

FISHING AGREEMENT

THIS FISHING AGREEMENT, made and entered into this 22nd day of April, 1998, is by and between: **Garland Properties, Inc.**, a Colorado corporation, whose mailing address is Post Office Box 2078, Crested Butte, Colorado 81224 ("Garland"), **Henrichsen, Inc., and PSZ, Inc.**, whose mailing address is c/o Harrison F. Russell, Russell & Wilderson, P.C., 120 North Taylor Street, Gunnison, Colorado 81230 (collectively "Hidden River"), **East River Ranch Homeowners' Association**, whose mailing address is Post Office Box 2078, Crested Butte, Colorado 81224, **Hidden River Ranch Association**, whose mailing address is c/o Harrison F. Russell, Russell & Wilderson, P.C., 120 North Taylor Street, Gunnison, Colorado 81230, **Richard H. Renwick**, whose mailing address is 517 Rollingwood Lane, Joliet, Illinois 60431, **Alfred W. Pinkerton**, whose mailing address is 1650 Hospital Drive #200, Santa Fe, New Mexico 87505, **Graydon H. Laughbaum, Jr. and Nancy J. Laughbaum, trustees of the GBF Trust dated July 17, 1991**, whose mailing address is 12006 Chatham Lane, Houston, Texas 77024, **James F. Bolt**, whose mailing address is 411 Santa Victoria, Solana Beach, California 92075, **Richard W. Harper and Beth Harper**, whose mailing address is 1124 Charleston Court, Beller, Texas 76248, **Carl Mosen and Barbara Mosen**, whose mailing address is 335 Canal Street, Newport Beach, California 92663, **Steven W. Reiquam and Melissa P. Reiquam**, whose mailing address is 225 East 95th Street, Apt. 8A, New York, New York 10128, and **Matthew S. Hayes and Helen Y. Hayes**, whose mailing address is 300 Lafayette Street, Denver, Colorado 80218.

WHEREAS, Garland is the owner of Lots 1,2,4,5,6 and Development Rights 7 and 8 of East River Ranches, which property is set forth on the Plat recorded July 9, 1997, in the records of Gunnison County, Colorado, bearing Reception No. 476686; and

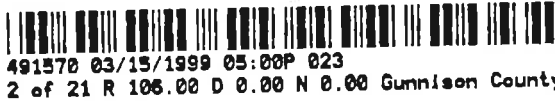
WHEREAS, Richard H. Renwick ("Renwick") is the owner of Lot 3 of East River Ranches, as set forth on the Plat recorded July 9, 1997, in the records of Gunnison County, Colorado, bearing Reception No. 476686; and

WHEREAS, the real property together owned by Garland and Renwick will hereafter be referred to as the "East River Ranches Property"; and

WHEREAS, Hidden River is the owner of lots 8-16 inclusive of the Hidden River Ranch Subdivision, which property is set forth on the Plat recorded October 24, 1996, in the records of Gunnison County, bearing Reception No. 471540; and

WHEREAS, East River Ranch Homeowners' Association is the homeowners' association for the East River Ranches Subdivision; and

WHEREAS, Hidden River Ranch Association is the homeowners' association for the



Hidden River Ranch Subdivision; and

WHEREAS, the other parties to this agreement (other than Garland, Renwick, Hidden River, and the two homeowners' associations) are the owners of lots 1, 2, 3, 4, 5, 6, 7 and 17 in the Hidden River Ranch Subdivision; and

WHEREAS, the real property owned by Hidden River and the parties to this Agreement other than Garland, Renwick, and the East River Ranches Homeowners' Association will hereafter be referred to as the "Hidden River Ranch Property"; and

WHEREAS, all of the above named parties to this agreement are, collectively, the owners of all of the property which is the subject of this agreement, or are the homeowners' association which has certain authority over the use of all of said property, and, as such, have the authority to agree to the terms of this agreement insofar as it addresses the use of the subject property; and

WHEREAS, East River Ranches and Hidden River Ranch have a common boundary downstream of the bridge (the "Bridge") over the East River in the E½NE¼, Section 20, Township 14 South, Range 85 West, 6th P.M., Gunnison County, Colorado, which is generally, but not specifically, in the area along East River as it traverses over and across said E½NE¼; and

WHEREAS, the Parties are the respective successors to such interests as may have been created by the following documents:

