



Riverwalk
Market, Crystal, Topaz and Amber Buildings
Deed Restriction & Qualification Checklist

Unit #to be purchased _____ Building _____

Owner/Seller _____

Phone () _____ Email _____

Name of Owner/Sellers's Realtor (*if applicable*) _____

Phone () _____ Email _____

Name of Buyer(s) _____

Buyer's mailing address _____

Phone () _____ Email _____

Name of Buyer's Realtor (*if applicable*) _____

Phone () _____ Email _____

Name of Title Company _____

Name of Escrow Officer _____

Phone () _____ Email _____

Closing Date _____

Page #	Item	Complete?
	Check for \$250 <i>processing fee (To: The Valley Home Store)</i>	_____
	Identification (copy of ID; driver's license, passport, etc.)	_____
2-4	Deed Restriction (Buyer signs)	_____
5	Affidavit (Buyer signs)	_____
6-8	Employee Affidavit (Buyer signs)	_____
9-10	Employer Affidavit/Work Verification (Buyer's employer signs)	_____
11-13	Owner Sale Affidavit (Owner/Seller signs)	_____
	Business Signature List* (Owner or Realtor completes)	_____
	Advertising Forms (Owner or Realtor provides)	_____

*The Business Signature List should be used as proof that fliers have been posted at Riverwalk businesses to advertise the sale of an Employee Housing Unit prior to the first 30 days that the unit is listed for sale.

Please mail or deliver your packet to: The Valley Home Store
25 Mill Loft St, Suite 200 in Edwards, CO 81632

Please allow 7 working days for review of packets in the event additional information is needed.
If you have any questions, please contact us at 328-8772 or info@valleyhomestore.org

Package received by: _____ Date: _____

Revised 02/2017

DEED RESTRICTION

RIVERWALK AT EDWARDS

PLANNED UNIT DEVELOPMENT CONTROL DOCUMENT

N Subject Property: _____ (Unit# and street address)

The undersigned is the Buyer of the subject Property and shall be the sole owner(s) in fee simple of the Property.

The undersigned declares that the Property shall be held, sold, and conveyed only subject to the following covenants, conditions and restrictions, which constitute covenants running with the Property for a period of fifty (50) years from the date of recordation of the amended Riverwalk at Edwards Planned Unit Development Control Document approved by the Board of County Commissioners of Eagle County, Colorado ("Board") on February 14, 1995, with the title to the Property as a burden thereon for the benefit of Eagle County, Colorado, acting by and through the Board, or its designee, and shall be binding on the Owner, and on the heirs, personal representatives, assigns, lessees, licensees and any transferee of the Owner.

These covenants are made as a part of an Employee Housing Program created pursuant to the Riverwalk at Edwards Planned Unit Development Control Document and as a condition to the approval thereof by the Board.

The use and occupancy of the Property is hereby limited exclusively to Qualified Employees and their families and dependents, as more specifically set forth below:

As used herein "Qualified Employee" shall mean a person who (a) has earned his living primarily in Eagle County by having worked an average of at least thirty (30) hours per week for at least eight (8) months in the previous twelve (12) months and maintains his residence in Eagle County; or (b) has been hired for a job in Eagle county on a permanent basis (meaning that there is an expectation that the employment will continue for a period of at least six (6) months although it may be "at will" employment) to work at least thirty (30) hours per week, which employment will be his primary source of income, and will maintain his residence in Eagle County upon commencing the job; or (c) is over the age of sixty (60) and has earned a living primarily in Eagle County by having worked an average of at least 30 hours per week for the previous five years.

Notwithstanding the generality of the foregoing, the term "Qualified Employee" excludes any person otherwise meeting the criteria of a Qualified Employee if such a person or any member of his immediate household, owns, directly or indirectly, a habitable dwelling unit located elsewhere in Eagle County, unless said dwelling unit is currently listed for sale and has been continuously listed for sale for not more than four (4) months. This exclusion includes partial or full ownership in a corporation, and partial or full beneficial interest in a trust, established for the purpose of evading this provision or to provide beneficial interest sufficient to permit use and occupancy by the owner or part owner. This exclusion also includes partial ownership where the remainder is owned, legally or equitably, by any member of his immediate household.

