



## PLANNING COMMISSION AGENDA

October 12, 2023 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

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Join via Zoom: <https://us02web.zoom.us/j/82550511219> | Meeting ID: 825-5051-1219

1. **WORK SESSION 10:00 AM**
  - a. Section 7 of the Land Use Code
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **READING OF MINUTES**
5. **ACTION ITEMS**
  - a. 23-028 Vacate - Recommendation
  - b. 23-035 Vacate - Recommendation
6. **LGD UPDATES**
7. **OLD BUSINESS**
8. **NEW BUSINESS**
9. **DISCUSSIONS**
10. **ADJOURNMENT**
11. **UPCOMING MEETINGS**



## Huerfano County Planning Commission Staff Report – Permit #23-028 Vacate Mohr Meeting Type – Recommendation

Meeting Date: October 10.

### Request Summary

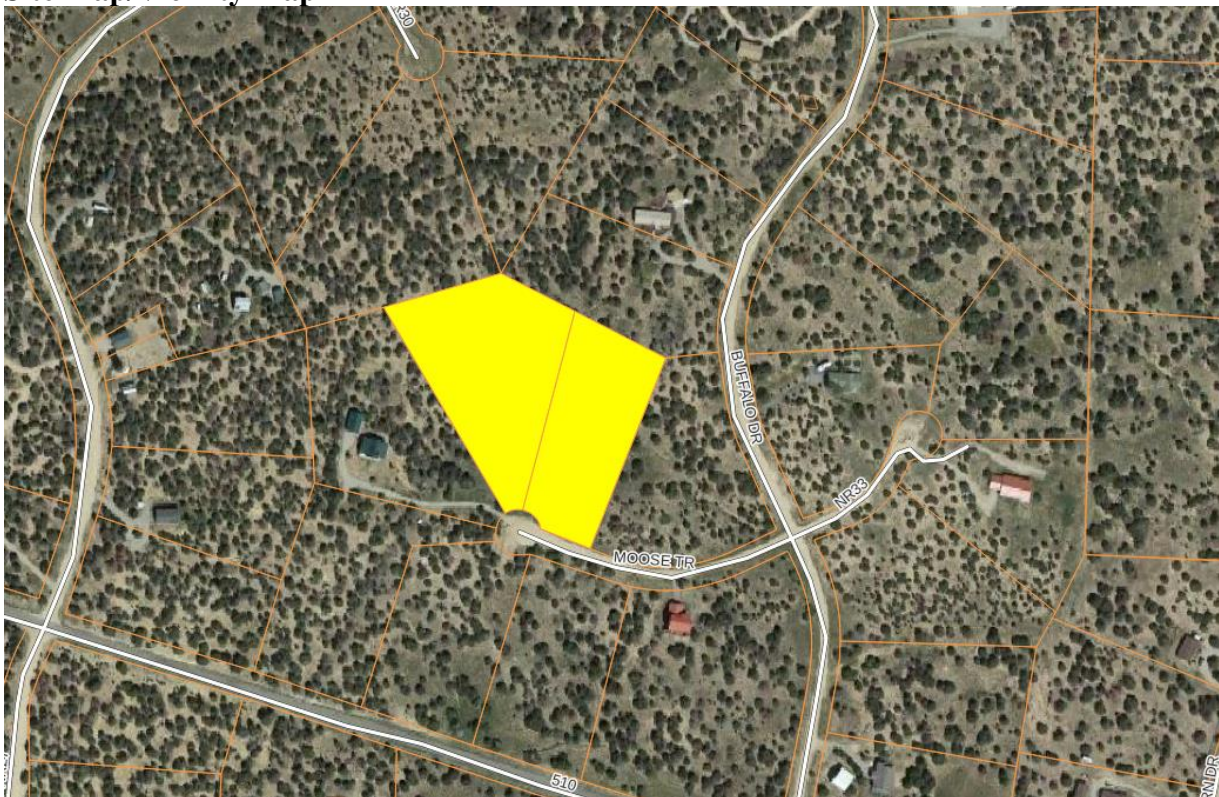
With this Application Johnathan Mohr (the Applicant) requests the following:

A vacation of lot line and utility easement pursuant to LUR Section §2.15 to vacate an internal lot line and utility easement to consolidate lots 69 (1.91 acres) and 70 (2.61 acres) in Navajo Ranch Estates to create a single lot 70A containing 4.53 acres. The site consists of two vacant parcels (Parcel Numbers 3339369 and 3339370). The 1985 amended subdivision plat for Navajo Ranch Estates (Map 285) establishes a 5-foot utility easement on either side of all side and rear lot lines.

The subject property is zoned Rural Residential. Zoning standards for this district are set forth in LUR Section §1.03.

