

**SECOND AMENDMENT OF THE CONDOMINIUM DECLARATION  
FOR THE ENCLAVE CONDOMINIUMS,  
SNOWMASS VILLAGE, COLORADO**

This Second Amendment of the Condominium Declaration for The Enclave Condominiums (this "**Second Amendment**") is made by The Enclave Association, Inc., a Colorado nonprofit corporation (the "**Association**"), as of the 3<sup>rd</sup> day of June, 2021, for the purposes recited below.

**RECITALS**

A. The Association is the unit owners association, as defined in the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-101, *et seq.* (the "**Act**"), for The Enclave Condominiums (the "**Project**") located at 0360 Wood Road in Snowmass Village, Colorado.

B. The Project was initially established in January of 1980 by a Condominium Map recorded in the real property records of Pitkin County, Colorado ("**Recorded**") in Plat Book 8 at Page 71 as Reception No. 221163 (the "**Original Map**") and Condominium Declaration for The Enclave Condominiums, Recorded in Book 382 at Page 369 as Reception No. 221162 (the "**Original Declaration**"). Additional Condominium Units were added to the Project in March of 1980 by the Recording of a Supplemental Condominium Map for the Enclave Condominiums, Recorded in Plat Book 8 at Page 92 as Reception No. 222424, and as further defined and described in the Supplemental Declaration for The Enclave Condominiums (Phase II), Recorded in Book 384 at Page 823 as Reception No. 222425 and re-Recorded March 14, 1980 in Book 384 at Page 926 as Reception No. 222469. On July 16, 2021, a Second Supplemental Condominium Declaration for the Enclave Condominiums was Recorded at Reception No. 678625, and a Second Supplemental Condominium Map for the Enclave Condominiums was Recorded in Plat Book 130, Page 74, as Reception No. 678626. On November 10, 2021, a First Amendment of the Condominium Declaration for the Enclave Condominiums was Recorded at Reception No. 682482, and a Subdivision Exemption Plat for Parcel N Subdivision was Recorded in Plat Book 131, Page 60 as Reception No. 682478. (The documents referred to in the preceding sentence shall be referred to herein jointly as the "**First Amendment**.")

C. Together, all of the documents listed in Recital B, above, are referred to collectively in this Second Amendment as the "**Existing Condominium Documents**."

D. The Association has entered into a Development and Sale of the Enclave Expansion Parcel and for the Renovation of its Existing Physical Plant (the "**Development Agreement**"), including a Purchase and Sale Addendum, with RA Enclave, LLC, an Indiana limited liability company (the "**Developer**"), which was executed as of February 12, 2021. The obligations of the Association under the Development Agreement were ratified by more than 70% of the Members of the Association.

E. The Association and Developer have entered into a First Amendment of Development Agreement (the "**First Amendment of Development Agreement**") which clarifies that the Development Agreement obligated the Association to convey to Developer Unit 100, the Enclave Condominiums ("**Unit 100**"), along with the fitness room and portions of a lower-level stairway



RECEPTION#: 682484, R: \$63.00, D: \$0.00  
DOC CODE: AMEND DEC  
Pg 1 of 11, 11/10/2021 at 09:17:33 AM  
Janice K. Vos Caudill, Pitkin County, CO

and hallway which serve the fitness room and Unit 100, all as shown on **Exhibit A**, attached hereto. (The area to be conveyed to Developer pursuant to the preceding sentence is referred to herein as **"Expanded Unit 100"**).

F. Because Expanded Unit 100 includes areas which are currently Common Elements, conveyance of Expanded Unit 100 to the Developer requires the approval of Members of the Association.

G. Expanded Unit 100 shall be conveyed to the Developer in two steps. At closing on the purchase and sale of the Expansion Parcel, as provided in the Development Agreement, the Association shall convey Unit 100, as it is currently configured, to the Developer. After closing, the Association shall grant the Developer a temporary easement to demolish and construct the walls and other improvements necessary to establish the Expanded Unit 100. Before or concurrent with the receipt of a certificate of occupancy from the Town of Snowmass Village for the Expanded Unit 100, the Association shall cause an amendment to the condominium map and condominium declaration for the Project (the **"Revised Condominium Documents"**) to be approved by the Members and Recorded. The Association will seek to consolidate as many of the changes as is practicable to the existing Enclave condominium documents required by the Development Agreement and this Second Amendment.