Eagle County shall determine whether a person meets the definition of a Qualified Employee, which shall be based on criteria including, but not limited to, percent of income earned within Eagle County, place of voter registration, place of automobile registration, drivers license address, and income tax records. Evidence of Qualified Employee status under (b) shall be supplied by at least the affidavit of the Employer and of the person. Evidence of Qualified Employee status under (a) and (c) will be supplied by at least the affidavit of the person together with the associated documents.

Furthermore, "Qualified Employee" shall mean a person who is determined to be currently eligible for Residency in this Property or in the Employee Housing Program as set forth in the Riverwalk at Edwards Planned Unit Development Control Document. In the determination of whether a person meets the definition of a Qualified Employee, Eagle County shall consider the criteria cumulatively as they relate to the intent and purpose of the Deed Restriction.

As used herein "Riverwalk Employee" shall mean any person who meets the definition of Qualified Employee as provided herein, except that such person shall work a minimum of twenty (20) hours a week as either an employee or owner of a business establishment located within the Riverwalk at Edwards Planned Unit Development. Evidence of Qualified Employee status under this definition shall be as stated in the definition of Qualified Employee as provided herein. This definition is provided as a means to determine who has priority to lease or purchase units within the Riverwalk at Edwards Planned Unit Development; persons who end their employment status under this definition may still maintain their occupancy of the Property as long as such person continues to meet the definition of Qualified Employee.

As used herein "Residence" or "Residency" shall mean the primary place of abode of a person, meaning that home or place of abode in which a person's habitation is fixed and to which he or she, whenever absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of such absence. Furthermore, a Residence is a permanent building or part thereof. In determining what is the primary place of abode of a person the following circumstances relating to such person may be taken into account: Business pursuits, employment, income sources, residence for income tax purposes, age, marital status, Residence of parents, spouse and children, leaseholds, status of personal or real property, voting registration and motor vehicle registration.

As used herein "Employer" shall mean an individual or business entity who owns a business or commercial establishment in Riverwalk at Edwards Planned Unit Development or elsewhere in Eagle County who employs persons in the conduct of that establishment.

Priority in the purchase of the Property shall be given first to Qualified Riverwalk Employees and to Employers doing business in the Riverwalk at Edwards Planned Unit Development, and then to Qualified Employees whose qualifying employment is located anywhere in Eagle county and to Employers doing business therein.

Priority in the renting of the Property shall be given to Qualified Riverwalk Employees.

Procedures for the qualification of Qualified Employees and/or Employers hereunder, and the manner of granting the priorities herein established in favor of Qualified Employees and Employers, shall be as prescribed in the Riverwalk at Edwards Planned Unit Development Control Document approved by the Board on February 14, 1995, as it may be amended from time-to-time.

These restrictions and covenants shall be enforceable by the Board, or its designee. At its sole option the Board or its designee may enforce the provisions hereof in the same manner and with the same remedies applicable to the enforcement of land use regulations pursuant to the Eagle County Land Use Regulations, as they may be amended from time to time, or as otherwise provided by law.

PROPERTY BUYER/OCCUPANT AFFIDAVIT

RIVERWALK AT EDWARDS

PLANNED UNIT DEVELOPMENT CONTROL DOCUMENT

N

I, _____ (Buyer/Occupant), am of lawful age and duly authorized to make this statement. Having been sworn upon my oath, I state as follows:

N

As a prospective Buyer and/or Occupant of _____ (unit# and street address), hereby designated as an "Employee Housing Unit" within the Riverwalk at Edwards Planned Unit Development (hereinafter referred to as "Property"), I state that I have been advised of and will abide by the terms and conditions of Sections XX, XXI, and XXII of the Riverwalk at Edwards Planned Unit Development Control Document, as amended, and corresponding Deed Restriction, and that I have received a copy of those sections of the Control Document and the Deed Restriction.

N

Dated this _____ day of _____, _____.

