



**AMENDMENT TO CONDOMINIUM DECLARATION OF BURLINGAME RANCH II CONDOMINIUM ASSOCIATION, INC.**

WHEREAS, Burlingame Ranch II Condominium Association, Inc., a Colorado nonprofit corporation (the "Association"), was established upon recordation of the Condominium Declaration of Burlingame Ranch II (the "Declaration") in the records of the Pitkin County Clerk and Recorder's Office on January 8, 2014 at Reception No. 607201 thereby submitting the Association to the provisions, terms and conditions of the Declaration pursuant to the Colorado Common Interest Ownership Act; and

WHEREAS, pursuant to Section 18.2, the Declaration provides that the Owners of Units in the Association may amend the Declaration by approval of Owners to whom at least sixty-seven percent (67%) of ownership interests in the Common elements are allocated; and

WHEREAS, in accordance with the provisions of Section 5.2 of the Declaration, the Period of Declarant Control, as that term is defined in the Declaration under this Section 5.2, has expired and the Owners in the Association now control the Association; and

WHEREAS, the current Owners of the Association now seek to approve an Amendment to Article 15 of the Declaration regarding certain reserved development and special Declarant Rights, as well as all such rights incident thereto, so as to require Association oversight and approval of any future development of the Project specified under Article 15 of the Declaration; and

WHEREAS, although Section 1.2 of the Declaration provides that the subject Declaration shall be subordinate at all time to the Master Declaration (as that terms is defined therein) and shall be interpreted in a manner consistent with the Master Declaration, this Amendment to the Declaration is not inconsistent with the relevant provisions of the Master Declaration or any other existing Declarant rights, and it constitutes a valid exercise of powers granted to Owners under the subject Declaration; and

WHEREAS, the current Owners of Units in the Association, in order to effect this objective with regard to oversight and approval of future development of the Project, desire to amend the referenced Declaration pursuant to the provisions of Paragraph 18.2 thereof, by adopting the within Amendment to the Declaration;

NOW, THEREFORE, the current owners of units in the Association do hereby amend the Condominium Declaration of Burlingame Ranch II as follows:

A new Section 15.8 is hereby added to Article 15 of the subject Declaration as follows:

Section 15.8                    Association Approval of Development Rights. Notwithstanding any exercise of remaining reserved development or special Declarant rights contained within this Article 15 of the Declaration, if any, Declarant must first obtain written consent by the Association, acting through its Executive Board, prior to Declarant's exercise of any such reserved or special development rights as set forth in this Article 15, including without limitation the exercise of any rights incident thereto. The Association, through its Executive Board may, from time to time, implement policies and procedures regarding the Executive Board's review and consent to the exercise of any proposed special or reserved development rights as it may deem appropriate or necessary. Such policies and procedures may include notice, hearing, document production, and other requirements so as to ensure the proposed development is undertaken with full disclosure of relevant information and in the best interests of the Owners, the Project, and the Burlingame Ranch II community. No exercise of reserved or special development rights exercised by the Declarant pursuant to this Article 15 of the Declaration or any rights incident thereto shall be valid without the written consent of the Association being first granted and recorded in the records of the Pitkin County Clerk and Recorder's Office.

\*\*\*SIGNATURES APPEAR ON THE FOLLOWING PAGE\*\*\*



RECEPTION#: 653593, R: \$18.00, D: \$0.00  
DOC CODE: AMEND DEC  
Pg 1 of 2, 01/24/2019 at 12:24:49 PM  
Janice K. Vos Caudill, Pitkin County, CO



IN WITNESS WHEREOF, the undersigned President of the Association hereby certifies this 24<sup>th</sup> day of January, 2019, approval and adoption of this Amendment to Condominium Declaration of Burlingame Ranch II.

BURLINGAME RANCH II CONDOMINIUM ASSOCIATION, INC.

By: [Signature]  
Name: Steven K. Miller  
President

IN WITNESS WHEREOF, the undersigned Secretary of the Association hereby certifies this 24<sup>th</sup> day of January, 2019, that this Amendment to Condominium Declaration of Burlingame Ranch II was duly adopted by the Unit Owners and eligible mortgagees, if applicable, at a meeting of the Unit Owners duly called and held, and that the President of the Association has executed this Amendment in accordance with the Declaration and the Act.

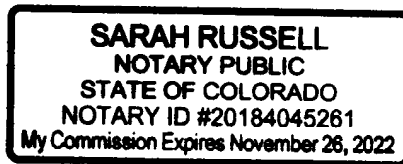
By: [Signature]  
Name: Benjamin R. Yaeger  
Secretary

STATE OF COLORADO )  
 ) ss.  
COUNTY OF PITKIN )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of January, 2019, by Steven K Miller President of Burlingame Ranch II Condominium Association, Inc. a Colorado non-profit corporation, and by Benjamin R Yaeger Secretary of Burlingame Ranch II Condominium Association, Inc. a Colorado non-profit corporation.

Witness my hand and official seal.

[Signature]  
Notary Public



My commission expires: November 26, 2022