**Landowner Intent:** Plan to build a pole barn and home on combined properties.

### Site Map/Vicinity Map



### Code References

The following Code Sections are applicable to this application and may be referenced by the Planning Commission in their evaluation of the request:

§2.15.01 Procedures for Vacating Plats, Roads and Easements

§2.15.02 Submittal requirements: Proof of ownership, copy of approved and recorded plat or easement and a vacated plat; narrative statement

§2.15.03 Criteria for Action on a Vacating Application

1. That the proposed vacating would not interfere with development of nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements, nor deny access to structures, facilities or sites located beyond the plat or easement to be vacated.
2. That the proposed vacating would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant.
3. That the proposed vacating would not be likely to prove detrimental to the public health, safety or welfare of County residents.
4. That the proposed vacating would be consistent with all other provisions in these regulations.
5. That the proposed vacating would not cause undue financial hardship to Huerfano County nor deprive it of needed tax base.

### **Background**

This Application was received on July 13, 2023; Application Fees were received by the County; the applicant will be billed for public noticing fees. The Application was determined to be complete on July 13, 2023.

The Planning Commission reviewed this application on 7/27/2023. A motion was made to consider the application complete and set a date for a Joint Public Hearing at the regular meeting of the Board of County Commissioners on September 12, 2023.

### **Application Materials**

1. Land Use Application
2. Narrative statement
3. Copy of approved and recorded plat or easement and a vacated plat
4. Proof of ownership

### **Criteria/Findings**

In order for a Vacation to be issued, the criteria described above in LUR Section 2.05.03 must be met.

Staff has notified San Isabel Electric and Navajo Western Water District regarding the vacation of the utility easement and is awaiting comment. There is no apparent conflict with the land use code or planned land uses that arises from the vacation of this lot line.

A Joint Public Hearing was held on October 10, 2023. No comments were received.

### **Noticing:**

10 days notice in paper and to property owners within 500 ft.

Within 500 ft of these properties, there are 25 parcels with 20 unique owners.

**Potential Referral agencies**

San Isabel Electric Association  
 Navajo Western Water District  
 Huerfano County fire district  
 Huerfano County Health Department  
 Huerfano County Road and Bridge Department  
 School District  
 Huerfano County Water Conservancy District  
 HOA/POA - Navajo Ranch HOA (Dave Rogers?)

**Referral Comments**

Navajo Ranch HOA chairman, Randy Wilson, responded stating no opposition, and clarifying that the future separation of these lots would be prohibited by the HOA and that only one water tap would be allowed for the newly formed lot.

**Potential Conditions**

None recommended

**Commission Action Options:**

Make recommendation to BOCC.

**Recommendation options:**

1. **Approval** without any special conditions.
2. **Conditional** Approval with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

7-13-23

Dear Board member,

I am looking to remove the lot line in between the lots I own in Navajo Estates. The lots are 69 + 70.

I plan to build a pole barn and a home on these properties.

There is no negative implication to the removing of this lot line.

Also would like vacate the utility easement.

Thank you

Jonathan Mohr  
6891 Willis Tx 77318  
713-563-7871

~~6210~~

wfd62102@gmail.com

# MAP-AMENDMENT PLAT FOR JONATHAN MOHR

Lots 69 and 70, Navajo Ranch Estates  
County of Huerfano, State of Colorado

**LEGAL DESCRIPTION:**

Lots 69 and 70, Navajo Ranch Estates, County of Huerfano, State of Colorado being more particularly described as follows:

Beginning at the Southeast corner of Lot 70, Navajo Ranch Estates; Thence N 32° 09' 15" W along the West line of said Lot 70, a distance of 512.07 feet to the Northwest Corner of Lot 70; Thence N 73° 41' 52" E along the North line of Lot 70, a distance of 270.00 feet; Thence S 61° 59' 23" E along the North line of Lot 69 and 70, a distance of 400.00 feet to the Northeast corner of Lot 69; Thence S 20° 45' 51" W along the East line of Lot 69, a distance of 423.00 feet to the Northerly Right of Way line of Moose Trail; Thence along said right of way line the following Two (2) Courses:

- 1) N 70° 11' 36" W, a distance of 119.69 feet
- 2) On the Arc of a curve to the left, through a central angle of 114° 35' 38", whose radius is 50.00 feet and an arc length of 100.00 feet to the point of beginning. Containing 4.52 Acres more or less. TO KNOW BE KNOWN AS LOT 70A, NAVAJO RANCH ESTATES, COUNTY OF HUERFANO, STATE OF COLORADO.

This is to Certify that this Map Amendment Plat, is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the Board of County Commissioners, County of Huerfano, State of Colorado.

