



AMENDED GENERAL CLUB PROVISIONS AND
RULES & REGULATIONS
FOR THE AREA KNOWN AS BEAVER LAKES ESTATES AND
BEAVER LAKES ESTATES FILING NO. 2

EMPIRE LODGE HOMEOWNERS' ASSOCIATION INC.
PO BOX 247, LEADVILLE, COLORADO 80461
10/11/06

This publication supersedes all previous General Club Provisions and Rules and Regulations.

GENERAL PROVISIONS

Empire Lodge Homeowners' Association, Inc., with its facilities at Beaver Lakes Estates, and Beaver Lakes Estates Filing #2 is a lot owners' association. The commonly held Association property includes several large green belt tracts, within which are two stocked lakes, a third lake inoperative, a Lodge building, four (4) cabins, two (2) wells, camping facilities with showers and toilets, all access and internal roads, and numerous beaver ponds. General Association Provisions with specific Rules and Regulations follow:

1. **PURPOSE:** To provide the lot owners' association with a mountain environment which includes rental cabins, fishing lakes, ponds, camping area, small horse corral, road maintenance and year-round Resident Caretaker.
2. **ASSOCIATION PRIVILEGES:** (As prescribed)
 - a. Use of Lodge
 - b. Camping
 - c. Fishing on lakes and beaver ponds
 - d. Cabin rental
 - e. Guest privileges
 - f. Archery and hiking
 - g. Riding and use of horse corral
 - h. Voting rights
 - i. Road maintenance on access and internal roads
 - j. Supervision of property by Board of Directors
3. **GENERAL:** Empire Lodge, Inc. is a lot owners' association in which every lot owner in Beaver Lakes Estates and Beaver Lakes Estates Filing No. 2 is a member. It is a non-profit organization operated for the sole benefit of the lot owners. Annual Dues (assessments) are required on or before May 15. Payments should be made promptly and within twenty (20) days after May 15th so that the Association can remain fiscally sound. A lot owner failing to pay is placed in delinquent status and shall be subject to a late charge up to a maximum of ten percent (10%) of the annual dues, as set forth in Covenants. If the assessment remains unpaid on July 15th, a delinquent is subject to lien action on his property for the amount of the indebtedness plus legal costs, as set forth in the Covenants.

4. **MEMBERSHIP, DUES AND USE OF CLUB FUNDS**

AUTHORIZED MEMBERS: After a final closing by a buyer on a lot in Beaver Lakes Estates, and Beaver Lakes Estates, Filing #2, each lot purchaser becomes an authorized member of Empire Lodge Homeowners Association, Inc. and is entitled to all Association privileges when annual assessments are paid. Domiciled

immediate members of the family have the same benefits, but without future voting rights. Payment of annual dues is required of each lot owner to remain in good standing.

When joint ownership of lot(s) occurs, and involves more than one family, only one annual assessment is required, and one person shall be designated to vote. When lot ownership by a corporation, partnership or association occurs, a minimum of one annual due is to be paid and the corporation, partnership or association is allowed to name or designate one principal (head of household) user of Club privileges, for each additional principal (head of household) user of Club Privileges named or designated, by the corporation, partnership or association, an annual dues is required to be paid. Lot owners selling their lots on the open market are responsible for informing the prospective buyer that he will automatically become an Association member. If a sale is consummated, the buyer must furnish a copy of General Club Rules and Regulations, By-laws, and the Covenants. When a lot is rented or leased by an owner, the owner will be required to pay an additional annual assessment unless the owner passes the Association privileges to the renter or lessee of this lot; a lot owner may pass Club privileges to a renter or lessee of his lot only with the prior approval of the Board Of Directors of Empire Lodge Homeowners Association, Inc. Such approval shall be at the discretion of the Board but shall not be unreasonably withheld.

ASSOCIATION FUNDS: Association funds are provided from dues, cabin rentals, guest fishing fees, and hookup fees and are deposited in Empire Lodge Homeowners' Association, Inc. bank accounts to be used for the benefit of the lot owners' association. Such funds are used for:

- a. Fish stocking and maintenance of lakes.
- b. Taxes and insurance on Association facilities.
- c. Providing year-round Resident Caretaker.
- d. Improvement and maintenance of roads and equipment.
- e. Maintenance of Lodge, cabins, camping area, shower house and security lighting.
- f. Maintenance of horse corral..
- g. Utilities related to Association activities
- h. Enhancement of lot owner interests.
- i. Administrative expenses related to Association operations.

