

**FIRST AMENDMENT
TO THE AMENDED AND RESTATED CONDOMINIUM DECLARATION
FOR
LIFTVIEW
(FORMERLY KNOWN AS SUNRIDGE AT AVON)**

THIS AMENDMENT is made this 5th day of JANUARY, 2015.

RECITALS

A. Declarant, The Heritage Company, a Colorado limited partnership, recorded that certain Declaration of Condominium for Sunridge at Avon on October 30, 1979 at Reception No. 190111 in Book 293 at Page 715, in the Office of the Clerk and Recorder for Eagle County, State of Colorado, as amended and restated in its entirety by that certain Amended and Restated Condominium Declaration for LiftView recorded in the Office of the Clerk and Recorder for Eagle County, State of Colorado on July 23, 2014 at Reception No. 201411978 (collectively, the "Original Declaration") subjecting the real estate described therein to the terms and conditions set forth in the Original Declaration;

B. The Original Declaration provides for and allows for this First Amendment to the Amended and Restated Condominium Declaration for LiftView (the "Amendment") in Section 12.5, which provides as follows:

Except as otherwise provided in this Declaration, any provision, covenant, condition, restriction or equitable servitude contained in this Declaration may be amended, revised, removed or repealed, and new provisions, covenants, conditions, restrictions or equitable servitudes may be added, at any time and from time to time upon approval of 67% of the total Association votes and 51 % of Eligible Mortgage Holders.

C. All Owners are aware of the provisions of the Original Declaration allowing for amendment, by virtue of the record notice of the Original Declaration, by acts and disclosures, newsletters or notices of the Association and by other means.

D. This Amendment has been prepared and determined by the Association and by the Owners that have approved this Amendment to be reasonable and not burdensome.

E. The purpose of this Amendment is to revise the parking provisions regarding towing.

F. The undersigned, being the President and Secretary of the Association, hereby certify that Owners representing at least 67% of the total Association votes have consented and agreed to this Amendment. There are no Eligible Mortgage Holders, and therefore, no mortgagee approvals required. Alternatively, the Association has obtained approval for this proposed Amendment pursuant to the terms and conditions of the Colorado Common Interest Ownership Act.

G. As amended by this Amendment, the Original Declaration is referred to as the "Declaration."

NOW THEREFORE,

I. Amendments. The Original Declaration is hereby amended as follows:

(a) **Repeal and Restatement**. Section 7.8(d) is hereby repealed in its entirety and the following Section 7.8(d) is substituted:

Section 7.8

(d) No abandoned, unlicensed or inoperable automobiles or vehicles of any kind shall be stored or parked within the Community unless parked or stored within a garage. An "abandoned or inoperable vehicle" shall be defined by Colorado statutes governing inoperable or abandoned vehicles on public streets, or as defined by rule or regulation adopted by the Association. In the event that the Association shall determine that a vehicle is an abandoned, unlicensed or inoperable vehicle, then a written notice describing said vehicle shall be personally delivered to the Owner thereof or shall be conspicuously placed upon the vehicle. If the abandoned, unlicensed or inoperable vehicle is not removed within a reasonable period of time after notice has been provided, as determined by the Board of Directors, the Association shall have the right to remove the vehicle, and the owner thereof shall be solely responsible for all towing and storage charges.

(b) **Repeal and Restatement**. Section 7.8(k) is hereby repealed in its entirety and the following Section 7.8(k) is substituted:

(k) If any vehicle is parked on any portion of the Community in violation of this Section or in violation of the Association's Rules and Regulations, the Board may place a notice on the vehicle specifying the nature of the violation and stating that after a reasonable period of time, as determined by the Board of Directors, the vehicle may be towed or booted. The notice shall include the name and telephone number of a person to contact regarding the alleged violation. A notice also shall be conspicuously placed at the Community stating the name and telephone number of the person or entity which will do the towing and/or booting

hereunder. If, after reasonable notice, as determined by the Board of Directors, the vehicle violation continues or thereafter occurs again within six months of such notice, the vehicle may be towed or booted in accordance with the notice, without further notice to the vehicle owner or user.

II. No Other Amendments. Except as amended by the terms of this Amendment and previous amendments, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned.

Sunridge at Avon Homeowners Association, Inc.,
a Colorado nonprofit corporation

By: Phillip M Foster
President

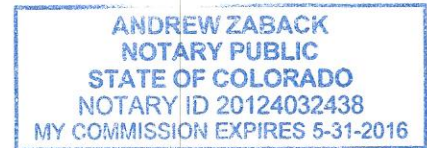
By: Wells
Secretary

STATE OF COLORADO)
) ss.
COUNTY OF Eagle)

The foregoing was acknowledged before me this 5th day of January ~~December~~ ^{AZ}, 2015, by Phillip Foster, as President of Sunridge at Avon Homeowners Association, Inc., a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: 5-31-2016.