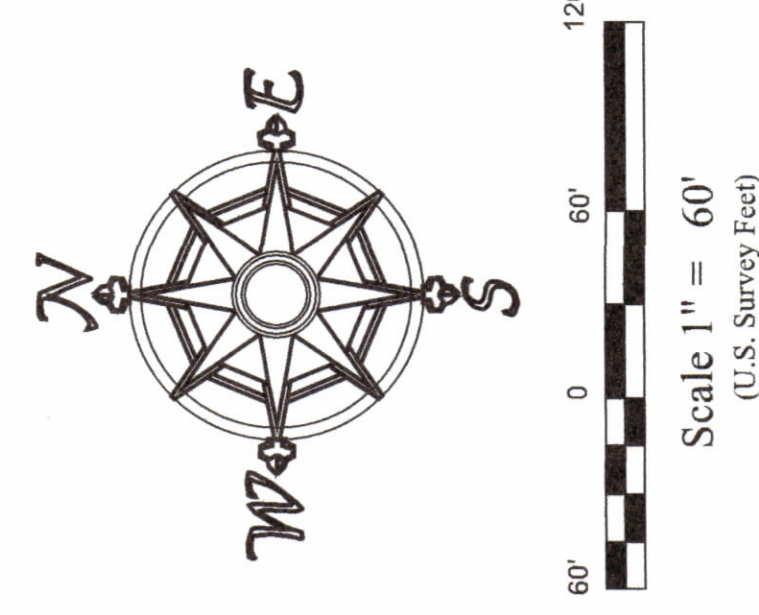
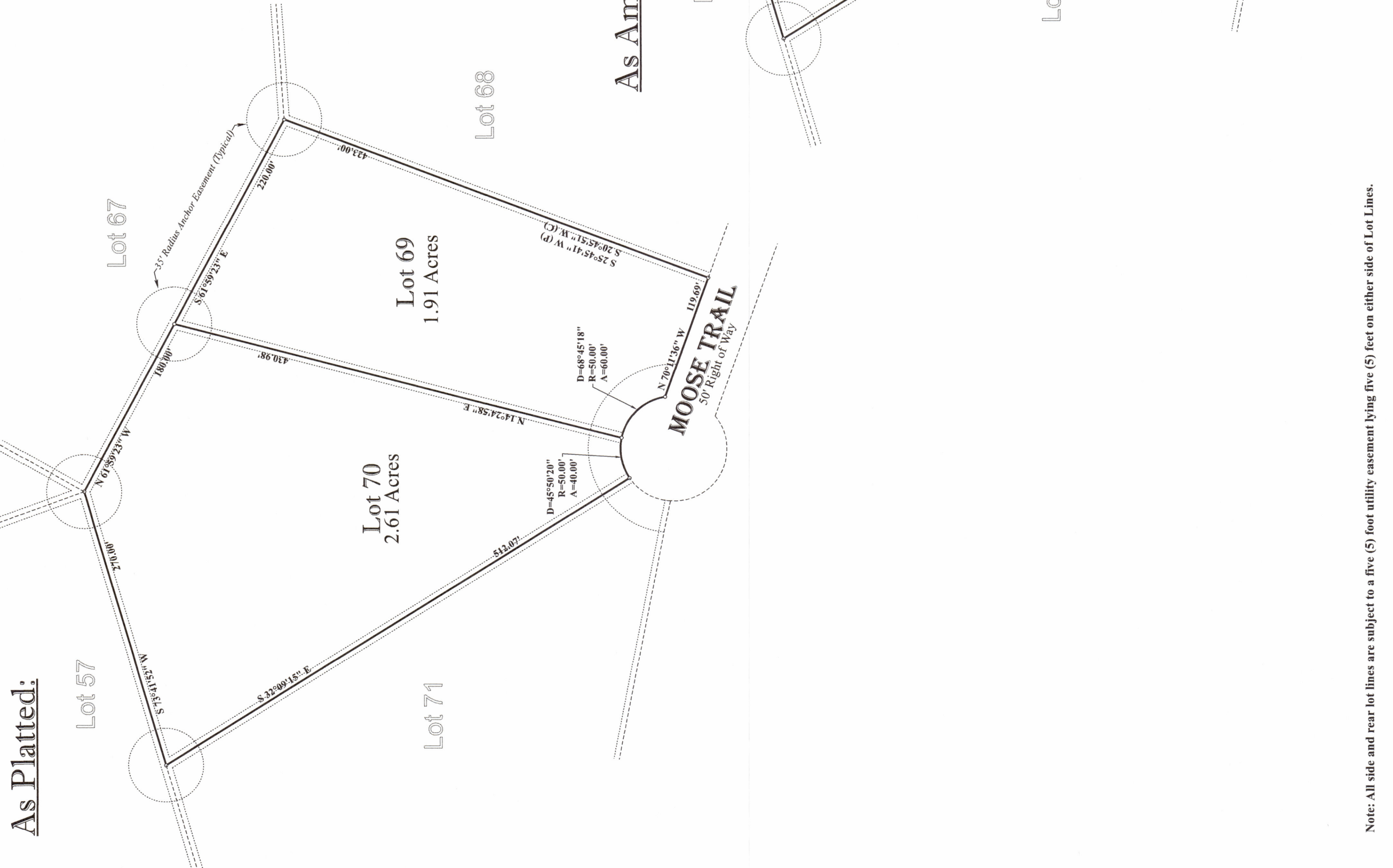
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson of the Board

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Attest: Clerk of the Board

**SURVEYORS CERTIFICATION:** I, William S. Bechaver, a Professional Land Surveyor registered in the State of Colorado, hereby certify to Jonathan Mohr, that this Map Amendment is not based upon an actual field survey conducted by me or under my responsible charge, but was prepared using information shown on the Plat of Panadero Development Filing No. 3, filed for record at the Huerfano County Clerk and Recorder; The property within this Map Amendment may or may not be presently monumented and if it is monumented I have not confirmed that the property pins are accurately located.

