

RECORDED AT 12:30 O'CLOCK P.M. RECEPTION NO. 447610
MAY 22 1995 EVIDENCE OFFICE MONTAZUMA CO. COLORADO

NON-EXCLUSIVE ACCESS EASEMENT

BOOK 0708 PAGE 699

KNOW ALL MEN BY THESE PRESENTS THAT W. THOMAS LUNNEN, RICHARD PAULSEN, ROBERT W. ROHE and ELK SPRINGS RANCH HOMEOWNERS ASSOCIATION, a Colorado non-profit corporation, hereinafter called "Grantors", for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell and convey to Robb Enterprises, a Colorado general partnership, 7445 County Road 41, Mancos, Colorado 81325, hereinafter called "Grantee", its successors and assigns, the real property situated in Montezuma County, Colorado, to-wit:

A non-exclusive access and utility easement 40 feet in width, within the easement known as Elk Springs Drive, according to Plat of record of Elk Springs Ranch recorded in the offices of the Montezuma County, Colorado Clerk and Recorder on September 2, 1993 at Reception No. 434591, (Plat Book 12, Page 50), (hereinafter referred to as "Easement Area").

With all its appurtenances and warrant the title to the same:

SUBJECT TO the Declaration of Covenants, Conditions and Restrictions for Elk Springs Ranch recorded in the offices of the Montezuma County, Colorado Clerk and Recorder on September 2, 1993 at Reception No. 434589 (Book 0677, Page 894), (hereinafter the "Declaration of Covenants"); and

FURTHER SUBJECT TO the plat for Elk Springs Ranch, recorded in the offices of the Montezuma County, Colorado Clerk and Recorder on September 2, 1993 at Reception No. 434591 (Plat Book 12, Page 50), (hereinafter the "Elk Springs Plat").

The easement is for the exclusive benefit of, and is appurtenant to, that real property situated in Montezuma and La Plata Counties, Colorado, to-wit:

Township 35 North, Range 12 West, N.M.P.M., Montezuma and La Plata Counties, Colorado;

Section 7: NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 18: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

LESS AND EXCEPT any portion of the above-described property lying in Elk Springs Ranch according to the plat filed for record in the offices of the

Montezuma County, Colorado Clerk and Recorder on September 2, 1993 at Reception No. 434591 (Book 12, Page 50).

The above described property is hereinafter referred to as the "Dominant Estate". This easement may not be transferred or assigned for the benefit or use of owners of any other real property.

1. Grantors shall have the right to use and occupy the Easement Area for any purpose not inconsistent with the Grantee's full enjoyment of the rights hereby granted; provided, however, that Grantors, their successors or assigns, shall have the right to:

a. Enter upon and use the Easement Area for any purpose consistent with the General Dedication of the Easement Area as set forth in the Declarations of Covenants;

b. Enter upon and use the Easement Area for any purpose consistent with the Elk Springs Plat; or

c. Enter upon the Easement Area to operate, repair and maintain the access and utility easement.

2. Grantee, and its heirs, successors and assigns, shall not:

a. Cause or permit any division of the Dominant Estate into parcels of land of less than 35 acres;

b. Cause or permit any use of the Dominant Estate for more than one residence per parcel;

3. In the event either Grantor or Grantee, or their respective heirs, successors or assigns, fail to do anything required under this Access Easement, then the non-defaulting party, their heirs, successors or assigns, shall have the right by action of law or equity to enforce and compel such action, and shall, if successful in the action, be entitled to recover, in addition to the other legal or equitable relief granted by the Court, their reasonable costs, expenses and attorney's fees.

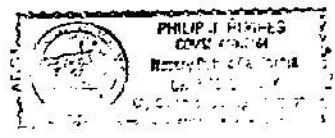
State of CALIFORNIA
County of ORANGE

On 29 APRIL 1995 before me, PHILIP J. HUGHES, NOTARY PUBLIC
DATE NAME/TITLE OF OFFICER (NAME DOB, NOTARY PUBLIC)

personally appeared R. THOMAS LUDWIG
(NAME(S) OF SIGNER(S))
RICHARD PAULSEN and ROBERT
W. ROHE

personally known to me -OR-

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.

(SEAL)

Philip J. Hughes
(SIGNATURE OF NOTARY)

RIGHT THUMBPRINT (Optional)



- CAPACITY CLAIMED BY SIGNER(S)
- INDIVIDUAL(S)
 - CORPORATE DIRECTORS
 - OFFICER(S) PRES. SECRET
 - PARTNER(S) LIMITED GENERAL
 - ATTORNEY IN FACT
 - TRUSTEE(S)
 - GUARDIAN/CONSERVATOR
 - OTHER _____

SIGNER IS REPRESENTING:
Name of Person(s) or Entity(ies)

RIGHT THUMBPRINT (Optional)



- CAPACITY CLAIMED BY SIGNER(S)
- INDIVIDUAL(S)
 - CORPORATE
 - PARTNER(S) LIMITED GENERAL
 - ATTORNEY IN FACT
 - TRUSTEE(S)
 - GUARDIAN/CONSERVATOR
 - OTHER _____

SIGNER IS REPRESENTING:
Name of Person(s) or Entity(ies)

ATTENTION NOTARY

The information requested below and in the column to the right is OPTIONAL. Recording of this document is not required by law and is a 50 optional. It could, however, prevent fraudulent attachment of this title to any unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT

Title or Type of Document	Number of Pages	Date of Instrument
Signer(s) (Other Than Named Above)		

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ALL PURPOSE ACKNOWLEDGMENT WITH SIGNER CAPACITY AFFIRMATION IN TWO (2) PARTS