(Buyer/Occupant sign here)

NOTARY

N

STATE OF _____)
) SS
COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, _____, by

(Print name of Buyer/Occupant here)

Witness my Hand and Official Seal.

(Notary Public)

My Commission Expires: _____

EMPLOYEE'S AFFIDAVIT

CERTIFICATION OF ELIGIBILITY TO OCCUPY

RIVERWALK EMPLOYEE UNITS

[For use by Owners, existing occupants and prospective occupants seeking to qualify for occupancy of an Employee Housing Unit]

N

Regarding Unit identified as _____,
(Unit# and street address)

I, _____ (Buyer), hereby declare, under penalty of perjury that:

N

I am a "Qualified Employee," in that [check one of paragraph A, B or C, whichever you seek to qualify under]:

A. _____ I have earned my living primarily in Eagle County by having worked an average of at least thirty (30) hours per week for at least eight (8) months in the previous twelve (12) months

AND

I maintain my primary RESIDENCE in Eagle County.

OR

B. _____ I have been hired for a job in Eagle County on a permanent basis (meaning that there is an expectation that the employment will continue for a period of at least six (6) months, although it may be "at will" employment) to work at least thirty (30) hours per week, which employment will be my primary source of income

AND

I will maintain my primary RESIDENCE in Eagle County upon commencing the job.

OR

C. _____ I am over the age of sixty (60) and have earned a living primarily in Eagle County by having worked an average of at least 30 hours per week for the previous five years in Eagle County.

N

I understand the definitions of "Qualified Employee" and "Residence" as set forth in the Planned Unit Development Control Document. Check either paragraph D or E, whichever applies (if you check paragraph E, complete it):

D. _____ Neither I nor my spouse, or household, owns any material interest - direct or indirect, individually, jointly, through a corporation or through a trust - in a habitable residence located elsewhere in Eagle County.

OR

E. _____ I, or my spouse or a member of my household, own a material interest in a habitable residence located at

_____. The residence is currently listed for sale,
which listing began _____ and has been continuously
listed for sale since that date.

All of the documents which I have attached to verify my status as a "Qualified Employee" are genuine.

N

I have been maintaining my sole residence in Eagle County continuously since _____.

N

During the past 12 months, I have been employed by the following employers:

<u>Employer Name & Address</u>	<u>Dates Of Employment</u>
_____ _____ _____ telephone _____ supervisor _____	_____ to _____

<u>Employer Name & Address</u>	<u>Dates Of Employment</u>
_____ _____ _____ telephone _____ supervisor _____	_____ to _____

<u>Employer Name & Address</u>	<u>Dates Of Employment</u>
_____ _____ _____ telephone _____ supervisor _____	_____ to _____

N

I have attached a copy of my Employer's Affidavit and one of the following documents as evidence of my residency and employment within Eagle County:

- _____ Colorado Driver's License (with Eagle County Address)
- _____ Motor Vehicle Registration showing Eagle County Address
- _____ Voters Registration Card showing Eagle County Address
- _____ Other _____ (List)

N

Furthermore, I have attached the following:

- _____ Listing Agreement for my other Eagle County residence (if applicable)
- _____ Proposed Lease

N

_____ (Buyer sign here)	_____ Date (Month/day/year)
----------------------------	--------------------------------

(Print **Buyer's** name)

(Mailing Address)

(Telephone number)

NOTARY

N

STATE OF _____)

COUNTY OF _____)

SS

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by

_____.

(Print name of **Buyer** here)

Witness my Hand and Official Seal.

(Notary Public)

My Commission Expires: _____

EMPLOYER'S AFFIDAVIT
VERIFICATION OF EMPLOYMENT

N

Regarding Unit identified as _____

(Unit# and street address)

Regarding _____

(Employee or proposed employee)

I, _____, whose principal address of business
is _____

_____ (telephone number _____), hereby

declare under penalty of perjury that _____ (Buyer's) employment
began or will begin on _____.

