

**SECOND AMENDMENT TO CONDOMINIUM DECLARATION  
FOR  
THE HOMESTEAD AT SNOWMASS, A CONDOMINIUM  
(Snowmass Village, Colorado)**

This Second Amendment to Condominium Declaration for The Homestead at Snowmass, a Condominium ("Second Amendment") is made and entered to be effective as of the day it is recorded in the records of the Pitkin County Clerk and Recorder's Office.

A. The Homestead at Snowmass is a Condominium created pursuant to the Declaration for The Homestead at Snowmass ("Original Declaration") recorded December 20, 1989 in Book 610 at Page 182 of the records of the Pitkin County Clerk and Recorder's Office ("Records"), as supplemented by the Supplemental Condominium Declaration No. 1 to the Declaration ("Supplement No. 1") recorded March 16, 1990 in Book 616 at Page 279 of the Records, and Supplemental Condominium Declaration No. 2 to the Declaration ("Supplement No. 2") recorded December 3, 1990 in Book 635 at Page 93 of the Records, and as amended pursuant to the First Amendment to Condominium Declaration for the The Homestead at Snowmass, a Condominium ("First Amendment") recorded November 22, 2019, as Reception No. 660665 (collectively, the "Declaration") and pursuant to the following condominium maps: The Homestead at Snowmass a condominium, Phase I, recorded in Plat Book 23 at Page 70 of the Records; Homestead at Snowmass, Re-Plat, recorded in Plat Book 24 at Page 2 of the Records; First Amended and Supplemental Condominium Map of The Homestead at Snowmass, a condominium, Phase I, recorded in Plat Book 24 at Page 3 of the Records; Second Amended and Supplemental Condominium Map of The Homestead at Snowmass, a condominium, Phase II, recorded in Plat Book 25 at Page 43 of the Records; and First Amended and Supplemental Condominium Map of The Homestead at Snowmass, a condominium, Phase I, recorded in Plat Book 25 at Page 89 of the Records; and Second Amended and Supplemental Condominium Map of The Homestead at Snowmass, a condominium, Phase II, recorded in Plat Book 25 at Page 91 of the Records (collectively, the "Condominium Map").

B. The Association is the entity created to manage the business and affairs of the owners of the property described in the Declaration and on the Map.

C. Pursuant to Section 11.4 of the Original Declaration, the Declaration may be amended on written approval of 66.67% of the members of the Association; except that, pursuant to Section 3.4 of the Original Declaration, the ownership interests of the Unit owners in and to the undivided fee interests in the Common Elements may only be amended on the prior written approval of all owners and all First Priority Mortgagees.

D. Exhibit C to the Original Declaration and Exhibit II to Supplement No. 2 are a table setting forth the Approximate Square Footage of each Unit and the Undivided Ownership Interest of each Unit in the Common Elements. Note that the Units were re-numbered between the date of the Original Declaration and Supplement No. 2 such that there is no Unit No. 13. In both cases, there are 14 Units, but starting with Supplement No. 2, there was no Unit No. 13 and a new Unit No. 15.



RECEPTION#: 664175, R: \$83.00, D: \$0.00  
DOC CODE: AMEND DEC  
Pg 1 of 15, 04/20/2020 at 02:04:25 PM  
Janice K. Vos Caudill, Pitkin County, CO

E. Pursuant to Section 7.2 of the Original Declaration, "Unless otherwise provided herein, general and special assessments shall be apportioned among the Units then dedicated on the Map proportionate to their undivided ownership interests described on Exhibit C." While very near equal, there are two different levels of ownership interests (7.300% and 7.025%) shown on Exhibit C to the Original Declaration and Exhibit II to Supplement No. 2. Consequently, Common Expense Assessments and Special Assessments should have been made in the proportions of the undivided ownership interests.

F. Historically, all assessments, both Common Expense Assessments and Special Assessments, have, in fact, been made on an equal basis of one-fourteenth per Unit, instead of in proportion to undivided ownership interests.

