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02/24/2004 10:21A

SILVIA DAVIS PITKIN COUNTY CO

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**SECOND AMENDMENT TO THE DECLARATION OF  
COVENANTS FOR EAST COOPER COURT CONDOMINIUMS  
CITY OF ASPEN, COUNTY OF PITKIN, COLORADO**

This Second Amendment is made this 5th day of February, 2004, by the undersigned President and Secretary of the East Cooper Court Homeowners Association, a Colorado non-profit corporation (the "Association"), on behalf of the current owners of Residential Sites A through E, East Cooper Court Condominiums, more fully described herein.

**RECITALS**

- A. The Declaration of Covenants for East Cooper Court Condominiums was recorded in the real estate records of Pitkin County, Colorado, April 19, 1995 in Book 778 at Page 955 as Reception No. 380645 ("Declaration"), and the First Amendment thereto was recorded August 27, 1996 as Reception No. 396435 (the "First Amendment").
- B. The Declaration incorporates the provisions of the Colorado Common Interest Ownership Act (the "Act"), defined in Section 2.1 of said Declaration.
- C. Section 14.1 of the Declaration states that the provisions of said Declaration shall be consistent with the Act.
- D. The Declaration contains certain inconsistencies, including an erroneous reference to the "Colorado Condominium Ownership Act", and provisions relating to Common Elements that are inconsistent with the Act.
- E. The owners wish to clarify the easements for encroachments granted in that certain memorandum recorded July 12, 2002 as Reception No. 469826 of the Pitkin County records.
- F. Section 12.2 of the Declaration (as amended by the First Amendment) provides that the Declaration may be amended by a vote of sixty-seven percent (67%) of the votes entitled to be cast by members of the Association, whether present, in person or by proxy or absent.
- G. Said Section 12.2 also provides that any instrument amending or supplementing the Declaration shall be in the form required by the Act and executed by the President and Secretary of the Association, and recorded in the real estate records of Pitkin County.
- H. The required majority of owners of the Residential Sites have voted in favor of the amendments set forth herein.
- I. This Amendment has been prepared in accordance with the Declaration and the Act.



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NOW THEREFORE, the Declaration is hereby amended as follows:

1. Section 3.1 is hereby amended by the replacement of the phrase "Condominium Ownership Act of the State of Colorado" with the word "Act".

2. Section 1.1 is hereby amended by the replacement of the third sentence therein with the following sentence: "In addition, the East Cooper Court Homeowners Association is being created as an association to perform certain obligations described herein, and to operate and manage the Common Elements, defined herein, for the common benefit of the owners of property within East Cooper Court."

3. Section 1.2 is hereby amended by the replacement of the phrase "planned community" with the phrase "condominium, as defined in the Colorado Common Interest Ownership Act".

4. Section 2.11 is hereby amended by the replacement of the first sentence thereof with the following sentence: "Common Elements means all portions of the real property, including any reference to "Association Property", except for the Units, as hereinafter defined.

5. Section 2.15 is hereby amended in its entirety, as follows: "East Cooper Court shall mean the area known as the East Cooper Court Condominiums, Pitkin County, Colorado, as shown on the Plat, filed of record in the records of Pitkin County.

6. Section 2.27 is hereby amended by the addition of the following sentence: "Unit" shall have the same meaning as set forth in the Act, and for purposes hereof shall be a "Residential Unit" and/or a "Residential Site", shown on the Plat, and described in this Declaration.

7. Section 5.15 is hereby amended in its entirety to wit:

5.15 Certain Provisions Regarding Common Elements. Common Elements shall at all times be operated, maintained and managed by the Association consistent with the provisions of this Declaration, the Plat and the Act, for the use, benefit and enjoyment of the owners entitled to such use, benefit and enjoyment, and their family members, guests and invitees. The Association may not convey or subject to a security interest any Common Elements without the prior written consent of all members of the Association, or a resolution adopted by all members of the Association at a special or general meeting entitled to vote thereat, whether in person, represented by proxy, or absent, and shall otherwise comply with the provisions of the Act with regard to any such conveyance or security interest.

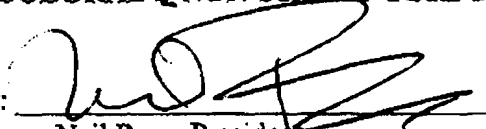
8. The term "Association property", as it appears throughout the Declaration, shall mean the Common Elements.

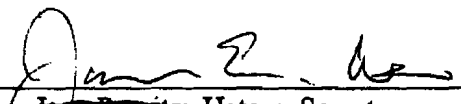
9. The following provision is hereby added to Section 4:

4.7 Easements for Encroachments. A perpetual easement shall exist for the existence, use, repair, maintenance and replacement of all structures and other improvements that encroach into Common Elements, as such encroachments exist on the date hereof, including, without limitation, those depicted on Exhibit A to the document recorded as Reception No. 469826.

Signed and agreed to as of the day first above written.

**EAST COOPER COURT HOMEOWNERS ASSOCIATION,  
A COLORADO NON-PROFIT CORPORATION**

By:   
Neil Ross, President

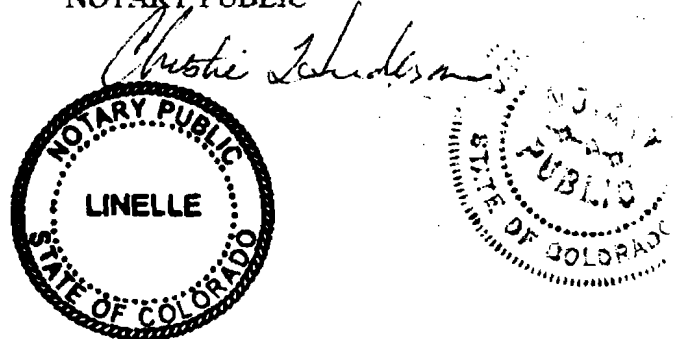
By:   
Jane Pargiter-Hatem, Secretary  
JEROME

STATE OF COLORADO )  
COUNTY OF Pitkin )

The foregoing instrument was acknowledged before me this 23rd day of February, 2004, by Neil Ross as President, and Jane Pargiter-Hatem as Secretary of East Cooper Court Homeowners Association, a Colorado Non-Profit Corporation.

Witness my Hand and Official Seal.  
My commission expires 5/19/05  
11/05/05

  
NOTARY PUBLIC



My Commission Expires May 19, 2005

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