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10/14/2004 03:05F

SILVIA DAVIS PITKIN COUNTY CO

R 56.00

D 0.00

**MAROON CREEK CLUB SUBDIVISION  
DESIGNATION OF SKI EASEMENTS**

This Designation of Ski Easements is dated this 20 day of September, 2004, by Maroon Creek Club Master Association, a Colorado nonprofit corporation ("Association")

**Recitals**

I. The Association is the entity, authorized and empowered to act under the Master Declaration of Protective Covenants for Maroon Creek Club, Pitkin County, Colorado recorded 1993 in Book 733 at Page 598 as Reception Number 364075 ("Declaration"). The Association is charged with the duties and invested with the powers prescribed by law and is set forth in the Declaration and the Association's Articles and By-Laws.

II. The Association is also the grantee under that Bargain and Sale Deed, dated September 22, 1999 and recorded September 22, 1999 as Reception Number 435798 ("Deed"), whereunder the Association was conveyed the common area parcels, parking areas and roads as described in the Deed and as shown on the Final Subdivision Plat and PUD for Maroon Creek Club, recorded in Plat Book 33 at Page 4, County of Pitkin, State of Colorado ("Plat") and the subdivision is referred to herein as "Maroon Creek Club Subdivision".

III. Plat note 6 of the Plat ("Plat Note 6") states: "Owner, its successor and assigns, hereby reserves permanent and perpetual non-exclusive easements and rights to relocate the same under, over and across all lands as shown on this plat, including public and private roads, access easements and driveways excepting only lands within lot 49 or within single family or townhome lot building envelopes as shown on the PUD plan or any amendments thereto, said easements and rights to relocate being for purposes of installing, constructing, maintaining and repairing... public or private trails (including ski-in, ski-out easements)..."

IV. Pursuant to the First Amendment to Master Declaration of Protective Covenants for Maroon Creek Club, Pitkin County, Colorado, recorded February 17, 1994 as Reception No. 367049 ("First Amendment") a new Section 9.9 was added which reads:

9.9 Ski Easements. (a) There are hereby created an established for the benefit of all Owners easements for ski in and ski out purposes to provide ski access to the Tiehack Ski Area over and across those areas of the Single Family Lots and Lot 17 lying outside the building envelopes of such lots. The exact location of these easements shall be established by the Declarant and a plat or map locating and describing the easements shall be recorded in the real property records of Pitkin County, Colorado. Until such time as the plat or map locating the easements is recorded each Owner or Mortgagee or any other person acquiring an interest in a Single Family Lot or Lot 17 shall acquire such interest subject to the blanket easement hereby created.

(b) The Association shall be responsible for maintenance of the easements and shall



carry public liability and property damage insurance in accordance with the provisions of Article 7 of the Declaration. Except for an Owner's or its agent's gross negligence or willful misconduct, no Owner shall be liable to any person or persons using such easements.

(c) No Owner shall construct any improvements on the easements hereby created nor shall any fence, barricade or other obstruction including trees, bushes or shrubs be permitted on the easements nor shall any activity be permitted on the easements which would interfere with the use of the easements for their intended purposes.

In accordance with Subparagraph 9.9. (a) the Association wishes to designate the exact location of the ski easements over and across Maroon Creek Club lots 33, 34, 37 and 38 (collectively referred to as the "Lots"). Therefore, the Association, based on the First Amendment, hereby designates ski easements as follows:

1. Designation of Ski Easements. The Association hereby designates perpetual, non-exclusive ski easements over and across the Lots, as shown on and described in the attached Exhibit "A" (the "Easement Areas"), for ingress and egress for the purposes of ski-in and ski-out to the Tiehack Ski Area (of the Buttermilk-Tiehack Ski Area) (the "Ski Easements").

2. Association Obligations. The Association Obligations regarding the Ski Easements are as set out hereinabove in Recital IV.

