abide by the Declaration and the Rules of the Association shall be a default under the lease or rental agreement. Sublets by a tenant or lessee must be for the entire unit.

3. A Dwelling Unit on a Duplex Unit Residential Lot or a Single Unit Residential Lot may be occupied by only one (1) Family. Renting, or sharing expenses, in exchange for occupancy of a portion of a Dwelling Unit to a person who is not a member of the Family is not allowed. An apartment or lock-off unit in a Duplex Dwelling Unit is not allowed. The Association may require the removal of any additional kitchens or cooking facilities that are found to exist in a Duplex Dwelling Unit.

4. A Single-Family Residence on a Duplex Unit Residential Lot may not contain more than two Residential Dwelling Units and either or both may be leased on a non-temporary basis provided that each Dwelling Unit is used and occupied by only one (1) Family living independently of the other family. Each Dwelling Unit must have a separate entrance, an indoor kitchen with cooking facilities, a garage and must otherwise conform with the Eagle County Land Use Regulations. All tap fees must be paid.