G. The Articles of Amendment and Restatement to Articles of Incorporation of The Homestead at Snowmass Association provide in Article V, Section 4., that voting in the Association shall be as provided in the Declaration and Bylaws. The (unsigned) Bylaws provide in Article II, Section 2(a) that voting shall be one vote per Unit. The Declaration does not address voting. Historically, voting in the Association has been one vote per Unit.

H. As noted on Exhibit C to the Original Declaration and Exhibit II to Supplement No. 2, and as provided in Section 12.3.6 the original Common Interest Ownership Interests and Common Expense Assessments and Special Assessment were based on the approximate square footages of the Units. In 1991, Unit 4 increased its square footage by converting a portion of the appurtenant garage into a bedroom. At that time, the owner attempted to amend the Declaration by executing and recording a document entitled Consent to Perpetual Additional Assessment recorded May 9, 1991 as Reception No. 332538 of the Records ("Unit 4 Consent") that was intended to allow the Association to assess Unit 4 an additional amount based on the increased square footage. Pursuant to Ordinance No. 04, Series of 2002, the Town Council of the Town of Snowmass Village approved the conversion of one parking space in each garage within the Association into bedroom space. Subsequently, several of the Units have converted garage space into bedroom space.

I. Section 11.4 states, "Except as set forth in Section 3.5, this Declaration shall be amended if Owners holding 66 2/3% or more of the total votes outstanding and entitled to be cast under the By-Laws agree thereto by an executed instrument duly recorded in the office of the Clerk and Recorder of Pitkin County, Colorado." The reference to Section 3.5 appears to be an error because Section 3.5 does not limit the amendment of the Declaration. Apparently, the reference should have been to Section 3.4 which does contain a limitation on amendment of the Declaration.

J. The Members of the Association desire to amend the Declaration to provide that:

- a. The Common Expense Assessments and Special Assessments shall be assessed on an equal basis of one-fourteenth per Unit;
- b. The Voting shall be as provided in the Bylaws with one vote per Unit;
- c. The Unit 4 Consent is void and of no further force and effect; and

d. The typographical error in section 11.4 is changed from Section 3.5 to 3.4.

**Now, therefore, the Declaration is amended as follows.**

1. Section 7.2 of the Original Declaration is amended by the deletion of the following sentence: "Unless otherwise provided herein, general and special assessments shall be apportioned among the Units then dedicated on the Map proportionate to their undivided ownership interests described on Exhibit C."
2. All Common Expense Assessments and Special Assessments shall be apportioned among the Units one-fourteenth per Unit.
3. Voting in all matters concerning the affairs of the Association shall be on the basis of one vote per Unit.
4. The Unit 4 Consent is declared void and of no force and effect, and shall be fully rescinded.
5. The reference in Section 11.4 to "Section 3.5" in the introductory clause thereof is changed to "Section 3.4."
6. Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Declaration or in the Colorado Common Interest Ownership Act, §§38-33.3-100, *et seq.*, C.R.S., as applicable. The provisions of this instrument shall be in addition to the provisions contained in the Declaration. In the event of any conflict between this Second Amendment and the Declaration, the provisions of this Second Amendment shall govern and control. In all other respects, the Declaration shall remain unchanged and is ratified and confirmed. If any of the provisions of this Second Amendment or any paragraph, sentence, clause, phrase or word, or the application thereof in any circumstance, is invalidated, such invalidity shall not affect the validity of the remainder of this instrument, and the application of any such provision, paragraph, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby. The provisions of this instrument shall be in addition to the provisions of Colorado law. Whenever used herein, unless the context shall otherwise provide, the singular shall include the plural, and the use of any gender shall include all genders.

**By signing below, I certify that at least 66 2/3% or more of the total votes outstanding and entitled to vote have approved this Second Amendment in writing.**

**THE HOMESTEAD AT SNOWMASS ASSOCIATION**

By: Mel P. Harrison  
Secretary

STATE OF FL )  
COUNTY OF Polk ) ss.