3. Running of benefits and burdens. All provisions of this Agreement, including the benefits and burdens, are binding upon and run with the title to Lots and the owners of the Lots, the Association and their successors, heirs and/or assigns.

4. Notices. All notices, demands and communications required hereunder shall be served or given to the owners of the Lots at their addresses as maintained at the Pitkin County, Colorado Assessor's office and to the Association at the address set forth below. Any notice, demand or communication shall be given by personal service or certified mail, return receipt requested, first class postage pre-paid thereon, or by facsimile (to the Association) at the facsimile number shown below, and shall be deemed to be received on the day of faxing, as applicable, or personal service, or three days after the date of mailing. The address and fax number of the Association is as follows:

Association:

Maroon Creek Club Master Association  
c/o Gary Albert, President  
c/o Steve Elliott  
Joshua & Co.  
300 S. Hunter Street  
Aspen, Colorado 81611  
Fax: 970-920-1777



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SILVIA DAVIS PITKIN COUNTY CO

With a copy to:

Hal S. Dishler  
Kaufman, Peterson & Dishler, P.C.  
315 East Hyman Avenue  
Aspen, Colorado 81611  
Fax: 970-925-1090

5. Severability. To the extent any provision hereof is determined by a court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of any of the other provisions hereof. In the event any provision hereof is alleged to be, or declared, by a court of competent jurisdiction, to be unconscionable, this document shall automatically be amended by the insertion of a new provision as similar thereto as practicable, but which would not be unconscionable, invalid or unenforceable.

6. Designation Does Not Affect Landscaping Obligations of Lot Owners. The Designation of Ski Easements hereunder does not affect the landscaping obligations of Lot Owners in Maroon Creek Club ("Lot Owners") under the Declaration and related Design Guidelines. All Lot Owners in Maroon Creek Club Subdivision, where the Ski Easements exist, will comply with each landscaping approval issued by the Site and Architectural Review ("SARC") and the Declaration and Design Guidelines; and will install and maintain landscaping in the Ski Easements in the same manner as with all other areas of said Lots, subject to and consistent with the use of the Ski Easements for the purposes described in this Designation of Ski Easements.

7. Designation Does Not Limit the Right of Further Designations. The designation of Ski Easements herein does not limit the right of the Association to make further designations of ski easements, or to modify the designations made herein, pursuant to the authority referenced herein.

IN WITNESS WHEREOF, the parties have executed this document on the date first written above.

Association:

Maroon Creek Club Master Association,  
a Colorado non-profit corporation by:

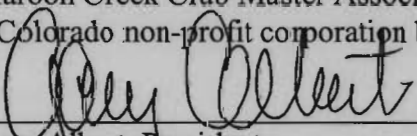
  
\_\_\_\_\_  
Gary Albert, President



EXHIBIT "A"

THE SIX PAGES FOLLOWING THIS COVER SHEET CONTAINING FOUR PAGES  
OF SKI EASEMENT DESCRIPTIONS AND TWO PAGES OF EXHIBIT MAPS

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3 August 3004  
Job # 68098L-06



**Ski Easement**  
**Lot 33, Maroon Creek**

A strip of land situate in Lot 33 of the Final Subdivision Plat & P.U.D. for Maroon Creek Club as recorded in Plat Book 33 at Page 4 in the Office of the Clerk and Recorder, Pitkin County, Colorado, being more particularly described as follows:

Beginning at the northeast corner of said Lot 33 with all bearings being relative to N37°30'00"W a along the westerly line of said Lot 33, thence 20.58 feet along the arc of a curve to the right having a radius of 50.00 feet, a central angle of 23°34'41" and subtending a chord bearing S24°47'21"E a distance of 20.43 feet along the easterly line of said Lot 33; thence the following two (2) courses along a line parallel to and 20.00 feet southerly to the northerly boundary of said Lot 33, S77°00'00"W a distance of 21.60 feet; thence S35°30'00"W a distance of 71.35 feet to a point on the westerly line of said Lot 33; thence N37°30'00"W along the westerly line of said Lot 33 a distance of 20.91 feet to the northwest corner of said Lot 33; thence the follow two (2) courses along the northerly boundary of said Lot 33, N35°30'00"E a distance of 72.81 feet; thence N77°00'00"E a distance of 25.00 feet to the point of beginning, said tract contains 0.043 acres more or less.