By: William S. Bechaver, P.L.S. 38103  
BH² Land Surveying, LLC  
Colorado City, Colorado

Date: \_\_\_\_\_



**BH² LAND SURVEYING**  
P.O. Box 20399, Colorado City, CO 81019  
Phone: 719-676-2072  
Email: bh2@gghvalley.net

Scale 1" = 60'  
Date: 7-11-2023  
Sheet: 1/1  
Drawn By: WSB  
Job No.: 2023-067

Note: All side and rear lot lines are subject to a five (5) foot utility easement lying five (5) feet on either side of Lot Lines.

ACCOUNT FILE MAINTENANCE

INQUIRY ONLY

Item 5a.

Account 3339370 Flag R LEGAL DESCRIPTION  
 Name MOHR, JONATHAN LOT 70 NAVAJO RANCH ESTATES  
 Address 1 6891 STILLWATER DRIVE 397-310-311(POA)  
 Address 2 WILLIS REC#339442 #339441 #341462  
 Address 3 350983 379555  
 Address 4 410562 427925  
 State/Zip TX 77318 0000

Property  
 Map Num 28-5157-292-05-070

Prev Name1 SHADLE, JENNIFER L  
 Prev Name2 PETERS, JENNIFER S

VALUES-ASSD TAXABLE EXEMPT  
 LAND 6993

Use 0100 City 00000 Subdv 0404  
 Anlys 000 Tax/Dst 1NS Zone 00

Exempt Late Filing Advrt Y Bnkprpt N TOTALS 6993

ACRES: Master Legal Value Ignore PP \$ 14508 Exemption N  
 00000000262 000 261 NOV # 2775 NOD #

CHANGES

Parcel On 09/20/2022 By COHUPTON CMD1-Value Change CMD2-Legal Change  
 Name On 09/20/2022 By COHUPTON CMD3-Both Changes CMD4-Sales Change  
 Values On 04/11/2011 By COHUPTON  
 Legal On 09/20/2022 By COHUPTON CMD22-Abort Entry HELP-More Details

ACCOUNT FILE MAINTENANCE

INQUIRY ONLY

Item 5a.

Account 3339369 Flag R LEGAL DESCRIPTION  
 Name MOHR, JONATHAN LOT 69 NAVAJO RANCH EST  
 Address 1 6891 STILLWATER DRIVE #344907 379555 410562  
 Address 2 WILLIS 427925  
 Address 3  
 Address 4  
 State/Zip TX 77318 0000  
 Property  
 Map Num 28-5157-292-05-069  
 Prev Name1 SHADLE, JENNIFER L  
 Prev Name2 PETERS, JENNIFER S.

VALUES-ASSD	TAXABLE	EXEMPT
LAND	3211	

Use 0100 City 00000 Subdv 0404  
 Anlys 000 Tax/Dst 1NS Zone 00  
 Exempt Late Filing Advrt Y Bnkprpt N

TOTALS 3211

ACRES: Master Legal Value Ignore PP \$ 14508 Exemption N  
 00000000192 000 192 NOV # 2774 NOD #

CHANGES

Parcel On 09/20/2022 By COHUPTON	CMD1-Value Change	CMD2-Legal Change
Name On 09/20/2022 By COHUPTON	CMD3-Both Changes	CMD4-Sales Change
Values On 08/10/2010 By ELISHA		
Legal On 09/20/2022 By COHUPTON	CMD22-Abort Entry	HELP-More Details





## Huerfano County Planning Commission Staff Report– Permit #23-035 Vacate Schwery Meeting Type– Recommendation

Meeting Date: October 10

### Request Summary

With this application, Susan Schwery (the Applicant) is requesting a vacation of lot lines to combine three parcels into one for tax purposes. Request pertains to lots 50, 51, and 52 in Navajo Ranch Estates (parcels 533419, 3339350, and 3339352). This is a request for a vacate of lot lines only, not of easements.

The subject property is located in Navajo Ranch Resorts on the northeast corner of CR 510 and Buffalo Dr, and is zoned Rural Residential (RR). Minimum lot size in RR is two acres; the combined lots would create a new lot of approximately 6.23 acres.

### Site Map/Vicinity Map

Schwery Lot Consolidation



## Code References

The following Code Sections are applicable to this application and may be referenced by the Planning Commission in their evaluation of the request:

Zoning standards for this district are set forth in LUR Section §1.03.

§2.15.01 Procedures for Vacating Plats, Roads and Easements: application must be heard at a Joint Public Hearing.

§2.15.02 Submittal requirements: Proof of ownership, copy of approved and recorded plat or easement and a vacated plat; narrative statement.

