

Rerecorded to substitute corrected Secretary's Certificate and to remove extraneous last page.

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

This Third Amendment of the Condominium Declaration for The Enclave Condominiums (this "**Third Amendment**") is made by The Enclave Association, Inc., a Colorado nonprofit corporation (the "**Association**"), as January 24, 2022, 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 "**Condominium Project**") located at 0360 Wood Road in Snowmass Village, Colorado.

B. The Condominium 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 Plat for the Enclave Condominiums was Recorded in Plat Book 130 at 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 an Amended Final Plat, as approved by the Town of Snowmass Village, Colorado, was Recorded on November 10, 2021 in Book 131 at Page 59, as Reception No. 682476.

C. On November 10, 2021, the Association caused to be Recorded, at Reception No. 682484, a Second Amendment of the Condominium Declaration for the Enclave Condominiums, Snowmass Village, Colorado, (the "**Second Amendment**") and a Subdivision Exemption Plat for Parcel N Subdivision was Recorded in Plat Book 131, Page 60 as Reception No. 682478 (the "**Subdivision Exemption Plat**").

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

E. As reported in Recital D of the Second Amendment, as of February 12, 2021 the Association entered into an Agreement for the 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. The obligations of the Association under the Development Agreement were timely ratified by more than 70% of the Members of the Association.



RECEPTION#: 686717, R: \$38.00, D: \$0.00  
DOC CODE: AMEND DEC  
Pg 1 of 6, 04/14/2022 at 02:54:24 PM  
Ingrid K. Grueter, Pitkin County, CO



RECEPTION#: 686643, R: \$43.00, D: \$0.00  
DOC CODE: AMEND DEC  
Pg 1 of 7, 04/12/2022 at 02:46:17 PM  
Ingrid K. Grueter, Pitkin County, CO

F. As reported in Recital E of the Second Amendment, the Association and Developer have entered into a First Amendment of Development Agreement (the “**First Amendment of Development Agreement**”) which modified certain terms of the Development Agreement.

G. The location and dimensions of the Expansion Parcel to be conveyed to the Developer pursuant to the Development Agreement, as modified by the First Amendment of Development Agreement (collectively, the “**Development Agreement as Amended**”), are different than those approved by the Members of the Association in the Second Amendment. The location and dimensions of the Expansion Parcel are accurately depicted on the Subdivision Exemption Plat.

H. In an Agreement effective as of January 24, 2022, Members of the Association holding more than 70% of the votes in the Association

(1) ratified the Development Agreement, as modified by the First Amendment of Development Agreement, within the time period required thereby (which time period ended on January 31, 2022); and

(2) approved this Third Amendment and directed the President and Secretary of the Association to execute and cause this Third Amendment to be Recorded.

I. The Association provided notice to the First Mortgagees of this Third Amendment pursuant to C.R.S. § 38-33.3-217(1)(b); no First Mortgage submitted an objection to this Third Amendment.

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. Third Amendment Controls. The provisions of this Third 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 Third Amendment which are not defined herein shall have the definition established for them in the Existing Condominium Documents.

3. Incorporation of Recital H. Recital H of this Third Amendment is hereby incorporated here as an enforceable representation of the Association.

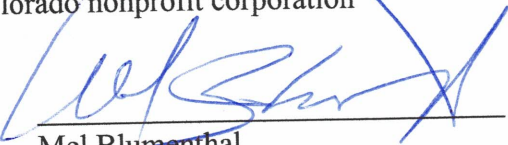
4. Approval of Changes in the Expansion Parcel. For purposes of the Existing Condominium Documents, as modified by this Third Amendment, and of the Development Agreement as Amended, the Expansion Parcel shall be the real property identified as such on the Subdivision Exemption Plat, and upon conveyance thereof to Developer in accordance with Section 38-33.3-312, the Expansion Parcel shall cease to be part of the Condominium Project, subject to the terms of the Development Agreement as Amended.

5. 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.

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

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  
President

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

ACKNOWLEDGMENT

STATE OF CALIFORNIA                     )  
   )  
COUNTY OF LOS ANGELES             )

On April 8<sup>th</sup>, 2022, before me, Abigail Maximo, Notary Public, personally appeared Mel Blumenthal as President of The Enclave Association, Inc., a Colorado non-profit corporation, 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.

Notary Public See Attached  
Date 04/08/2022  
Initial AM

\_\_\_\_\_  
Notary Public Signature                     (SEAL)

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.

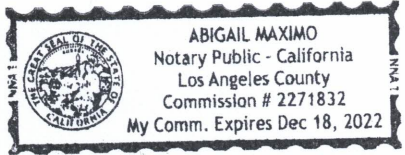
State of California

County of Los Angeles

On April 8th, 2020 before me, Abigail Maximo, Notary Public,

personally appeared Melvyn Douglas Blumenthal

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 [Handwritten 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: Third Amendment of the Condominium...

Document Date: 04/08/2020 Number of Pages: 05

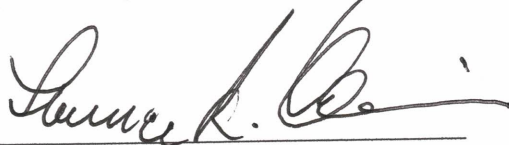
Signer(s) Other Than Named Above: N/A

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:

**CERTIFICATE**

I, Laurence R. Klein, 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 have agreed to the actions memorialized in this Third Amendment of the Condominium Declaration for the Enclave Condominiums, Snowmass Village, Colorado. I further certify that no First Mortgagees objected to the actions memorialized in this Third Amendment within 60 days (or thereafter) after notice was provided pursuant to C.R.S. § 38-33.3-217(1)(b).

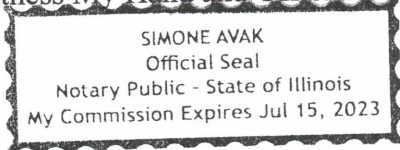


Laurence R. Klein

STATE OF ILLINOIS        }  
  }ss.  
County of Cook            }

The above and foregoing Certificate for the Third Amendment of the Condominium Declaration of The Enclave Condominiums, Snowmass Village, Colorado, was acknowledged before me this 13<sup>th</sup> day of April, 2022, by Laurence R. Klein as Secretary of The Enclave Association, Inc., a Colorado nonprofit corporation.

Witness My Hand and Official Seal



Notary Public