RULES AND REGULATIONS

It is expected that each Club member will abide by the rules and regulations covered below and promptly report any violations noted to the Resident Caretaker.

1. **CHECK IN WITH RESIDENT CARETAKER:** All members and guests who are not full time residents shall register with the Resident Caretaker upon arrival and on departure from Beaver Lakes properties. This is to assist him in knowing who is on the premises and protecting lot owners' interests.

1. **GUESTS:** Guests must be sponsored by a regular Association member in good standing. The only exception to this rule being the case of guests occupying a privately owned cabin with the owner's permission. In such instances, the Association member is responsible for so informing the Resident Manager. The named guest must register with the Resident Manager. When fishing privileges are exercised, members are limited to four (4) guests at a daily rate of \$3.00 each. Non-domiciled members of the immediate family are included in a guest category. Fees shall be paid to the Resident Manager. Children, twelve (12) years of age and under, are not required to pay fees; however, for their safety and protection, they should be under constant adult supervision.

1. **FISHING:**

- a. Colorado Division of Wildlife regulations shall be observed at all times. Pay special attention to daily limits and allowable number of fish in possession. Fish stocking is expensive so don't catch more than you need.
- a. Flies, hardware, salmon eggs or worms only shall be used. No other types of bait are authorized. Live baits are prohibited. At times, there may be numerous undersized fish in the lakes, use extreme care in removing hooks and returning them to the water.
- a. No cleaning of fish in or near lakes and Lodge. A designated place outside of the shower house has been provided.
- a. Report numbers and places of catches to Resident Caretaker before leaving premises. This is important so that the lakes can be kept well stocked.

4. **LAKE RESTRICTIONS:** Boating, floating devices, and swimming are not permitted at any time. Do not throw trash into lakes. The island in the lower lake is for natural habitat (Waterfowl nesting). Humans are prohibited.

5. **HUNTING AND TARGET PRACTICE:** For the safety of all, hunting of any type and use of firearms are prohibited within Beaver Lakes Estates and Beaver Lakes Estates Filing #2 properties (BB guns and pellet guns are also prohibited). Archery equipment for target practice is authorized. There are areas suitable for target practice within the Club properties. Information concerning these areas can be obtained from the Resident Manager. Members are urged to use every safety precaution. Children under sixteen (16) must be accompanied by an adult.

6. **TRASH AND GARBAGE:** No Trash, ashes or other refuse may be thrown or dumped on any lane within Beaver Lakes Estates. The burning of refuse out of doors shall not be permitted in Beaver Lakes Estates and Beaver Lakes Estates, Filing #2. No incinerator other device for burning of refuse outdoors shall be constructed, installed or used by any person, except as approved by the committee. Each property owner shall provide suitable receptacles for the collection of refuse. Such receptacles shall be screened from public view, and protected from disturbance.

7. **FIRES:** No open fires are permitted. All fires must be contained. Fires are allowed only in designated areas provided by the association and supervised at all times. County and Forest Service fire bans shall apply. A contained fire is a BBQ pit with grill, rock circle, or other enclosure like a buried metal ring with grill, which has been constructed under the supervision of the Association.

8. **FIREWORKS:** No fireworks of any kind are allowed in Beaver Lakes Estates and Beaver Lakes Estates Filing #2.

9. **CAMPING AREAS:** A camping area, with shower and toilet accommodations, is located north of the Lodge. Space is limited, so campers should consult the Resident Caretaker before camping. Please utilize only the amount needed so as not to inconvenience other campers desiring to use the facility. To be sure of availability, it is suggested that the Resident Caretaker be contacted at (719) 486-0978 a few days in advance of your anticipated arrival. As required by the Lake County Sanitation Office, a dump pit for sewage disposal has been provided. Trash and garbage receptacles are not available, therefore, campers shall be responsible for removing their own debris. At the extreme north end of the campground, there is room for parking a few camper vehicles in temporary dead storage May through October, at the owners' risk. No winter storage allowed. Camper vehicles left in storage November through April shall be assessed \$300.00 per month. Campers must use extreme caution with fires. All fires must be contained, and make sure they are completely extinguished. A fire out of control could be catastrophic as the nearest fire department is in Leadville.

10. **CAMPING ON LOTS:** Camping on privately owned lots while cabin construction is actually taking place is permitted for a period of not to exceed ninety (90) days.
Camping by owners on their lots is allowable under the following rules:

- a. Camping is permitted by owners on their lots for a maximum of sixteen (16) days at one time. Any exception shall be made on an individual basis after application to the Resident Caretaker. Campers, trailers, and small tents are authorized, but no lean-to or makeshift shelters are allowed.
- a. Trailers or camping equipment shall not be left on owner's lot except as covered by (a.) above.
- a. No open fires permitted. All fires must be contained.
- a. No pit or trench latrines are allowed.
- a. Each lot owner is responsible for his own garbage, trash disposal, and sanitation.
- a. Leave lot clean and in it's natural state.