H. Section 7.2 of the Original Declaration, as amended by a subsequent approval by the Town of Snowmass Village (the **"Town"**), restricts use of the Unit 100 to employees of the Association "or an individual gainfully employed in the Town of Snowmass Village or elsewhere in Pitkin County, working an average of at least 30 hours per week, 50 weeks per year." This requirement is referred to herein as the **"Employee Housing Restriction."**) The Association has asked the Town to terminate this requirement. Amendment of the Existing Condominium Documents must also be approved by the Members of the Association.

I. The Developer requested that assessments levied in connection with Unit 100 be fully abated prior to its completion of construction of the Expanded Unit 100.

J. The owners of Units 113, 213 and 313 have asked the Association for compensation for the loss of views from their units caused by the construction of new buildings on the Expansion Parcel. The owners of Units 113 and 213 have asked the Association to create 332 square feet of new floor area to be consolidated into each of their units and the owner of Unit 313 has asked the Association to construct a rooftop terrace on the addition for Units 113 and 213, which rooftop terrace will be a limited common element appurtenant to Unit 313, all as shown in **Exhibit B**, attached hereto. The construction of the additions to Units 113, 213 and 313, requires the conversion of what is currently Common Elements (the land and air space to be utilized in the expansion) to Common Elements, Individual Space and Limited Common Elements appurtenant to said Individual Airspace, which conversion requires the approval of the Members.

K. At a lawfully conducted meeting held on June 3, 2021 (the **"June Membership Meeting"**), the Members of the Association approved, subject to the terms and conditions set forth in the body of this Second Amendment, each of the changes to the Existing Condominium Documents identified in Recitals E through J, above.



L. Subsequent to the June Membership Meeting, the requisite percentage of Members executed and delivered to the Association a Ratification Agreement which memorialized their approval of the expansion of Unit 100, as set forth in Recital E, above, and the reconfiguration of the Expansion Parcel approved in Section 4 of the First Amendment of Condominium Declaration as identified in Recital B, above.

NOW THEREFORE, for the purposes recited above, the Association does hereby declare and acknowledge that the Existing Condominium Documents shall be modified as follows:

1. Second Amendment Controls. The provisions of this Second Amendment shall supersede and take precedence over any part, or parts, of the Existing Condominium Documents which are in conflict with the covenants found herein.

2. Defined Terms. Any terms found in this Second Amendment which are not defined herein shall have the definition ascribed to them in the Existing Condominium Documents.

3. Approval of Changes in the Existing Condominium Documents. The Existing Condominium Documents are hereby amended as follows:

a. Expansion of Unit 100 and Reconfiguration of the Expansion Parcel. Unit 100 shall be expanded to include the adjacent fitness room and portions of a lower-level stairway and hallway as shown in concept on Exhibit A, attached hereto. The dimensions and location of the Expansion Parcel as approved in Section 4 of the First Amendment of Condominium Declaration as identified in Recital B, above, are hereby modified to mean the real property identified in Exhibit B, attached hereto.

b. Termination of Employee Housing Restriction. At the time the Town eliminates all similar use restrictions on Unit 100, the Employee Housing Restriction and any other provision of the Existing Condominium Documents which limits use of Unit 100 based on the employment status of the resident of Unit 100 shall be terminated.

c. Temporary Abatement of Assessments on Unit 100. The Board shall have full discretion to fully or partially abate assessments which otherwise be levied against Unit 100 prior to the completion of the Expanded Unit 100 and the redistribution of Allocated Interests among the new and existing Condominium Units as provided in Subsection 3.e, below. Any assessments abated by the Board pursuant to this Subsection shall be reallocated among the other existing Condominium Units in the Project.