1. Joseph Niccoli and Charlie Niccoli, the predecessors in interest to the East River Ranches Property, by Quitclaim Deed recorded January 10, 1931 in Book 220 at page 436 of the Gunnison County records, conveyed 12.92 acres located in the NE¼NE¼ of said Section 20 to Della M. Delimont, predecessor in interest to the Hidden River Ranch property.
2. Della M. Delimont, the predecessor in interest to the Hidden River Ranch Property, by Quitclaim Deed recorded January 10, 1931 in Book 220 at page 435 of the Gunnison County records, conveyed 10.44 acres located in the SE¼NE¼ of said Section 20 to Joseph Niccoli and Charlie Niccoli, predecessors in interest to the East River Ranches Property.
3. Exchange Contract between Della M. Delimont, Joseph Niccoli and Charlie Niccoli, which was recorded June 30, 1934 in Book 248 at page 113 of the Gunnison County records.

WHEREAS, Don E. Henrichsen and Phyllis Hollander, in an Affidavit executed by



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as that common boundary line is described in the recorded plats of the respective subdivisions.

C. Notwithstanding the aforementioned ownership, the owners of Hidden River Ranch Property shall be entitled to the non-exclusive right to wade and fish in the East River and the adjoining river bank west of the centerline of the East River as it flows along said common boundary line from the Bridge downstream to the southern boundary of Hidden River Ranch/Ranch Site 8 in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 20, and the owners of East River Ranches Property shall be entitled to the non-exclusive right to wade and fish in the East River and the adjoining river bank east of the centerline of the East River as it flows along said common boundary line from the Bridge downstream to the southern boundary of Hidden River Ranch/Ranch Site 8 in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 20.

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D. The parties agree that notwithstanding the above provisions, there shall be no fishing by anyone in the first 80 feet of East River immediately below the Bridge.

E. The owners of Hidden River Ranch Property, The Hidden River Ranch Association, East River Ranches Property, and the East River Ranches Homeowners' Association agree to the following restrictions on the use of the East River along said common boundary line, which restrictions have already been adopted by the owners of Hidden River Ranch Property:

- (1) The East River is designated as fly fishing water only with barbless hooks.
- (2) All fishing within the East River shall be catch and release only and all fish shall be gently released and returned back into the river or stream using the respected techniques for catch and release fishing.
- (3) Not more than three persons per Lot or Development Right shall fish the East River on any single day. Such three persons may include the owners, members of the owners' family and their guests so long as the fishermen do not exceed three persons.
- (4) At all times fishermen will respect the private property rights of adjoining homeowners and will not trespass upon private property and will strictly stay within the fishing easement.
- (5) At no time will there be any littering or loud and obnoxious behavior.

as that common boundary line is described in the recorded plats of the respective subdivisions.

- C. Notwithstanding the aforementioned ownership, the owners of Hidden River Ranch Property shall be entitled to the non-exclusive right to wade and fish in the East River and the adjoining river bank west of the centerline of the East River as it flows along said common boundary line from the Bridge downstream to the southern boundary of Hidden River Ranch/Ranch Site 8 in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 20, and the owners of East River Ranches Property shall be entitled to the non-exclusive right to wade and fish in the East River and the adjoining river bank east of the centerline of the East River as it flows along said common boundary line from the Bridge downstream to the southern boundary of Hidden River Ranch/Ranch Site 8 in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 20.
- D. The parties agree that notwithstanding the above provisions, there shall be no fishing by anyone in the first 80 feet of East River immediately below the Bridge.
- E. The owners of Hidden River Ranch Property, The Hidden River Ranch Association, East River Ranches Property, and the East River Ranches Homeowners' Association agree to the following restrictions on the use of the East River along said common boundary line, which restrictions have already been adopted by the owners of Hidden River Ranch Property:
- (1) The East River is designated as fly fishing water only with barbless hooks.
 - (2) All fishing within the East River shall be catch and release only and all fish shall be gently released and returned back into the river or stream using the respected techniques for catch and release fishing.
 - (3) Not more than three persons per Lot or Development Right shall fish the East River on any single day. Such three persons may include the owners, members of the owners' family and their guests so long as the fishermen do not exceed three persons.
 - (4) At all times fishermen will respect the private property rights of adjoining homeowners and will not trespass upon private property and will strictly stay within the fishing easement.
 - (5) At no time will there be any littering or loud and obnoxious behavior.



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- (6) At all times the fishermen will respect the deer, elk, eagles, coyotes and other wildlife along the rivers and streams.
- (7) No pets and specifically no dogs will be allowed along the East River, except only if the dog is well behaved and not a nuisance to other walkers, fishermen or wildlife. The Hidden River Ranch Association and the East River Ranches Homeowners' Association are authorized to impose a \$100.00 fine on the owners of dogs that are not on a leash and are misbehaving or otherwise causing a disturbance or nuisance.