§2.15.03 Criteria for Action on a Vacating Application

1. That the proposed vacating would not interfere with development of nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements, nor deny access to structures, facilities or sites located beyond the plat or easement to be vacated.
2. That the proposed vacating would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant.
3. That the proposed vacating would not be likely to prove detrimental to the public health, safety or welfare of County residents.
4. That the proposed vacating would be consistent with all other provisions in these regulations.
5. That the proposed vacating would not cause undue financial hardship to Huerfano County nor deprive it of needed tax base.

## Background

This Application was received on September 8, 2023; Application Fees were received by the County; the applicant will be billed for public noticing fees.

On October 10, 2023, a Joint Public Hearing was held with the Board of County Commissioners and the Planning Commission. Commissioner Galusha inquired what the building in the northeast corner of Lot 52. The applicant responded via email that it is a one-car garage next to which is a Conex.

## Application Materials

1. Land Use Application
2. Narrative statement
3. Copy of approved and recorded plat or easement and a vacated plat (pending)
4. Proof of ownership

## Criteria/Findings

The applicant has a contract with BH2 to survey the land for the proposed vacate, but this work has not been completed at this time. Survey showing approved and recorded plat and a vacated plat should be completed prior to joint public hearing.

## Noticing:

10 days notice in paper prior to a joint public hearing and to property owners within 500 ft.

## Potential Referral agencies

Because this proposal would not affect any easements, there is minimal potential impact on agencies.

**Referral Comments**

Navajo Western Water District commented that the consolidation of these lots will mean that the property owners will only be eligible for one water tap.

**Potential Conditions****Commission Action Options:**

1. **Approval** without any special conditions.
2. **Conditional** Approval with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action with reference to the criteria set forth in the Land Use Code.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.



### Huerfano County Land Use and Building Department

401 Main St  
Ste 304  
Walsenburg, CO 81089  
(719) 738-1220, x506

## PERMIT

**LU-23-035**

**VACATE**

**SITE ADDRESS:** BUFFALO DR N # 00051 UNKNOWN  
**PRIMARY PARCEL:** 533419  
**PROJECT NAME:** CONSOLIDATE LOTS IN NAVAJO RANCH ESTATES

**ISSUED:**  
**EXPIRES:** 02/25/2024

**APPLICANT:** Schwery, Susan  
51 Buffalo Drive North  
Walsenburg, CO 81089  
9702311988

**OWNER:** Susan Schwery  
51 Buffalo Dr. N  
WALSENBURG, CO 81089

Detail Name	Detail Value
Detailed project description	Merge lots 50, 51, 52 together
Choose Type of Application:	Plat Amendment
Reason For Plat Amendment:	never plan to move we have retired here permanently, would like all three lots as one for tax purposes also
Number of existing parcels:	3
Number of proposed parcels:	1
Total Land Area Of All Affected Parcels (Acres)	6
Describe Any Proposed Changes To Dedicated Streets, Easements Or Reserved Sites	none
If Subdivision Exemption, Justify Exemption Based On Section 2.04	none
Applicant's Phone Number (if different from above or enter N/A)	970-231-1988
Applicant's Email (if different from above or enter N/A)	sueschwery@gmail.com
Parcel (Schedule) Number (Available from Assessor):	533419
Zone District	Navajo
Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property.	all residential, our home is on one lot, our new garage on two, 3rd vacant land
Is all or part of the proposed project in a 100-year flood zone?	No
Are there slopes in excess of 20% in the project area?	No
Will project require any state or federal permits?	No
Is an HB 1041 Permit required?	No



**Huerfano County Land Use and Building Department**

401 Main St  
Ste 304  
Walsenburg, CO 81089  
(719) 738-1220, x506

The Homeowner/Property Owner Associations (HOA/POA) in This List Require Their Approval Before Submitting This Application. If Your HOA/POA is in The List Please Upload The Approval Letter.

8-Navajo Ranch Resorts

Is an H.B. 1041 Permit Required? (Applies to site selection for: airports, mass transit, highways/interchanges/collector highways, public utility facilities, new communities, municipal/industrial water projects, and use of geothermal resources.)