d. Expansion of Units 113, 213 and 313. Units 113, 213 and 313 shall be expanded as described in Recital J and the real property and air space identified in Exhibit C, attached hereto, shall be converted from Common Elements to building Common Elements, Individual Space and Limited Common Elements appurtenant to said Individual Airspace, as set forth in Recital J. The cost of constructing the foundation, walls, ceilings, floors and structural elements of the additions shall be paid by the Association. The owners of Units 113 and 213 shall be required to finish the interior of the additions to their respective Individual Spaces, at their sole cost and expense.

e. Future Amendments of the Condominium Documents. Further amendment of the condominium documents will be required to define the boundaries of the "Expanded Unit 100," redefine the boundaries of Units 113 and 213 and to describe the new Common Elements (including Limited Common Elements) established with the construction of the additions to Units 113 and 213, and to establish the boundaries of new units and Common Elements (including Limited Common Elements) to be constructed on the Expansion Parcel (as defined in the First Amendment) and to redistribute the Allocated Interests (as defined in C.R.S. § 38-33.3-103(2)) in the Association to reflect the floor area of the various new and modified Individual Spaces in the Project according to the formula found in Sections 1.15, 1.16, 2.13, 5.5, 6.1 and other relevant sections of the Original Declaration.

4. Headings. The section, subsection, paragraph and/or other headings of this Second Amendment are for convenience only and in no way limit or enlarge the scope or meaning of the language found therein.

5. No Other Modifications. Except as modified herein, the Existing Condominium Documents shall remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

**IN WITNESS WHEREOF**, the Association has set its hand and seal on the date first stated above.

THE ENCLAVE ASSOCIATION, INC.,  
a Colorado nonprofit corporation

By: Mel Blumenthal  
Mel Blumenthal  
President

STATE OF COLORADO     }  
  } ss.  
County of Pitkin            }

The above and foregoing Second Amendment of the Condominium Declaration of The Enclave Condominiums, Snowmass Village, Colorado, was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021, by Mel Blumenthal as President of The Enclave Association, Inc., a Colorado nonprofit corporation.

Witness My Hand and Official Seal

See Attached

\_\_\_\_\_  
Notary Public

Table of Exhibits

- Exhibit A – Before and After Floor Plans of Unit 100/Expanded Unit 100
- Exhibit B – Revised Location and Legal Description of the Expansion Parcel
- Exhibit C – Floor Plan and Rendering of Expansion of Units 113 and 213 and Rooftop Terrace Appurtenant to Unit 313



**CALIFORNIA ACKNOWLEDGMENT**

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

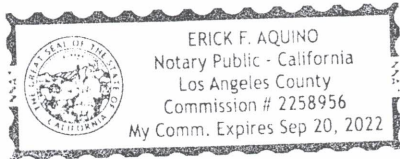
State of California

County of Los Angeles

On 10/12/21 before me, Erick F. Aquino, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Mel Blumenthal  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal and/or Stamp Above

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Second Amendment of the Condominium Declaration

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

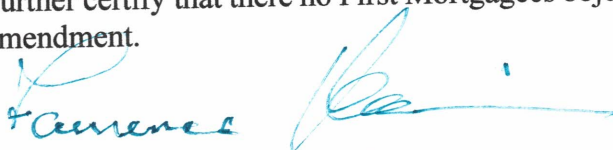
☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

## CERTIFICATE

I, LAURENCE KESIN, Secretary of The Enclave Association, Inc., a Colorado nonprofit corporation, do hereby certify that Condominium Unit Owners holding 70% or more of the voting interests in The Enclave Condominiums voted in favor of the actions memorialized in this Second Amendment of the Condominium Declaration for the Enclave Condominiums, Snowmass Village, Colorado, at a duly noticed meeting. I further certify that there no First Mortgagees objected to the actions memorialized in this Second Amendment.