Andrew Zaback
Notary Public



STATE OF COLORADO)
) ss.
COUNTY OF Eagle)

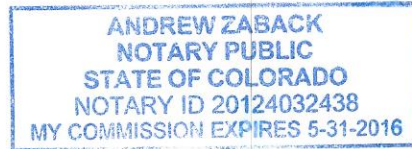
The foregoing was acknowledged before me this 6th day of January, 2015, by Linda Wells, as Secretary of Sunridge at Avon Homeowners Association, Inc., a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: 5-31-2016

Andrew Zaback

Notary Public

AFTER RECORDING RETURN TO:
HindmanSanchez P.C.
5610 Ward Road, Suite 300
Arvada, CO 80002
Attn: DAF



<p>DISTRICT COURT, EAGLE COUNTY, STATE OF COLORADO</p> <p>Court Address: 885 CHAMBERS AVENUE P.O. BOX 597 EAGLE CO 81631-0597</p> <p>Phone Number: (970) 328-6373</p> <hr/> <p>Petitioner:</p> <p>Sunridge at Avon Homeowners Association, Inc., a Colorado nonprofit corporation</p> <hr/> <p>Attorney: David A. Firmin, Esq., #29988 Name: HindmanSanchez P.C. Address: 5610 Ward Road, Suite 300 Arvada, Colorado 80002 Phone Number: (303) 432-9999 Fax Number: (303) 432-0999 E-mail: dfirmin@hindmansanchez.com Atty. Reg. #: 29988</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: 2014CV030426</p> <p>Div.: 1</p>
<p style="text-align: center;">ORDER APPROVING PROPOSED FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION, PURSUANT TO C.R.S. §38-33.3-217(7)</p>	

THIS MATTER comes before the Court for hearing on January 5, 2015. After reviewing the pleadings filed in the matter and considering the statements of Counsel, the Court makes the following Findings of Fact and Conclusions of Law and Orders:

Findings of Fact and Conclusions of Law

1. Sunridge at Avon Homeowners Association, Inc. ("Association") seeks to amend the Amended and Restated Condominium Declaration for Liftview (formerly known as Sunridge at Avon) recorded in the real property records of the Eagle County, Colorado on July 23, 2014 at Reception No. 201411978 ("Declaration") by means of a proposed First Amendment to the Amended and Restated Condominium Declaration for Sunridge at Avon (the "Proposed Amendment").

2. The Association notified its Owners of the Proposed Amendment on July

15, 2014, August 13, 2014, and August 15, 2014.

3. The Members of the Association discussed the Proposed Amendment (as submitted to the Court in the Petition filed herein) at the Association's annual meeting held on August 7, 2014.

4. Based on the foregoing, the Association has complied with the notice and meeting requirements set forth in Section 38-33.3-217(7)(a)(I) and (II).

5. At least half of the Members required by the Declaration to approve the Proposed Amendment have approved the Proposed Amendment, pursuant to C.R.S. §38-33.3-217(7)(a)(III)

6. Based on the Petition filed in this case, there are no Eligible Holders registered with the Association pursuant to the terms of the Declaration and therefore, mortgagee consent is not required.

7. Based on the Certificate of Mailing filed in this case, Notice of the Petition was mailed to all of the Owners within the Association and to the others indicated in a Certificate of Mailing filed in this case.

8. The notice given is in compliance with the requirements of the applicable state statute.

9. A hearing regarding the petition was held, as referred to above, on April 7, 2014 before this Court.

10. The Association has satisfied all of the requirements of C.R.S. §38-33.3-217(7).

11. Neither 33% or more of the Owners nor 33% or more of the lenders with security interests in one or more Unit or the declarant have filed written objections with the Court prior to the hearing.

12. Neither the Federal Housing Administration nor the Veterans Administration is entitled to vote on the proposed amendment.

13. The Proposed Amendment presented to the Court does not terminate the Declaration. The preponderance of the evidence and application of plain language of

the Declaration indicates that the Proposed Amendment is an amendment, and not a termination.

14. The Proposed Amendment presented to the Court does not change the allocated interests of the Owners.

15. Based upon these Findings of Fact and Conclusions of Law and pursuant to the requirements of C.R.S. §38-33.3-217(7)(e) and (f), it is hereby:

ORDERED that the Proposed Amendment is approved by this Court and shall be binding upon all Owners in the Liftview community and shall have the same legal effect as if were adopted pursuant to the amendment requirements set forth in the Declaration upon the recording of the First Amendment to the Amended and Restated Declaration, with this Order attached, with the Clerk and Recorders' office for the Eagle County.

IT IS FURTHER ORDERED that the Association record a copy of the approved First Amendment to the Amended and Restated Declaration together with a copy of this Order with the Clerk and Recorder's office for Eagle County, Colorado.

DONE this ____ day of _____, 2015.


BY THE COURT:

DISTRICT COURT JUDGE

DISTRICT COURT, EAGLE COUNTY, COLORADO Court Address: 885 Chambers Avenue, P.O. Box 597, Eagle, CO, 81631-0597	
Petitioner(s) SUNRIDGE AT AVON HOMEOWNERS ASSOOCIATION	DATE FILED: January 5, 2015 11:07 AM CASE NUMBER: 2014CV30426
v.	
Respondent(s) HOMEOWNERS	<p style="text-align: center;">△ COURT USE ONLY △</p>
	Case Number: 2014CV30426 Division: 1 Courtroom:
<p style="text-align: center;">Order: Order Approving First Amendment to the Amended and Restated Declaration, Pursuant to C.R.S. 38-33.3-217(7)</p>	

The motion/proposed order attached hereto: APPROVED.

Issue Date: 1/5/2015

Paul Risley Dunkelman 

PAUL RISLEY DUNKELMAN
 District Court Judge