

**RULE REGARDING OFF-ROAD VEHICLES**  
**Cherry Creek Crossing Property Owners Association, Inc.**

**WHEREAS**, the Board of Directors (the "Board") of the Cherry Creek Crossing Property Owners Association, Inc., a Colorado non-profit corporation (the "Association") is empowered by the Declaration of Covenants, Conditions, and Restrictions for Cherry Creek Crossing, recorded on December 3, 1999, at Reception No. 099182700 of the real property records of El Paso County (the "Declaration"), as well as the Association's Bylaws, and applicable law, to adopt such rules as it deems advisable, including without limitation, rules to protect and enhance the quality, value, aesthetics, desirability and attractiveness of the Cherry Creek Crossing Community (the "Subdivision"); and

**WHEREAS**, based upon the above powers, the Board is hereby exercising its business judgment to adopt this Rule which regulates and restricts Off-Road Vehicles within the Subdivision; and

**WHEREAS**, the Board has received various complaints regarding the number and activities of Off-Road Vehicles in the Subdivision; and

**WHEREAS**, the Board has considered the difficulties caused by, and the risks of, Off-Road Vehicles, including, but not limited to dust, exhaust fumes, noise, land degradation, destruction of natural vegetation, interference with drainage patterns, erosion, diminution of property values, reduction of aesthetic appeal, unsightly conditions, and unreasonable annoyance; and

**WHEREAS**, the Board has considered the above concerns and has determined in the exercise of its reasonable discretion, that this Rule is necessary for the health, safety, welfare, comfort, peace and quiet of the owners and occupants, as well as the maintenance of property values, within the Subdivision.

**NOW, THEREFORE**, the Board has hereby adopted the following Rule, which is effective upon adoption thereof:

(1) **Definition**. As used herein, the term "Off-Road Vehicle" means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain, which definition includes, but is not limited to, all terrain vehicles ("ATVs"), motor or dirt bikes, other motorized recreational-type vehicles operated off of a public road or approved driveway, and any other vehicle determined by the Association's Board of Directors in its sole discretion to be an Off-Road Vehicle.

(2) **Off-Road Vehicles Prohibited**. Use or operation of any Off-Road Vehicle within the Subdivision is prohibited.

(3) **Exception**. Notwithstanding Section (2) hereof, the use or operation of Off-Road Vehicles is permitted under the following circumstances:

(a) When loading onto, or unloading from, trailers or other vehicles for the purpose of transportation or storage of the Off-Road Vehicle; or

(b) When used in connection with the construction of a dwelling or structure approved by the Association, or similarly approved landscaping project, or any repair maintenance or replacement thereof, which is otherwise in compliance with the Declaration, Bylaws, Design Guidelines/Standards, and rules and regulations of the Association (the "Governing Documents").

(c) When used in connection with the removal of snow, cultivation of a garden, the cutting of grass or weeds, or any other utilitarian purpose which is otherwise in compliance with the Declaration, Bylaws, Design Guidelines/Standards, and rules and regulations of the Association (the "Governing Documents").

(4) **Enforcement.** The Board may order the removal of any Off-Road Vehicle used or operated in violation of this Rule and/or impose fines as are necessary in the Board's discretion to enforce this Rule.

(5) **Release/Indemnification.** Persons who own, possess, keep or operate any Off-Road Vehicle assume any and all liability for that vehicle and its compliance with the Association's Governing Documents, including this Rule and any future rules adopted by the Board, and said persons hereby release the Association, its agents and representatives, from any claims regarding Off-Road Vehicles and shall indemnify and hold the Association, its agents and representatives, harmless from any and all liability for the Off-Road Vehicles' operation or use, including without limitation, any damage, nuisance, annoyance, flooding, or reduction of property value caused by the use or operation of that Off-Road Vehicle, and for any enforcement of this Rule, injuries, damages, claims or expenses, including without limitation reasonable attorney fees, relating to the Off-Road Vehicle.

(6) **Responsibility of Owners.** All Owners and occupants of Lots in the Subdivision shall advise their guests, invitees, and tenants of the Governing Documents, this Rule, and any future rules, and the Owner shall be responsible for compliance by such persons, including without limitation, the payment of fines and the removal of any violators or Off-Road Vehicles from the Subdivision if violations occur. Any person entering the Subdivision shall be deemed to be aware of the Governing Documents, this Rule and future rules and to agree to comply fully and promptly with those requirements. Owners shall be responsible for the compliance and fines of their tenants, occupants and guests. In addition, the Association may suspend voting rights and may exercise other rights and remedies, as well as taking legal action, including recovery of costs, expenses and reasonable attorney fees.

**ADOPTED** by the Board of Directors of Cherry Creek Crossing Property Owners Association, Inc, on this 7th day of July, 2007.

**CHERRY CREEK CROSSING PROPERTY OWNERS ASSOCIATION, INC.,**  
a Colorado nonprofit corporation

By: Nathan K. Miller  
Nathan Miller, President