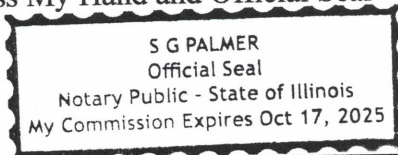
  
\_\_\_\_\_

Name:

STATE OF ILLINOIS        }  
                                      } ss.  
County of Cook            }

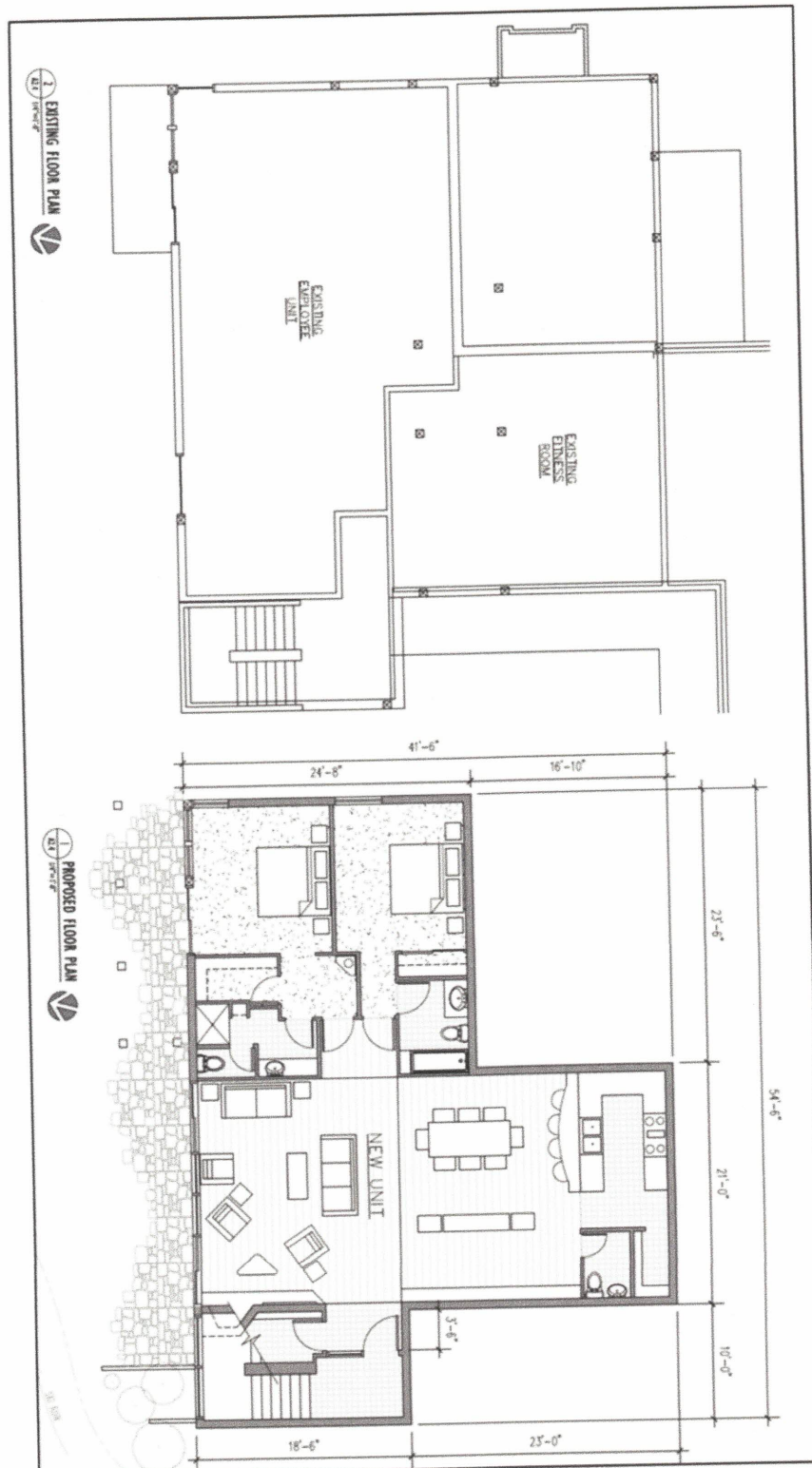
The above and foregoing Certificate for the Second Amendment of the Condominium Declaration of The Enclave Condominiums, Snowmass Village, Colorado, was acknowledged before me this 7th day of October, 2021, by \_\_\_\_\_ as Secretary of The Enclave Association, Inc., a Colorado nonprofit corporation.