No

Additional details that will help us understand and evaluate your project

desire to merge all three parcels together as one

**CONDITIONS**

\* If total land area is over 500 acres, it is a negotiated fee

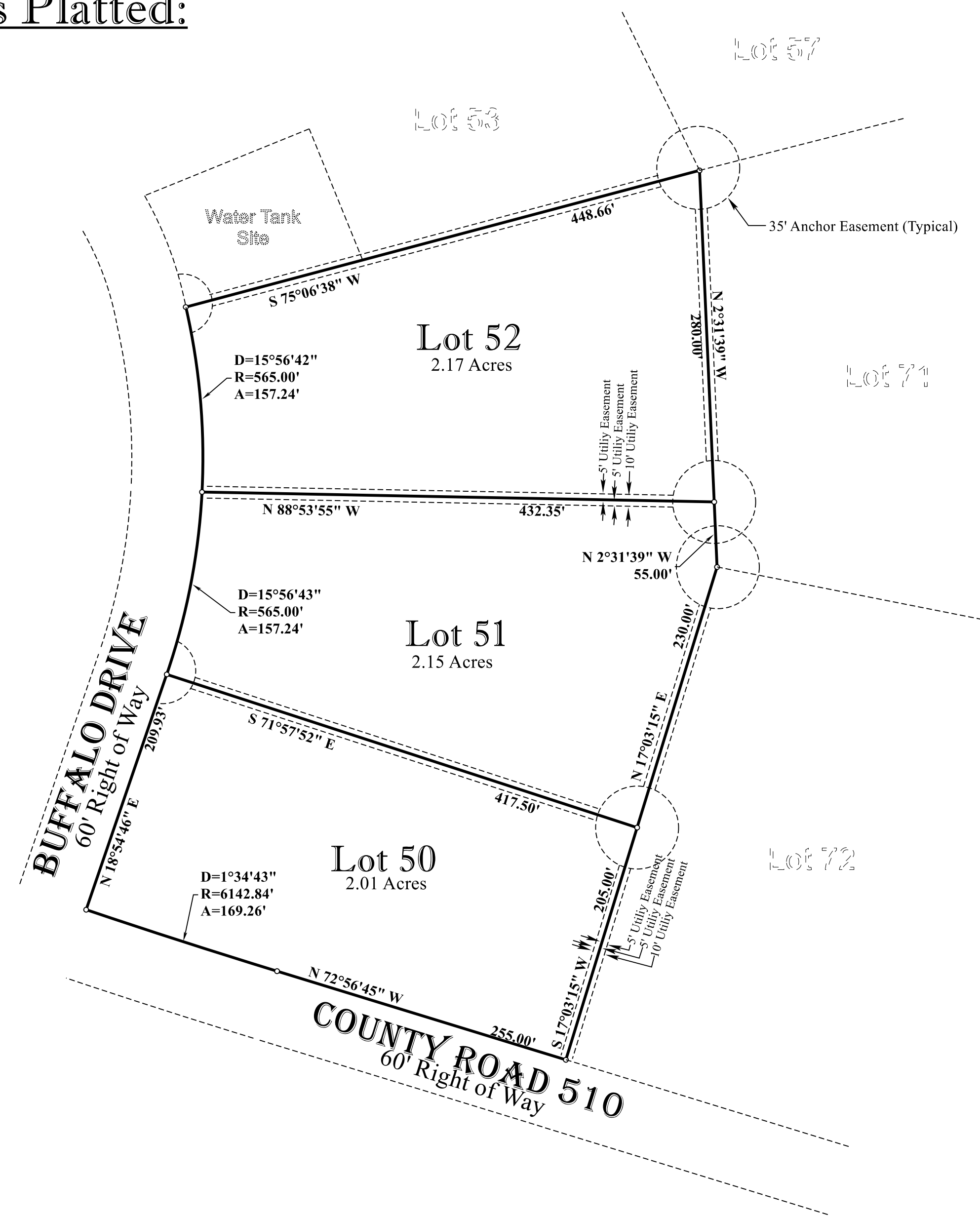
<b>FEES:</b>	<b><u>Paid</u></b>	<b><u>Due</u></b>
Vacating of Plats Fee/Rights-of-Way/Easements	\$200.00	\$0.00
Public Noticing	\$35.00	\$0.00
<b>Totals :</b>	<b>\$235.00</b>	<b>\$0.00</b>

As Platted:

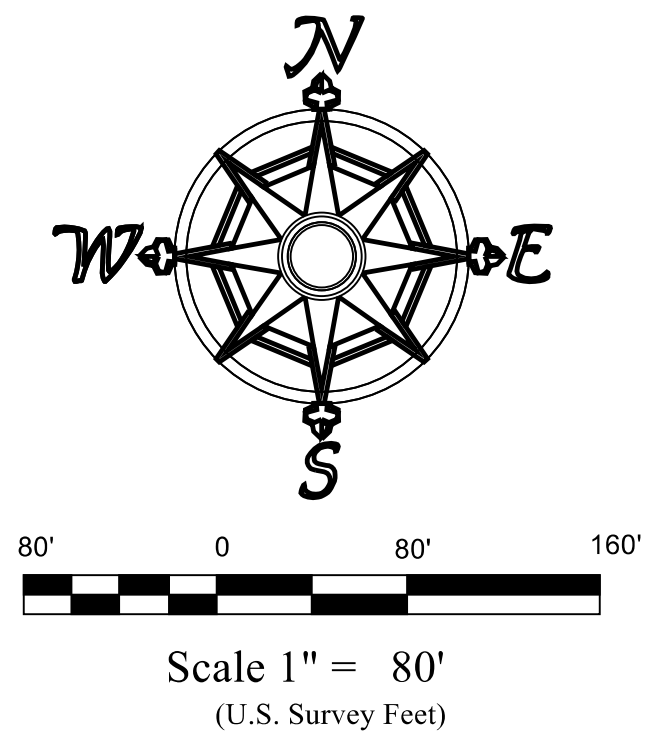
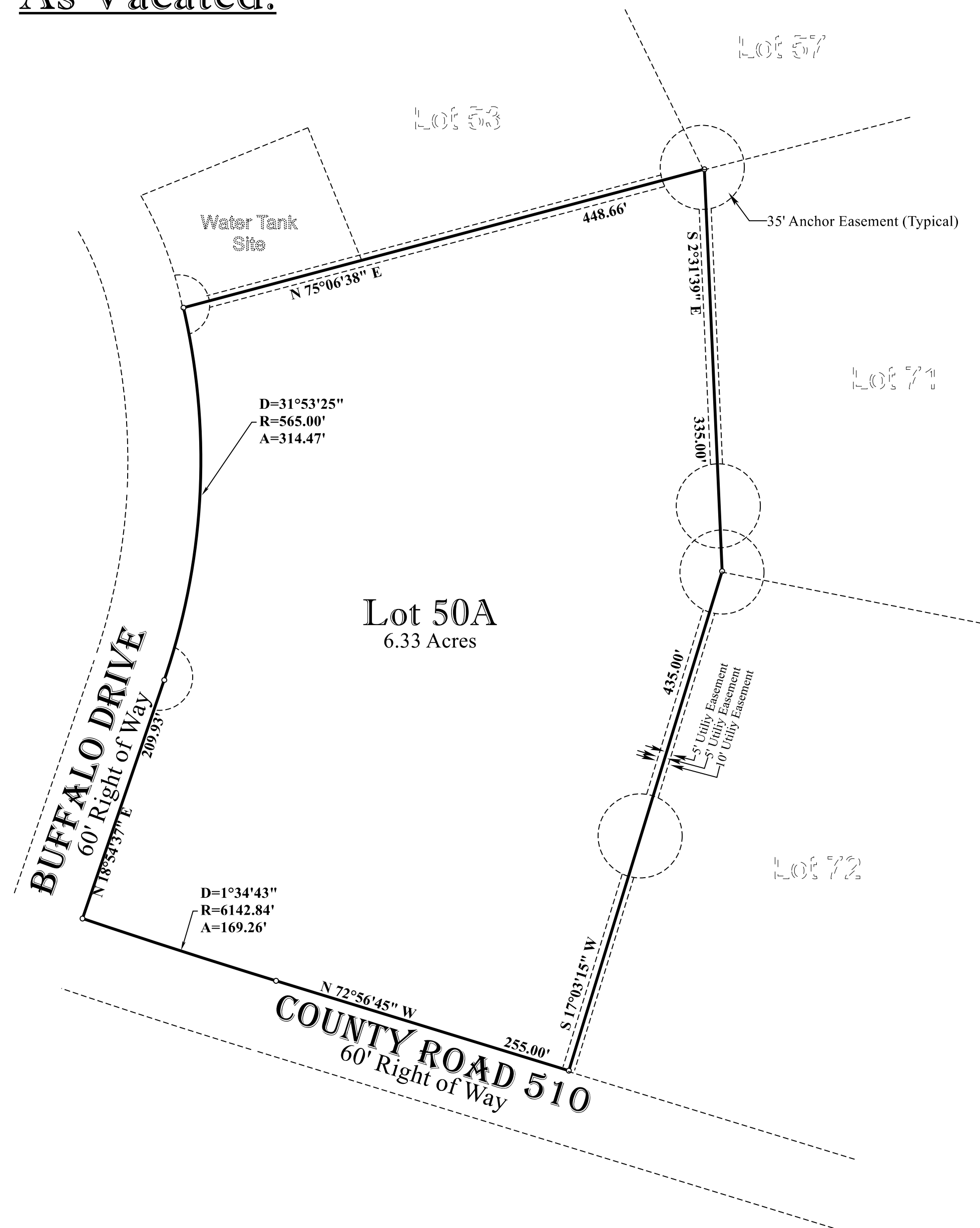
# MAP-AMENDMENT AND EASEMENT VACATION

## FOR DALE AND SUSAN SCHWERY

LOTS 50, 51, AND 52, NAVAJO RANCH ESTATES  
COUNTY OF HUERFANO, STATE OF COLORADO.



As Vacated:



**Legal Description Lot 50A:**

Lots 50, 51, and 52, Navajo Ranch Estates, County of Huerfano, State of Colorado being more particularly described as follows:

Beginning at the Southeast corner of Lot 50, Navajo Ranch Estates, Thence N 72° 56' 45" W along the South line of said Lot 50, a distance of 255.00 feet. Thence on an arc of a curve to the Right through a central angle of 01° 34' 43", whose radius is 6142.84 feet and an arc length of 169.26 feet to the East right of way line of Buffalo Drive; Thence along the Easterly right of way line of Buffalo Drive the following two (2) courses:

1. N 18° 54' 37" E, a distance of 209.93 feet
2. On the arc of a curve to the left through a central angle of 31° 53' 25", whose radius is 565.0' and an arc length of 314.47 feet, to the Northwest corner of said Lot 52;