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ENGINEERS | SURVEYORS

GLENWOOD SPRINGS  
118 W. 6TH, SUITE 200  
GLENWOOD SPRINGS, CO 81601  
970-945-1004  
FX: 970-945-5948

ASPEN  
P.O. BOX 2155  
ASPEN, CO 81612  
970-925-6727  
FX: 970-925-4157

CRESTED BUTTE  
P.O. BOX 3088  
CRESTED BUTTE, CO 81224  
970-349-5355  
FX: 970-349-5358

3 August 3004  
Job # 6098L-06



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SILVIA DAVIS PITKIN COUNTY CO

**Ski Easement**  
**Lot 34, Maroon Creek**

A strip of land situate in Lot 34 of the Final Subdivision Plat & P.U.D. for Maroon Creek Club as recorded in Plat Book 33 at Page 4 in the Office of the Clerk and Recorder, Pitkin County, Colorado, being more particularly described as follows:

Beginning at the southwest corner of said Lot 34 with all bearings being relative to N37°30'00"W along the westerly of said Lot 34, thence N37°30'00"W along the westerly line of said Lot 34 a distance of 20.91 feet; thence the following two (2) courses along a line parallel to and 20.00 feet northerly of the southerly boundary of said Lot 34, N35°30'00"E a distance of 74.28 feet; thence N77°00'00"E a distance of 36.75 feet to a point on the easterly line of said Lot 34; thence 20.58 feet along the arc of a non-tangent curve to the left also being the easterly line of said Lot 34 having a radius of 50.00 feet, a central angle of 23°34'41" and subtending a chord bearing S01°12'39"E a distance of 20.43 feet to the southeast corner of said Lot 34; thence the following two (2) courses along the southerly boundary of said Lot 34, S77°00'00"W a distance of 25.00 feet; thence S35°30'00"W a distance of 72.81 feet to the point of beginning, said tract contains 0.048 acres more or less.



3 August 3004  
Job #6098L-06



**Ski Easement**  
**Lot 37, Maroon Creek**

A strip of land situate in Lot 37 of the Final Subdivision Plat & P.U.D. for Maroon Creek Club as recorded in Plat Book 33 at Page 4 in the Office of the Clerk and Recorder, Pitkin County, Colorado, being more particularly described as follows:

Beginning at the northeast corner of said Lot 37 with all bearings being relative to S67°00'00"W along the north line of said Lot 37, thence 21.53 feet along the arc of a curve to the right also being the easterly line of said Lot 37 having a radius of 160.00 feet, a central angle of 07°42'36" and subtending a chord bearing S01°22'26"E a distance of 21.51 feet; thence S67°00'00"W along a line parallel to and 20.00 feet southerly of the north boundary of said Lot 37 a distance of 197.35 feet to a point on the westerly line of said Lot 37; thence 20.01 feet along the arc of a non-tangent curve to the left also being the west line of said Lot 37 having a radius of 294.00 feet, a central angle of 03°53'59" and subtending a chord bearing N25°03'00"W a distance of 20.01 feet to the northwest corner of said Lot 37; thence N67°00'00"E along said north line Lot 37 a distance of 206.00 feet to the point of beginning, said tract contains 0.093 acres more or less.