Witness My Hand and Official Seal



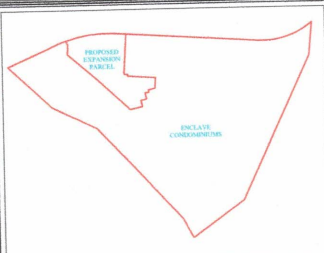
  
\_\_\_\_\_  
Notary Public

Site Plan of Revised Unit 100

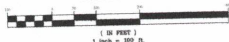




## Exhibit B



GRAPHIC SCALE



LINE TABLE		
LINE #	BEARING	DISTANCE
L54	S80°00'00"E	20.89
L55	S27°55'00"W	30.89
L56	S20°00'00"E	29.89
L57	S20°55'00"W	46.23
L58	N30°55'00"E	5.67
L59	N31°00'00"E	31.70
L60	S80°00'00"E	32.11
L61	S20°55'00"W	24.28
L62	S70°42'40"W	26.88
L63	S42°46'00"E	5.55
L64	S70°42'40"E	9.50
L65	S42°46'00"E	15.95
L66	S70°42'40"E	15.47
L67	S15°36'00"E	14.40
L68	S70°42'40"E	38.57
L69	N40°42'00"W	102.42
L70	N40°40'00"E	86.70
L71	N20°50'00"E	26.50
L72	N60°00'00"E	11.12

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
1	115.45'	18152'	10°23'19"	S89°15'23"W	114.53'

## SEYFIDIN

1) THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS, EASEMENTS, ETC. AND ENCUMBRANCES OF RECORD, OR IN PLACE AND EXCEPTIONS TO TITLE SHOWN IN THE TITLE COMMITMENT PREPARED BY TITLE COMPANY OF THE ROCKIES AS AGENT FOR STEWART TITLE GUARANTY COMPANY. COMMITMENT NO. 610002473, DATED EFFECTIVE APRIL 05, 2021.

2) THE DATE OF THE SURVEY WAS AUGUST 10, 2021, OCTOBER 12, 2021, NOVEMBER 01, 2021 AND FEBRUARY 04, 2021.

B-BASE OF BEARING IS FOR THIS SURVEY IS A BEARING OF S39°00'W BETWEEN THE NORTHERLY ANGLE POINT IN THE EASTERLY BOUNDARY, A 15' BEARING CAP L.S. + 44.5' BEARING FOUND IN PLACE AND THE SOUTHERLY ANGLE POINT IN THE EASTERLY BOUNDARY, A 15' BEARING CAP L.S. + 44.5' BEARING FOUND IN PLACE.

4) LISTS OF MEASURE FOR ALL DIMENSIONS SHOWN HEREON IN U.S. SURVEY FEET

TO THIS SURVEY IS BASED ON THE PARCELS IN PLAT RECORDED DECEMBER 15, 1918 IN PLAT BOOK 1 AT PAGE 36, THE PHASE 1 PLAT OF THE ENCLAVE COMMODITIES RECORDED JANUARY 19, 1960 IN PLAT BOOK 5 AT PAGE 71 AND THE PHASE 2 PLAT OF THE ENCLAVE COMMODITIES RECORDED MARCH 11, 1960 IN PLAT BOOK 8 AT PAGE 12 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE AND CORNERS FOUND IN