11. **HORSES AND PETS:** Horses are permitted, but not on a permanent basis. Facilities are limited. Permission should be obtained from the Resident Manager prior to bringing horses to Beaver Lakes Estates.

Owners are responsible for care, supervision, and feeding. When horses are not in use they must be kept in the corral area. Owners/users are responsible for the daily cleaning and removal of manure, and for the weekly (or upon-departure) removal of leftover feed and other waste. Water must be provided by the owner/users from their own private sources.

Horses may be kept at the Beaver Lakes Corral thirty (30) consecutive days. Horses kept at Beaver Lakes Estates longer than thirty (30) consecutive days will be assessed a fee of \$25.00 per day. The Manager will limit the number of horses using the facility at any one time to approximately 6. In some cases horses may not be able to stay a contiguous 30-day period if there is high demand. Owners must contact the Manager to reserve space in advance.

The Manager may advise the Board to revoke use privileges in cases where regulations are not followed.

Owners are responsible for the proper control of pets. The County Leash Law is applicable to Beaver Lakes Estates.

12. **LODGE:** The Lodge is a place for authorized members and their guests to enjoy on a share-alike basis. LODGE MAY BE RESERVED FOR SPECIAL EVENTS. There are no overnight accommodations in the Lodge, and sleeping therein is prohibited. Members are responsible for cleanliness after use.

13. **CABINS:** There are three (4) cabins available for overnight lodging. Reservations shall be made by calling the Resident Caretaker at 719-486-0978. Reservations shall be made by a Member in good standing by calling the Resident Manager at 719-486-0978. Cancellations must be made one (1) week in advance or the member will be charged for time reserved. Check-out time is 1:00 pm. Rental fees shall be paid to the Resident Caretaker. Members must provide their own linens, blankets, and towels, and shall leave cabins clean. Members leaving cabins in an unsatisfactory condition shall be billed for cleaning, property losses, or damages noted by the Resident Caretaker.

14. **CONTROL OF CHILDREN AND GUESTS:** Members are responsible for the actions and behavior of their children and guests. The Association's management assumes no responsibility or liability for accidents or injury. Potential hazards to children around lakes and ponds are obvious. Children shall be under continuous supervision. The Resident Manager is authorized to enforce this rule rigidly.

15. **MOTORIZED VEHICLES:** Including all recreational vehicles. Stay within the speed limit. No careless or reckless driving. Respect other property owners' privacy and property. Members are responsible for their children and guests. The Resident Caretaker is authorized to enforce this rule rigidly.

16. **ACCESS TO PROPERTY:** The access to Beaver Lakes Estates is through both private and Government land. Be on the lookout for cattle and sheep. Drive with caution, do not exceed posted speed limits.

ADDRESSES: Please keep Empire Lodge Homeowners' Association, Inc., P.O. Box 247, Leadville, Colorado 80461, informed of your current home address at all times.

17. **SPECIFICATIONS AND GUIDELINES FOR FENCING,**

1. The following types of fencing are the only types recommended for construction at Beaver Lakes Estates and Beaver Lakes Estates, Filing #2.

a. A traditional tripod wood rail fence that shall not exceed 48" in height.

a. A two or three split rail fence both posts and rails to be made of wood material not to exceed 48" in height.

a. A two or three rail socket and spindle fence of pine or cedar, not to exceed 48" in height.

a. All fences shall be of material earth tone in color, stained, oiled, or allowed to weather naturally. No fences shall be painted with a solid non-transparent paint.

a. Gates. Because of the different functions of gates (opening and closing) their materials may be the same as the fence or they may be of metal framing "camouflaged" by an ornamental nature such as, but not limited to old implement wheels or artifacts, or ornamental wrought iron.

a. No fences shall be solid in form or made of chain link, chicken wire, or wired mesh (see section 2 below) except wire mesh could be applied on the lower inside of wooden fences.

a. The set backs on the original plat filings shall be followed. Easements shall not be fenced as per plat maps (covenants #82)

1. Dog runs. Dog runs may be an exception to the chain link or wire mesh prohibition (#E above) but shall be limited to a reasonable size.

1. Property owners with special needs for fencing may apply to the Board of Directors for an exemption to the fencing specifications. The Board will consider these requests on a case by case basis.