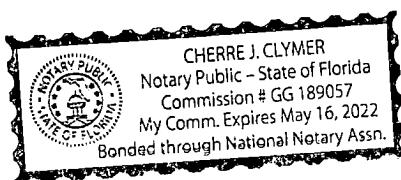
Subscribed and sworn to before me this 20 day of March, 2020, by  
M/D P HARRISON, as Secretary of The Homestead at Snowmass Association.

Witness my hand and official seal.

My commission expires:

5/16/22

Cherre J. Clymer  
Notary Public



**COUNTERPART SIGNATURE PAGE FOR SECOND AMENDMENT TO  
CONDOMINIUM DECLARATION  
FOR  
THE HOMESTEAD AT SNOWMASS, A CONDOMINIUM  
(Snowmass Village, Colorado)**

The undersigned owner of a Unit in the Homestead at Snowmass, hereby approves the Second Amendment to the Condominium Declaration for The Homestead at Snowmass, a Condominium.

UNIT NUMBER(S) 2

Printed Name of Individual Owner or Entity Owner: Life estate for Devers Family joint tenants

Signature of Owner or

Authorized Representative of Entity Owner: x William J. Devers

Printed Name of Signor (if signing for an entity): William J. Devers

Title (if signing for an entity): Life estate Administrator

Date: 2/10, 2020

STATE OF Illinois )  
COUNTY OF Cook ) ss.

Subscribed and sworn to before me this 10th day of February, 2020, by  
William J. Devers.

Witness my hand and official seal.

My commission expires: November 8th, 2023

Marta B. Kuriata  
Notary Public




**COUNTERPART SIGNATURE PAGE FOR SECOND AMENDMENT TO  
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UNIT NUMBER(S) #3

Printed Name of Individual Owner or Entity Owner: John R. Eldridge III

Signature of Owner or

Authorized Representative of Entity Owner: 

Printed Name of Signor (if signing for an entity): \_\_\_\_\_

Title (if signing for an entity): \_\_\_\_\_

Date: 2/27, 2020

STATE OF Arkansas)

) ss.

COUNTY OF Washington

Subscribed and sworn to before me this 27th day of February, 2020, by

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

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

**COUNTERPART SIGNATURE PAGE FOR SECOND AMENDMENT TO  
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THE HOMESTEAD AT SNOWMASS, A CONDOMINIUM  
(Snowmass Village, Colorado)**

The undersigned owner of a Unit in the Homestead at Snowmass, hereby approves the Second Amendment to the Condominium Declaration for The Homestead at Snowmass, a Condominium.

UNIT NUMBER(S) 4

Printed Name of Individual Owner or Entity Owner: Ingegard K Fehr

Signature of Owner or

Authorized Representative of Entity Owner: Ingegard K Fehr

Printed Name of Signor (if signing for an entity): N/A

Title (if signing for an entity): N/A

Date: Feb 18, 2020

STATE OF Colorado

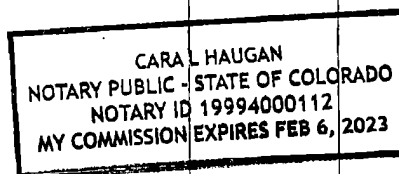
COUNTY OF Pitkin) ss.

Subscribed and sworn to before me this 18 day of February, 2020, by  
Ingegard K. Fehr

Witness my hand and official seal.

My commission expires: Feb 6, 2023

Cara L. Haugan  
Notary Public







**COUNTERPART SIGNATURE PAGE FOR SECOND AMENDMENT TO  
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UNIT NUMBER(S) 6

Printed Name of Individual Owner or Entity Owner: Carrie Lynn Babich, Trst

Signature of Owner or

Authorized Representative of Entity Owner:

Carrie Lynn Babich

Printed Name of Signor (if signing for an entity): \_\_\_\_\_

Title (if signing for an entity): \_\_\_\_\_

Date: 2/18, 2020

STATE OF Colorado  
COUNTY OF Pitkin ) ss.