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**Ski Easement**  
**Lot 38, Maroon Creek**

A strip of land situate in Lot 38 of the Final Subdivision Plat & P.U.D. for Maroon Creek Club as recorded in Plat Book 33 at Page 4 in the Office of the Clerk and Recorder, Pitkin County, Colorado, being more particularly described as follows:

Beginning at the southwest corner of said Lot 38 with all bearings being relative to N67°00'00"E along the south line of said Lot 38, thence 20.12 feet along the arc of a curve to the left also being the west line of said Lot 38 having a radius of 294.00 feet, a central angle of 03°55'15" and subtending a chord bearing N28°57'37"W a distance of 20.11 feet; thence N67°00'00"E along a line parallel to and 20.00 feet northerly of the southerly boundary of said Lot 38 a distance of 213.10 feet to a point on the east line of said Lot 38; thence 20.63 feet along the arc of a curve to the right also being the easterly line of said Lot 38 having a radius of 160.00 feet, a central angle of 07°23'20" and subtending a chord bearing S08°55'24"E a distance of 20.62 feet to the south east corner of said Lot 38; thence S67°00'00"W along said south line Lot 38 a distance of 206.00 feet to the point of beginning, said tract contains 0.096 acres more or less.



# Exhibit Map

Lot 34

Lot 33

C3

C1

South Willow Court

C4

P.O.B. Lot 33 Easement

C5

C2

N35°30'00"E  
138.42'

N37°30'00"W  
107.00'

S77°00'00"W  
36.75'

S77°00'00"W  
25.00'

S77°00'00"W  
21.60'

S35°30'00"W  
74.28'

S35°30'00"W  
72.81'

S35°30'00"W  
71.35'

20.91

20.91

P.O.B. Lot 34 Easement

20.0' Ski Easement

20.0' Ski Easement



1" = 20'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	50.00	50.85	27.87	48.69	S16°08'04"W	58°16'08"
C2	50.00	62.87	36.36	58.81	S49°01'16"E	72°02'33"
C3	25.00	25.21	13.79	24.15	N16°23'04"E	67°48'08"
C4	60.00	20.56	10.44	20.43	S01°12'39"E	23°34'41"
C5	50.00	20.56	10.44	20.43	S24°47'21"E	23°34'41"

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ENGINEERS & SURVEYORS

SCHMUESER GORDON MEYER INC.  
118 W. 6th Street, Suite 200  
Glenwood Springs, Colorado 81601  
(970) 945-1004 (FAX 945-5948)  
Aspen, Colorado (970) 925-6727