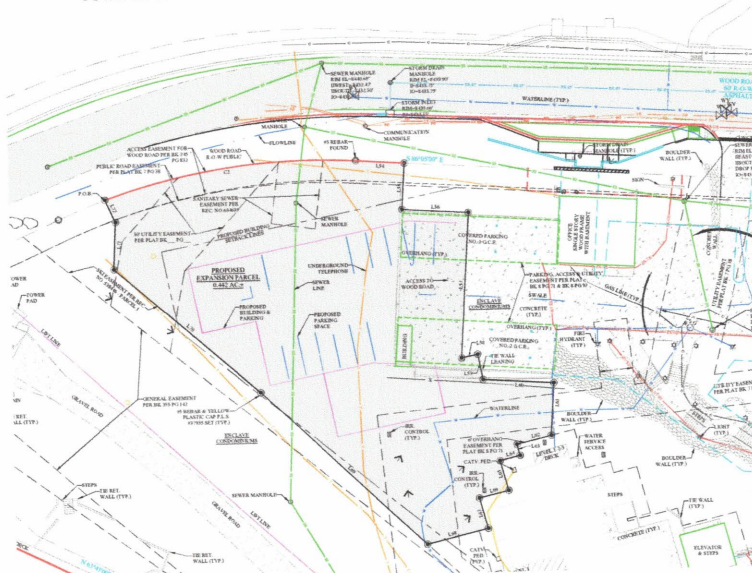
6) THE COMCAST EASEMENT RECORDED AT RECEPTION NO. 57995 DOES NOT SPECIFICALLY DESCRIBE THE EASEMENT LOCATION AND APPEARS TO BE A BLANKET EASEMENT ACROSS THE SUBJECT PROPERTY.

7) ACCORDING TO PLAT BOOK 7 AT PAGE 48 THE BUILDING AREA EXISTS ALONG THE EASTLY BOUNDARY AND OUTSIDE THE EASEMENT LINES AS SHOWN. BUILDING SETBACKS SHOULD BE VERIFIED PRIOR TO ANY PLANNING OR CONSTRUCTION.

ALL IMPROVEMENTS SHOWN WITHIN THE PROPOSED EXPANSION PARCEL ARE AN OVERTLAY FROM CURRENT ZONING MAPS AND ONLY.

## IMPROVEMENT SURVEY PLAT

EXPANSION PARCEL, ACCORDING TO THE PARCEL N SUBDIVISION EXEMPTION PLAT  
RECORDED \_\_\_\_\_ IN PLAT BOOK \_\_\_\_ AT PAGE \_\_\_\_\_  
TOWN OF SNOWMASS VILLAGE, COUNTY OF PITKIN, STATE OF COLORADO



#### PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN TRACTS 41 AND 41, SECTION 1, TOWNSHIP 18 NORTH, RANGE 36 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF SNOWMASS VILLAGE, COUNTY OF PITKIN, STATE OF COLORADO, IS A PARCEL ALSO BEING SITUATED FULLY WITHIN THE PARCEL IN SCHEDULED. ACCORDING TO THE PLAT RECORDED DECEMBER 19, 1976 IN PLAT BOOK 7, AT PAGE 10 OF THE PITKIN COUNTY CLERK, AND RECORDS OFFICE, A PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

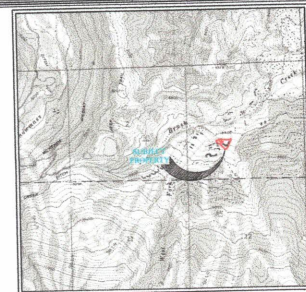
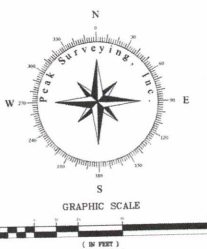
[illegible]

5. S70°42'00"W A DISTANCE OF 14.08 FEET  
 6. S10°59'57"E A DISTANCE OF 5.15 FEET  
 7. S70°42'00"W A DISTANCE OF 9.50 FEET  
 8. S0°54'53.7"E A DISTANCE OF 13.95 FEET  
 9. S70°42'00"W A DISTANCE OF 13.67 FEET  
 10. S10°59'57"E A DISTANCE OF 14.40 FEET  
 11. S70°42'00"W ALONG S&D 6 FOOT EASEMENT AND 6 FOOT EASEMENT

EXTENDED A DISTANCE OF 26.97 FEET; THENCE LEAVING SAID EXTENSION AT THE POINT OF BEGINNING, THENCE NORTH 80°15'00"W A DISTANCE OF 36.70 FEET; THENCE NORTH 80°15'00"E A DISTANCE OF 36.70 FEET; THENCE SOUTH 80°15'00"W A DISTANCE OF 11.13 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 6.40 AC. MORE OR LESS.