Thence along said North line Lot 52, Navajo Ranch Estates N 75° 06' 38" E, for a distance of 448.66 feet to the Northeast corner of said Lot 52; Thence S 2° 31' 39" E along the East line of Lot 52 and 51 Navajo Ranch Estate, for a distance of 335.00 feet; Thence S 17° 03' 15" W along the West line of Lots 50 and 51, Navajo Ranch Estates, a distance of 435.00 feet to the Point of Beginning. Containing 6.33 Acres more or less. To be known as Lot 50A, Navajo Ranch Estates


**SURVEYORS CERTIFICATION:** I, William S. Bechaver, a Professional Land Surveyor registered in the State of Colorado, hereby certify to Dale and Susan Schwery, that this Map-Amendment and Easement Vacation is not based upon an actual field survey conducted by me or under my responsible charge, but was prepared using information shown on the Plat of Navajo Ranch Estates, filed for record at Map No. 230 of the records of the Huerfano County Clerk and Recorder. The property within this Map-Amendment and Easement Vacation may or may not be presently monumented and if it is monumented I have not confirmed that the property pins are accurately located.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
William S. Bechaver, PLS. 38103

This is to Certify that this Map Amendment Plat, is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ 2023, by the Board of County Commissioners, County of Huerfano, State of Colorado.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson of the Board

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Attest: Clerk of the Board



**BH<sup>2</sup> LAND SURVEYING**  
P.O. Box 20399, Colorado City, CO 81019  
Phone: 719-676-2072  
Email: bh2@ghvalley.net

Scale 1" = 80'	Date: 2-17-2023	Drawn By: WSB
Sheet 1/1	Job No. 2023-017	

State Documentary Fee  
\$30.00 05-27-2022

426852  
Page 1 of 2  
Nancy C. Cruz, Clerk & Recorder  
Huerfano County, CO  
05-27-2022 12:10 PM Recording Fee \$18.00

Item 5b.

**WARRANTY DEED**

THIS DEED is dated the 27 day of May, ~~2022~~, and is made between

BARBARA HANNON SEAWELL  
(whether one, or more than one), the "Grantor" of the County of ---  
and State of Colorado and  
SUSAN L SCHWERY and DALE A SCHWERY  
the "Grantees", whose legal address is 4509 ARKINS DR,  
LOVELAND, CO 80538 of the County of --- and State of Colorado

WITNESS, that the Grantor, for and in consideration of the sum of ( \$300,000.00 ) Three Hundred Thousand Dollars and No Cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with any improvements thereon, located in the County of Huerfano and State of Colorado described as follows:

LOTS 50, 51 AND 52, NAVAJO RANCH ESTATES, NAVAJO RANCH ESTATES PLAT MAP NO. 230, RECORDED JANUARY 11, 1984 AT RECEPTION NO. 293851, AND AMENDED PLAT MAP NO. 285, RECORDED FEBRUARY 22, 1985 AT RECEPTION NO. 298941, ACCORDING TO THE RECORDS OF THE CLERK AND RECORDER FOR HUERFANO COUNTY, COLORADO.

also known by street and number as: 51 N BUFFALO Drive, WALSENBURG, CO 81089

**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the Grantees, and the Grantees' heirs and assigns forever.  
The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantees, and the Grantees' heirs and assigns; that at the time of the ensembling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to:

SEE ATTACHED EXHIBIT "A"

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Barbara Hannon Seawell  
BARBARA HANNON SEAWELL  
Barbara Ann Seawell  
AKA BARBARA ANN SEAWELL

State of Colorado  
County of Huerfano

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of May, 2022 by Barbara Hannon Seawell AKA Barbara Ann Seawell

Witness my hand and official seal.  
Stephanie Thomsen  
Notary Public: Stephanie Thomsen  
My Commission expires: 07/27/2024

Stephanie Thomsen  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID# 20264025824  
MY COMMISSION EXPIRES 07/27/2024

**EXHIBIT "A"**  
**EXCEPTIONS TO TITLE**

1. Taxes for the year 2022, a lien not yet due and payable.
2. Distribution of Utility Easements (including cable tv)
3. Those specifically described rights of third parties not shown by the public records of which Buyer has actual Knowledge and which were accepted by Buyer in accordance with § 8.3 (off record Title ) and § 9 (New ILC or New Survey)
4. Inclusion of the Property within any special taxing district
5. Any special Assessment if the improvements were not installed as the date of Buyers' Signature hereon, whether assessed prior to or after closing.
6. Letter between Navajo Western Land Company and Myrna Cook, recorded July 7, 1999 at Reception No. 339914, and also recorded August 1999 at Reception No. 340579
7. Declaration of Past Practice, recorded August 14, 2003 at Reception No. 359638
8. By-Laws for Navajo Ranch Homeowners Association recorded April 28, 2008 at Reception No. 379851, and recorded April 8, 2009 at Reception No. 383157
9. Consent to Amend Restrictive Covenants for Navajo Ranch Estates, recorded September 18, 2002 at Reception No. 355477
10. Line Extension Contract and Agreement between San Isabel Electric Association Inc. and Kevin Seawell recorded March 22, 2000 at Reception No. 343515
11. Easement between San Isabel Electric Association Inc. and Barbara or Brent Seawell, recorded April 26, 2012 at Reception No. 393836