2. Record title/no adverse use/no prescriptive use. Notwithstanding the recording of this Fishing Agreement, the record title to the respective properties specified above, and the plats thereof, shall not be changed. Each Party further acknowledges and agrees that notwithstanding the above mentioned Quit Claim Deeds, Exchange Contract, Affidavit, and claims to a prescriptive fishing easement, they do not now claim, nor do they have, any right, title or interest, including any adverse possessory or prescriptive interest, in the real property of the other except as is determined, established and set forth in the recorded plats of the respective subdivisions.

3. Building Restrictions. Garland and the East River Ranches Homeowners' Association agree that the owners of Development Rights 7 and 8 of said East River Ranches Subdivision shall not construct any buildings upon that portion of said lands located upon the upper bench which lie west of South Ranch Road as set forth on the Plat recorded July 9, 1997 in the records of Gunnison County, Colorado, bearing Reception No. 476686. Nothing contained herein shall be construed as prohibiting construction upon the lower bench, which is located between the upper bench and the East River, so long as that construction is contained within the building envelopes shown on the map attached as Exhibit A to this Fishing Agreement.

4. Fences. The Parties agree that the exclusive use of any fences now in existence on the subject Properties shall be vested in the party who has the exclusive use of the land on which said fences are located as specified above.

5. Binding. This Fishing Agreement shall run with the Hidden River Ranch Property and the East River Ranches Property and shall be binding upon all persons and entities having any right, title or interest in and to the Hidden River Ranch Property and the East River Ranches Property or any part thereof, or any lots, tracts or parcels of land therein, and their heirs, successors and assigns.

6. Attorney Fees. It is agreed that if any action is brought in a court of law by any party to this Fishing Agreement as to the enforcement, interpretation, construction or arbitration of this Fishing Agreement or any document provided for herein, the prevailing

party in such action shall be entitled to reasonable attorney fees as well as all costs incurred in the prosecution or defense of such action.

7. Enforcement. This Fishing Agreement contains the names of all of the owners, and homeowners' associations of all of the owners, of the lands which are the subject of this agreement. The parties mutually agree that, notwithstanding the fact that less than all of the named parties actually execute this agreement, provided Garland, Hidden River and each of the homeowners' associations execute this agreement, that each of the parties who ultimately execute this agreement agree to be bound by its terms.

8. Release. Garland and Hidden River hereby release and discharge the other of them, their heirs, personal representatives, administrators, and assigns, from all claims, demands, actions, judgments, and executions which either of them ever had, or now have, or may have, or claim to have, against the other of them, their heirs, personal representatives, administrators, or assigns, insofar as they arise out of the aforesaid discrepancy in the common boundary downstream of the Bridge over the East River in the E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 20, Township 14 South, Range 85 West, 6th P.M., Gunnison County, Colorado and claim to a prescriptive easement.

9. Counterparts. This Fishing Agreement may be executed in counterparts, each of which shall for all purposes be deemed an original and all of which together shall constitute one and the same agreement, document or instrument.

Executed as of the day and year first above set forth.

Garland Properties, Inc.
a Colorado corporation

By: Gary F. Garland
Gary F. Garland, President

Henrichsen, Inc.
a Nevada corporation

By: Don Henrichsen
Don Henrichsen, President

PSZ, Inc.
a Nevada corporation

By: Phyllis Hollander
Phyllis Hollander, President

East River Ranches Homeowners'
Association

Hidden River Ranch Association



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East River Ranches Homeowners'
Association

Hidden River Ranch Association

By: Gary F. Garland
Gary Garland, President

By: Don Henrichsen
Don Henrichsen, President

Richard H. Renwick

Alfred W. Pinkerton

Graydon H. Laughbaum, Jr. and Nancy J. Laughbaum, trustees of the GBF Trust dated July
17, 1991

By: _____
Graydon H. Laughbaum, Jr.

By: _____
Nancy J. Laughbaum

James F. Bolt

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East River Ranches Homeowners'
Association

Hidden River Ranch Association

By: _____

By: _____

Richard H. Renwick


Alfred W. Pinkerton

Graydon H. Laughbaum, Jr. and Nancy J. Laughbaum, trustees of the GBF Trust dated July 17, 1991

By: _____
Graydon H. Laughbaum, Jr.