b  
Peak Surveying

P.O. Box 174  
Rifle, CO 81660  
Phone (970) 625-

VICINITY MAP  
SCALE: 1" = 200'

GRAPHIC SCALE




#### IMPROVEMENT SURVEY STATEMENT

[illegible]

DAVID, JUNE 14, 2011



 <p><b>Peak Surveying, Inc.</b>  P.O. Box 1740  Ruffs, CA 92480  Phone (951) 252-1954  Fax (951) 579-7150  www.peaksurveyinginc.com  <b>Est. 2007</b></p>	Drawn By:	NYS	Date	Revision	By	
	Checked by:	JEN	1	06/14/21	REVISE EXPANSION PARCEL	BE
	Date:	JUN 08, 2021				
	Project No:					
	Complete File:					

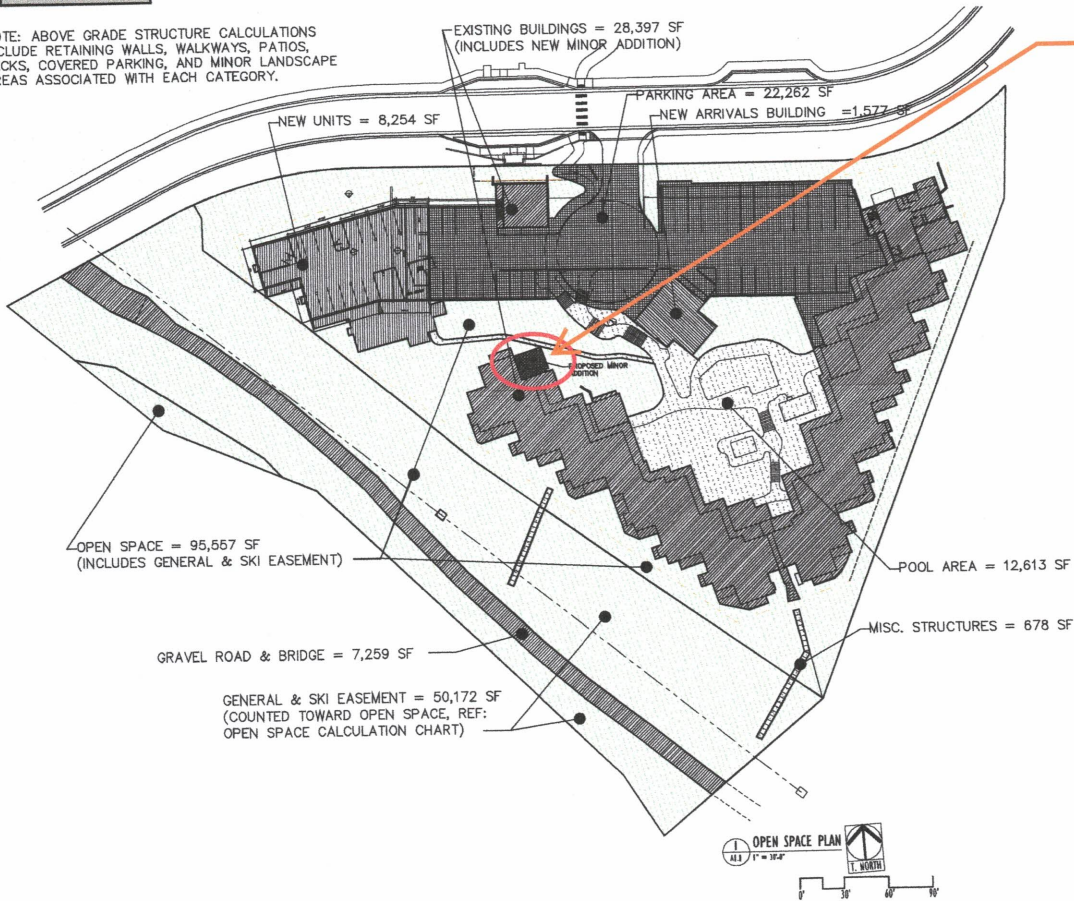
RA ENCLAVE, LLC,  
SUNNYSIDE VILLAGE, COLORADO  
IMPROVEMENT SURVEY PLAT  
PROPOSED EXPANSION PARCEL  
TBD WOOD ROAD