N

He/she has been hired to work at:

_____ (Name of business), and to work there a minimum of
thirty (30) hours per week. Although he/she may be an "at will" employee, his/her employment is
expected by me to continue for at least six (6) months. I certify that (please check that which most
accurately depicts employment status):

I. _____ has worked a minimum of ___ hours per week for at least eight (8) months
in the previous twelve (12) months.

OR

I. _____ has been offered and accepted employment which will continue for period
of at least six months and will include a minimum of _____ hours per week.

OR

I. _____ is a minimum of 60 years old and has worked a minimum of 30 hours per
week for the past five consecutive years, or has worked during the periods
_____ to _____.

N

(Print Business Name here)

Date (Month/Day/Year)

(Employer sign here)

(Title)

(Mailing Address)

(Telephone number)

OWNER'S AFFIDAVIT

REGARDING SALE OF UNIT/CERTIFICATION OF LISTING OF
RIVERWALK AT EDWARDS EMPLOYEE HOUSING UNITS

N Regarding Unit identified as: _____
(Unit# and street address)

N For the first thirty (30) days the Unit was listed for sale only to Qualified Employees employed at Riverwalk or Employers conducting a business or commercial establishment at Riverwalk. During this period I did not receive or accept, even conditionally, an offer from someone other than a Qualified Riverwalk Employee or Riverwalk Employer. The Unit was listed for sale exclusively to Qualified Employees employed at Riverwalk or Riverwalk Employers beginning on _____ and ending on _____. The listing price was \$_____ and the other terms were _____

Thereafter, I listed the Unit for sale to any Qualified Eagle County Employee or Eagle County Employer. During the time of this listing, I did not receive or accept, even conditionally, an offer from someone other than a Qualified Eagle County Employee or Eagle County Employer. The Unit was listed for sale exclusively to Qualified Employees employed in Eagle County or Eagle County Employers beginning on _____ and ending on _____. The listing price was \$_____ and the other terms were _____

After one hundred and twenty (120) days from the first listing, I listed the Unit for sale to anyone. The listing price was \$_____ and the other terms were _____

N Initial one of the two following statements:

_____ I did not reduce the listing price or change any of the terms to be more favorable for a potential buyer before entering into the proposed sale.

OR

_____ I reduced the listing price or changed the terms to be more favorable for a potential buyer. Therefore, I gave priority to Qualified Riverwalk Employees or Riverwalk Employers and then to Qualified Eagle County Employees and Employers by again listing the Unit exclusively to those groups for periods of 30 days periods of 30 days and 90 days, respectively. The new listing price was \$_____. The new terms were _____
_____. I listed the property exclusively to Qualified Riverwalk Employees and Riverwalk Employers during the period _____ to _____. I listed the Unit exclusively to Qualified Eagle County Employees and Eagle County Employers during the period _____ to _____.

N

If I received an offer from someone other than a Qualified Employee at terms different from those most recently listed in a listing restricted to Qualified Employees, those terms were offered to Qualified Employees for a period of seven (7) business days. Those terms were _____

_____, and they were offered to Qualified Employees during the period _____ to _____.

I understood that the Riverwalk Qualified Employees and Riverwalk Employers' and the Eagle County Qualified Employees and Eagle County Employers' priority periods would begin again if I improved the advertising type or frequency (in the sense of being directed to improve the noticeability, attractiveness, or awareness level), and I complied with that obligation as follows: _____

I understood that for Qualified Riverwalk Employees and Riverwalk Employers, in addition to other advertising, the Unit was required to be advertised by flyers distributed to Riverwalk businesses and residences and posted in any available public notice boards in Riverwalk.

I listed and advertised the availability of the Unit as follows:

Attached are true copies of the following:

- < My listing agreement with my broker, with all amendments.
- < The newspaper tear sheet(s) for each newspaper and for each different advertisement.
- < Each different flyer.
- < List of 30 Riverwalk business owner/manager signatures with dates.

I understand an Owner shall occupy or rent a Unit only in accordance with these Sections XX, XXI and XXII, and shall not allow it to be used, occupied, sold, leased, or otherwise transferred except as permitted by these Sections XX, XXI and XXII and applicable zoning and the Deed Restriction.

N

(Owner sign here)

Date (Month/day/year)

(Print name)

(Title)

