



**AMENDMENT
OF
SECTION 14.1
OF THE
DECLARATION OF THE ASPEN VIEW PROPERTY OWNER'S ASSOCIATION, INC.**

SUBJECT: Amendment of Section 14.1 of the Aspen View Property Owner's Association ("AVPOA") Declaration regarding the required vote for future amendments of the Declaration.

PURPOSE: To bring the AVPOA Declaration into conformance with the Colorado Common Interest Ownership Act or "CCIOA" (Section 38-33.3-217, C.R.S.) concerning the percentage of owners necessary to amend a declaration. CCIOA voids as against public policy any declaration provision that requires greater than 67% vote of owners to amend the declaration and mandates that such declaration either declare a number or percentage equal to or less than sixty-seven percent (67%) or that such non-conforming provision be interpreted as requiring a vote of sixty-seven percent (67%). The current AVPOA Declaration at Section 14.1 does not conform the CCIOA and requires all amendments of the Declaration to be approved by a vote of seventy-five percent (75%) or more of the Owners.

AUTHORITY: The Declaration, Articles of Incorporation, and Bylaws of the Association which authorize Unit Owner actions to amend the governing documents and Section 38-33.3-217, C.R.S.

EFFECTIVE DATE: August 6, 2017

RESOLUTION: The Association, through a 67% or greater vote of its Unit Owners, hereby adopts the following amendment to Section 14.1 of the AVPOA Declaration.

Declaration Section 4.1(f) is amended as follows:

14.1 Amendment: Except for Amendments that may be executed by Declarant or by the Association under the provisions of this Declaration or the Common Interest Act, the provisions of this Declaration and/or the Plat may be amended, in whole or in part, at **anytime any time** and from time to time, by vote or agreement of Owners holding at least **seventy-five percent (75%) two-thirds (2/3)** of the votes in the Association. Every Amendment to the Declaration and or the Plat must be recorded in the office of the Clerk and Recorder of the County of Summit and is effective only upon recording. Except to the extent expressly permitted by the Common Interest Act, no Amendment may create or increase any special Declarant's rights, increase the number of Units in the Real Estate, or

change the boundaries of any Unit or the Allocated Interests of a Unit, or the uses to which any Unit is restricted, in the absence of unanimous consent of the Owners. Amendments to the Declaration required by this Article to be recorded by the Association shall be prepared, executed, recorded and certified on behalf of the Association by an officer of the Association designated for that purpose or, in the absence of designation, by the President of the Association.

As amended, Section 14.1 shall read as follows:

14.1 Amendment: Except for Amendments that may be executed by Declarant or by the Association under the provisions of this Declaration or the Common Interest Act, the provisions of this Declaration and/or the Plat may be amended, in whole or in part, at any time and from time to time, by vote or agreement of Owners holding at least two-thirds (2/3) of the votes in the Association. Every Amendment to the Declaration and or the Plat must be recorded in the office of the Clerk and Recorder of the County of Summit and is effective only upon recording. Except to the extent expressly permitted by the Common Interest Act, no Amendment may create or increase any special Declarant's rights, increase the number of Units in the Real Estate, or change the boundaries of any Unit or the Allocated Interests of a Unit, or the uses to which any Unit is restricted, in the absence of unanimous consent of the Owners.. Amendments to the Declaration required by this Article to be recorded by the Association shall be prepared, executed, recorded and certified on behalf of the Association by an officer of the Association designated for that purpose or, in the absence of designation, by the President of the Association.

AMENDED BY VOTE OF 67% OR MORE OF THE UNIT OWNERS (PURSUANT TO C.R.S. § 38-33.3-217) ON AUGUST 6, 2017, AT THE OWNERS' ANNUAL MEETING