Project NO:	1506
Page	1 OF 1

**WARNING:** SUBSCRIBING TO OUR NEWSLETTER, VISITING OUR WEBSITE AND LEAVING A COMMENT OR REVIEW ON OUR WEBSITE OR SOCIAL MEDIA OR PROVIDING US WITH YOUR CONTACT INFORMATION OR ANY OTHER INFORMATION MAY BE CONSIDERED AN OFFER TO SELL OR AN OFFER TO PURCHASE. WE WILL NOT BE RESPONSIBLE FOR ANY LOSS OR DAMAGE TO YOUR PROPERTY OR ANY OTHER LOSS OR DAMAGE TO YOUR PERSON OR PROPERTY.

Exhibit C  
Page 1

NOTE: ABOVE GRADE STRUCTURE CALCULATIONS INCLUDE RETAINING WALLS, WALKWAYS, PATIOS, DECKS, COVERED PARKING, AND MINOR LANDSCAPE AREAS ASSOCIATED WITH EACH CATEGORY.



Area of Proposed  
Addition

THE ENCLAVE ASSOCIATION, INC.  
IMPROVEMENT PROJECT: FINAL PIUD APPLICATION

DATE: 04.02.21

FINAL PIUD APPR.

DATE: 04.02.21

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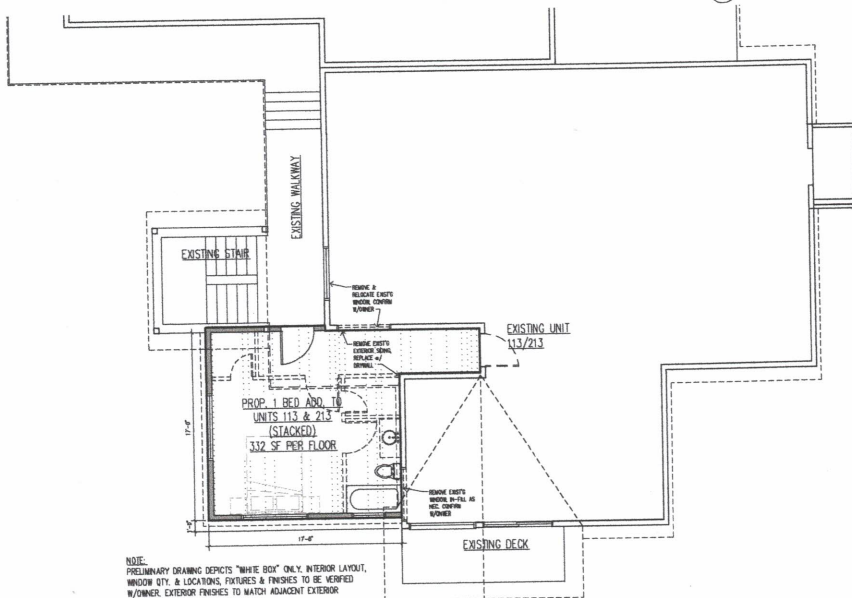
DATE: 04.02.21

DATE: 04.02.21

AI.2



2 RENDERING: UNITS 113 & 213 ADDITION WITH UNIT 313 ROOF DECK  
A2.11



1 FLOOR PLANS: ADDITION TO UNITS 113 and 213  
A2.11 1/8"=1'-0"

PROPOSED BEDROOM ADDITION TO UNITS 113 & 213 (2 TOTAL BEDROOMS) AND ROOF DECK TO UNIT 313



THE ENCLAVE ASSOCIATION INC.  
IMPROVEMENT PROJECT: FINAL PUD APPLICATION  
300 WOODBURN AVENUE  
BOWMANVILLE, OHIO 43022

DATE ISSUED FOR  
04.02.21 FINAL PUD APPLIC.

UNIT 113 & 213  
ADDITION: FLOOR PLAN(S)

A2.11