By: _____
Nancy J. Laughbaum

James F. Bolt

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East River Ranches Homeowners'
Association

Hidden River Ranch Association

By: _____

By: _____

Richard H. Renwick

Alfred W. Pinkerton

Graydon H. Laughbaum, Jr. and Nancy J. Laughbaum, trustees of the GBF Trust dated July 17, 1991

By: *Graydon H. Laughbaum, Jr.*
Graydon H. Laughbaum, Jr.

By: *Nancy J. Laughbaum*
Nancy J. Laughbaum

James F. Bolt

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East River Ranches Homeowners' Association

Hidden River Ranch Association

By: _____

By: _____

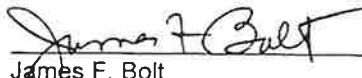
Richard H. Renwick

Alfred W. Pinkerton

Graydon H. Laughbaum, Jr. and Nancy J. Laughbaum, trustees of the GBF Trust dated July 17, 1991

By: _____
Graydon H. Laughbaum, Jr.

By: _____
Nancy J. Laughbaum



James F. Bolt



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Richard W. Harper
Richard W. Harper

Beth Harper
Beth Harper

Carl Mosen

Barbara Mosen

Steven W. Reiquam

Melissa P. Reiquam

Matthew S. Hayes

Helen Y. Hayes

Richard W. Harper

Beth Harper

Carl Mosen

Barbara Mosen

Steven W. Reiquam
Steven W. Reiquam

Melissa P. Reiquam
Melissa P. Reiquam

Matthew S. Hayes

Helen Y. Hayes

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STATE OF COLORADO

COUNTY OF GUNNISON;

The foregoing was acknowledged before me this 15th day May, 1998,
by Gary Garland as President of Garland Properties, Inc., a Colorado corporation.



Witness my hand and official seal.

My Commission expires: ~~04/30/2001~~ 5/30/2001

Teresa D. Clark
Notary Public

My Comm. Expires 5/30/2001

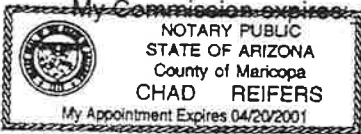
STATE OF ARIZONA

COUNTY OF Maricopa

The foregoing was acknowledged before me this 5th day of May, 1998,
by Don Hennrichsen, as Pres. of Hennrichsen, Inc., a Nevada
corporation.

Witness my hand and official seal.

My Commission expires: 04/30/2001



Chad Reifers
Notary Public

STATE OF NEVADA

COUNTY OF WASHOE

The foregoing was acknowledged before me this 22 day APRIL, 1998,
by PHYLLIS HOLLANDER as PRESIDENT of PSZ, Inc., a Nevada corporation.

Witness my hand and official seal.

My Commission expires: 7/26/00



Karen Savage-Stone
Notary Public

Hidden River Ranch
Fishing Agreement
RWOD 13,853 (3s/t) 4/14/98



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STATE OF COLORADO

COUNTY OF GUNNISON

The foregoing was acknowledged before me this 15 day May, 1998,
by Gary F. Garland, as President of East River Ranches Homeowners'
Association.



Witness my hand and official seal.

My Commission expires: 5/30/2001

Teresa D. Clark
Notary Public

My Comm. Expires 5/30/2001

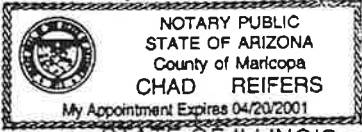
STATE OF Arizona

COUNTY OF Maricopa

The foregoing was acknowledged before me this 5th day of May, 1998,
by Don Henricksen, as Pres. of Hidden River Ranch Association.

Witness my hand and official seal.

My Commission expires: 04/20/2001



Chad Reifers
Notary Public

STATE OF ILLINOIS

COUNTY OF _____

The foregoing was acknowledged before me this _____ day _____, 1998,
by Richard H. Renwick.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

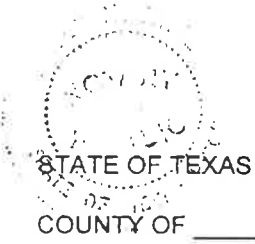
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STATE OF NEW MEXICO

COUNTY OF SANTA FE

The foregoing was acknowledged before me this 5th day MAY, 1998,
by Alfred W. Pinkerton.

Witness my hand and official seal.
My Commission expires: 4/15/99



Jolly M. Hays
Notary Public

The foregoing was acknowledged before me this ____ day _____, 1998,
by Graydon H. Laughbaum, Jr. and Nancy J. Laughbaum, trustees of the GBF Trust dated
July 17, 1991.