1. The Architectural Control Committee will have a fencing Application Form to which any member must submit to the Architectural Control Committee and get approval before construction begins.

1. Original fences shall be grandfathered. **(Documentation of existing fences has been made by the Architectural Control Committee).**

1. Perimeter of Beaver Lakes Estates. Barbed wire fencing will be acceptable where adjacent to Forest Service land but only acceptable installed on the property line.

17. **LOGGING OPERATIONS:** Logging Operations are forbidden at Beaver Lakes Estates and Beaver Lakes Estates, Filing #2. Logging operations may be defined to include using private roads within Beaver Lakes Estates to conduct logging operations and/or to transport logs in or through Beaver Lakes Estates and Beaver Lakes Estates, Filing #2. Removal of logs from private lots within Beaver Lakes Estates and Beaver Lakes Estates, Filing #2, with the express approval of the Architectural Control Committee, is permissible. This rule shall apply to all member and/or their employees and agents. Violators of this rule shall forfeit their rights to access to Beaver Lakes Estates from all access roads, except for the main West entrance, for a period of 12 months. *Voted on and passed by the Board of Directors, April 20, 2001.*

17. **COMMERCIAL VEHICLES:** Use or operation of commercial vehicle is expressly prohibited within Beaver Lakes Estates and Beaver Lakes Estates, Filing #2. Commercial vehicles shall be defined as anything other than a private vehicle, including cars, vans, trucks (less than or equal to 1 ton), sports utility vehicles, recreational vehicles (trailers, snowmobiles, 3/4 wheelers, and other recreational vehicles). In case where such a determination is unclear, the Manager shall be the sole arbiter as to whether such a vehicle is private or commercial in nature. An exception to this rule pertains to service providers entering Beaver Lakes Estates for the express purpose of providing services to individual lot owners or to the Manager (e.g., electric contractors, plumbers, etc.). this rule shall apply to all members and/or their employees and agents. Violators of this rule shall forfeit their rights to access to Beaver Lakes Estates from all access roads, except for the main West entrance, for a period of 12 months. *Voted on and passed by the Board of Directors, April 20, 2001.*

20. **PLOWING SNOW FROM DRIVEWAYS:** As time permits, the Resident Manager will plow snow from a member's driveway according to the following rules:

1. All primary and secondary roads within Beaver Lakes Estates and Beaver Lakes Estates, Filing #2, including the access roads, will be plowed before any driveways are plowed.
2. Full-time residents who would like their driveways plowed should call the Resident Manager and have their names added to the Resident Manager's snow-plowing list. Priority will be given to those members who serve the community's emergency response fields: nurses, doctors, EMT's, firemen, etc. If you are a full-time resident and do not have to get out immediately following a snowfall, the Board of Directors asks your patience until the Resident Manager can get to your driveway.
3. Any non-full-time member who will be spending time at Beaver Lakes Estates and would like a driveway plowed should call the Resident Manager on an as-needed basis. Driveways will be plowed only as needed, not after every snowfall. Please give the Resident Manager ample time before your expected arrival.
4. The Resident Manager and Empire Lodge Homeowners' Association assume NO LIABILITY for the plowing of snow from any lot owner's private property.
5. For safety reasons and equipment limitations, some driveways cannot be plowed. The Resident Manager can refuse to plow a driveway for either of these reasons.
6. There will be a set minimum charge for a number of five [5] times plowed. There will be a four-tiered system.
 1. =easy
 2. =medium difficulty
 3. =hard
 4. =too hard to handle

Difficulty will be influenced by the length, grade, curves, and other factors. The Resident Manager will assess a driveway once a member requests plowing.

Fees:

Easy = \$100

Medium = \$150

Hard = \$200

If we have a snowy winter and more plowing is done, members will be charged a pro-rated additional charge in the spring.

All impediments, such as well heads, decorative items, rocks, etc. must be clearly marked. The policy for time available only for service for driveways will remain in place. Priority will be given to emergency [fire/health] professionals [No. 2 above].

21. **PERSONAL RECREATIONAL VEHICLE STORAGE FOR FULL-TIME MEMBERS:** People who live permanently at Beaver Lakes Estates and Beaver Lakes Estates, Filing #2 may have camping trailers (including motor homes) on their property, but the vehicles should be stored as unobtrusively as possible. *Voted on and passed by the Board of Directors, December 16, 1994.*

22. **ENFORCEMENT OF THE RULES AND REGULATIONS:** Refer to the Restrictive and Protective Covenants #14 and #15 for Authorization.