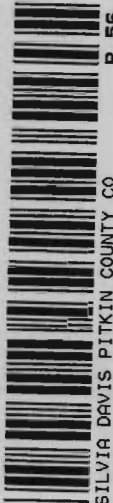
Exhibit Map

Job No: 093L-06 Date: Aug 04 Drawn by: J. J. Janski, pasc

# Exhibit Map

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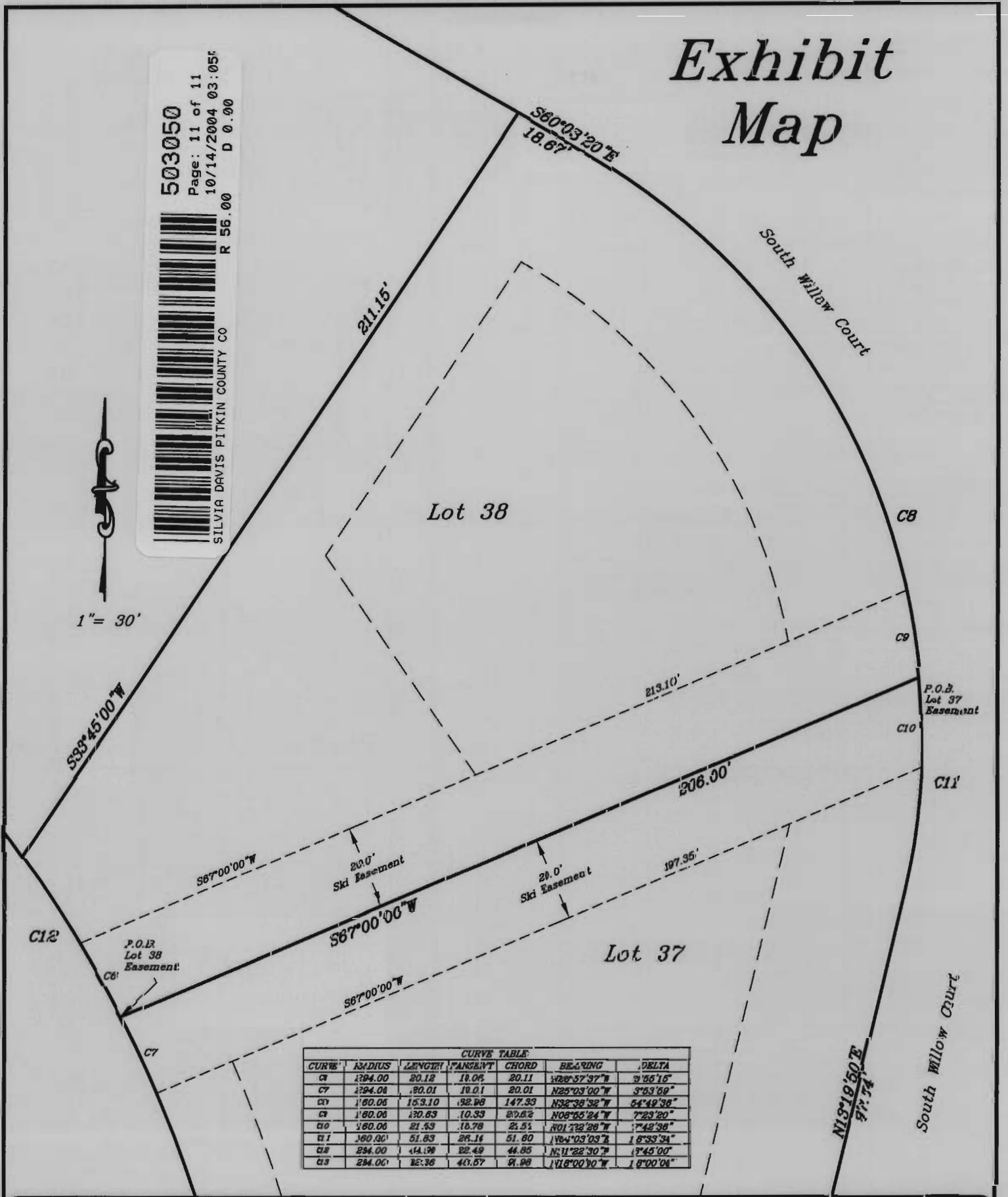
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SILVIA DAVIS PITKIN COUNTY CO



1" = 30'



CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1784.00	20.12	18.06	20.11	N22°57'37"W	3°56'16"
C7	1784.00	190.01	10.01	20.01	N25°03'00"W	3°53'59"
C7	160.00	153.10	192.98	147.93	N32°38'32"W	54°42'36"
C8	160.00	170.63	10.33	20.62	N08°05'24"W	7°23'20"
C9	160.00	21.53	18.78	21.51	N01°32'26"W	1°42'38"
C10	160.00	51.83	26.14	51.60	N04°03'03"E	1°53'34"
C11	284.00	141.98	22.49	44.85	N51°22'30"E	1°45'00"
C12	284.00	12:38	40.57	9.98	N18°00'00"W	1°00'00"



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ENGINEERS & SURVEYORS

SCHMUESER GORDON MEYER INC.

118 W. 6th Street, Suite 200  
Glenwood Springs, Colorado 81601  
(970) 945-1004 (FAX 945-5948)  
Aspen, Colorado (970) 925-6727

Exhibit Map

Job No 06098L-06 Date: 5aug04 Drawn by: lot 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100