Witness my hand and official seal.
My Commission expires: _____

Notary Public

STATE OF CALIFORNIA

COUNTY OF _____

The foregoing was acknowledged before me this ____ day _____, 1998,
by James F. Bolt.

Witness my hand and official seal.
My Commission expires: _____

Notary Public

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STATE OF NEW MEXICO

COUNTY OF _____

The foregoing was acknowledged before me this _____ day _____, 1998,
by Alfred W. Pinkerton.

Witness my hand and official seal.
My Commission expires: _____

Notary Public

STATE OF TEXAS

COUNTY OF Harris

The foregoing was acknowledged before me this 12 day May, 1998,
by Graydon H. Laughbaum, Jr. and Nancy J. Laughbaum, trustees of the GBF Trust dated
July 17, 1991.

Witness my hand and official seal.
My Commission expires: June 28, 2000



Rose Marie Isfahan
Notary Public

STATE OF CALIFORNIA

COUNTY OF _____

The foregoing was acknowledged before me this _____ day _____, 1998,
by James F. Bolt.

Witness my hand and official seal.
My Commission expires: _____

Notary Public

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STATE OF NEW MEXICO

COUNTY OF _____

The foregoing was acknowledged before me this ____ day _____, 1998,
by Alfred W. Pinkerton.

Witness my hand and official seal.
My Commission expires: _____

Notary Public

STATE OF TEXAS

COUNTY OF _____

The foregoing was acknowledged before me this ____ day _____, 1998,
by Graydon H. Laughbaum, Jr. and Nancy J. Laughbaum, trustees of the GBF Trust dated
July 17, 1991.

Witness my hand and official seal.
My Commission expires: _____

Notary Public

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

The foregoing was acknowledged before me this 4th day June, 1998,
by James F. Bolt.

Witness my hand and official seal.
My Commission expires: _____



Dennis H. Roberts
Notary Public

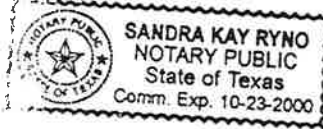
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STATE OF TEXAS

COUNTY OF DALLAS

The foregoing was acknowledged before me this 22 day MAY, 1998,
by Richard W. Harper and Beth Harper.

Witness my hand and official seal.
My Commission expires: 10-23-2000



Sandra Kay Ryno
Notary Public

STATE OF CALIFORNIA

COUNTY OF _____

The foregoing was acknowledged before me this ____ day _____, 1998,
by Carl Mosen and Barbara Mosen.

Witness my hand and official seal.
My Commission expires: _____

Notary Public

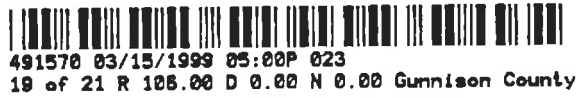
STATE OF NEW YORK

COUNTY OF _____

The foregoing was acknowledged before me this ____ day _____, 1998,
by Steven W. Reiquam and Melissa P. Reiquam.

Witness my hand and official seal.
My Commission expires: _____

Notary Public



STATE OF TEXAS

COUNTY OF _____

The foregoing was acknowledged before me this ____ day _____, 1998, by Richard W. Harper and Beth Harper.

Witness my hand and official seal.
My Commission expires: _____

Notary Public

STATE OF CALIFORNIA

COUNTY OF _____

The foregoing was acknowledged before me this ____ day _____, 1998, by Carl Mosen and Barbara Mosen.

Witness my hand and official seal.
My Commission expires: _____

Notary Public

STATE OF NEW YORK

COUNTY OF New York

The foregoing was acknowledged before me this 12 day May, 1998, by Steven W. Reiquam and Melissa P. Reiquam.

Witness my hand and official seal.

My Commission expires: _____

JENNIFER FOO
Notary Public, State of New York
No. 01F05084827
Qualified in New York County
Certificate Filed in New York County
Commission Expires Sept. 8, 1999

Jennifer Foo
Notary Public



Hidden River Ranch
Fishing Agreement
RWOD 13 853 (3s/1) 4/14/98

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STATE OF COLORADO

COUNTY OF _____

The foregoing was acknowledged before me this ____ day _____, 1998,
by Matthew S. Hayes and Helen Y. Hayes.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

PROPOSED ROAD

35.01AC

7

35.00AC

8

35.00AC

9

35.00AC

10

0214'13" W

2022'72" W

5 0213'39" W

1334.82

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