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Taryn Power - Summit County Recorder

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AFTER RECORDING RETURN TO:
Altitude Community Law P.C.
555 Zang Street, Suite 100
Lakewood, CO 80228
Attn: MSD

**LIMITED AMENDMENT
TO THE CONDOMINIUM DECLARATION FOR
FROSTFIRE CONDOMINIUM**

THIS AMENDMENT is made this 6 day of December, 2022

RECITALS

A. Summit Base Venture, Inc., a Colorado corporation and the original Declarant, created Frostfire Condominium Association by recording a Condominium Declaration for Frostfire Condominium in the real property records of the County of Summit, State of Colorado, at Reception No. 260035, on July 25, 1983 (the "Declaration").

B. The Declaration provides for and allows for this Amendment to the Declaration (the "Amendment") in Article XVI, Section 16.2, which provides as follows:

Any provision contained in this Declaration may be amended, or additional provisions may be added to, this Declaration or this Declaration and condominium ownership of the Property may be terminated or revoked, by the recording of a written instrument or instruments specifying the amendment or addition or the fact of termination and revocation, executed by the Owners, as shown by the records in the office of the Clerk and Recorder of the County of Summit, Colorado, of Condominium Units representing an aggregate ownership interest of seventy five percent (75%), or more, of the General Common Elements and Holders of Deeds of Trust whose liens encumber an aggregate ownership interest of seventy- five percent (75%), or more of the General Common Elements.

C. C.R.S. § 38-33.3-217(1) provides that "any provision in the declaration that purports to specify a percentage larger than sixty-seven percent is hereby declared void as contrary to public policy, and until amended, such provision shall be deemed to specify a percentage of sixty-seven percent."

D. Pursuant C.R.S. 38-33.3-217(1), the 75% approval requirement is void and replaced with 67% of the total aggregate ownership interest of the General Common Elements.

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

F. 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.

G. The purpose of this Amendment is to clarify and update enforcement options and fine requirement for violations.

H. The undersigned, being the President and Secretary of the Association, hereby certify that Owners representing an aggregate ownership interest of 67% of the General Common Elements, and Holders of Deeds of Trust whose liens encumber an aggregate ownership interest of seventy-five percent (75%) of the General Common Elements. Alternatively, the Association has obtained approval for this proposed Amendment pursuant to the terms and conditions of the Colorado Common Interest Ownership Act.

NOW THEREFORE,

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

(a) **Repeal and Restatement.** Article V, Section 5.6 is hereby repealed in its entirety and the following Section 5.6 is substituted:

5.6 Nuisances. No noxious or offensive activity or other nuisances shall be permitted on or upon the General Common Elements or in the Units, nor shall anything be done thereon which may be or may become an unreasonable annoyance, nuisance, disturbing noise, or any use which unreasonably offends or disturbs any other Owners. Owners are entitled to Quiet Enjoyment of their unit giving them the right to occupy their unit in peace. No activity shall be conducted on any part of the General Common Elements which is or might be unsafe or hazardous to any person, or which may damage or harm other units in the community. Nuisance may be further defined in the rules and regulations.

(b) **Repeal and Restatement.** The last sentence of Article VI, Section 6.13 is hereby repealed in its entirety and the following sentence is substituted: "The Board may impose reasonable monetary fines for any violation, after notice and opportunity for a hearing, which fine shall constitute a lien upon the violator's Unit."

(c) **Repeal and Restatement.** Article VII, Section 7.3.2 is hereby repealed in its entirety and the following Section 7.3.2 is substituted:

7.3.2 Fines. The Board may impose reasonable monetary fines for violation of this Declaration, the Bylaws, Articles of Incorporation or any other rule, regulation or policy, after notice and opportunity for a hearing, which fine shall constitute a lien upon the violator's Unit.

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.

**FROSTFIRE CONDOMINIUM
ASSOCIATION**, a Colorado nonprofit
corporation

By: Mary E. Parrott
President

By: [Signature]
Secretary

STATE OF COLORADO)
COUNTY OF Summit) ss.

The foregoing was acknowledged before me this 6 day of December, 2022, by Mary E. Parrott, President of Frostfire Condominium Association, a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: 11/12/2024

[Signature]
Notary Public



STATE OF COLORADO)
) ss.
COUNTY OF Summit)

The foregoing was acknowledged before me this 6 day of December,
~~2022~~ by BRIE BLANK, Secretary of Frostfire
Condominium Association, a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: 11/12/2024


Notary Public