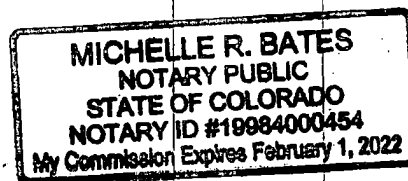
Subscribed and sworn to before me this 18 day of February, 2020, by  
Carrie Lynn Babich

Witness my hand and official seal.

My commission expires:

02/01/2022

Michelle R. Bates  
Notary Public



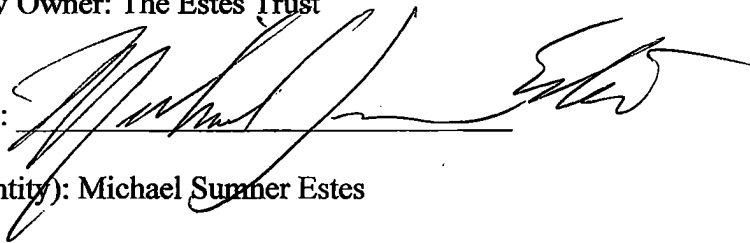
**COUNTERPART SIGNATURE PAGE FOR SECOND AMENDMENT TO  
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THE HOMESTEAD AT SNOWMASS, A CONDOMINIUM  
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The undersigned owner of a Unit in the Homestead at Snowmass, hereby approves the Second Amendment to the Condominium Declaration for The Homestead at Snowmass, a Condominium.

UNIT NUMBER(S) #7

Printed Name of Individual Owner or Entity Owner: The Estes Trust

Signature of Owner or  
Authorized Representative of Entity Owner:



Printed Name of Signor (if signing for an entity): Michael Sumner Estes

Title (if signing for an entity): Trustee

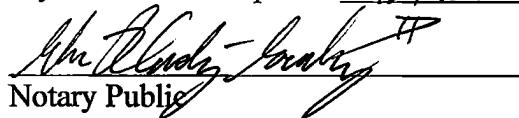
Date: Feb 3, 2020

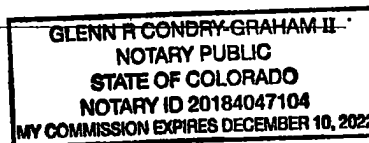
STATE OF Colorado )  
COUNTY OF Pitkin ) ss.

Subscribed and sworn to before me this 3 day of Feb, 2020, by  
Michael S Estes.

Witness my hand and official seal.

My commission expires: 12/10/22

  
Notary Public



**COUNTERPART SIGNATURE PAGE FOR SECOND AMENDMENT TO  
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UNIT NUMBER(S) # 8

Printed Name of Individual Owner or Entity Owner: Heather Campbell Burcher

Signature of Owner or  
Authorized Representative of Entity Owner: *Heather Campbell Burcher*

Printed Name of Signor (if signing for an entity): Heather Campbell Burcher

Title (if signing for an entity): \_\_\_\_\_

Date: February 5, 2020

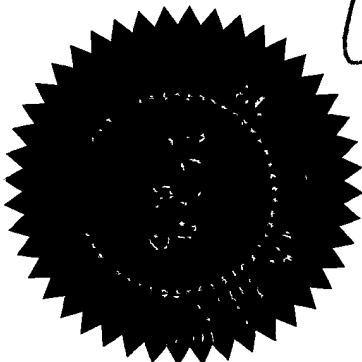
*JW* PROVINCE  
STATE OF ONTARIO )  
 ) ss.  
COUNTY OF HALTON )

Subscribed and sworn to before me this 5<sup>th</sup> day of February, 2020, by  
Heather Campbell Burcher

Witness my hand and official seal.

My commission expires: AT HER MAJESTY'S DISCRETION.

*Brian J. Hanna*  
Notary Public



BRIAN J. HANNA  
O'CONNOR MACLEOD HANNA LLP  
Barristers & Solicitors  
Notary Public  
700 Kerr Street  
Oakville, Ontario L6K 3W5  
905-842-1148

**COUNTERPART SIGNATURE PAGE FOR SECOND AMENDMENT TO  
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UNIT NUMBER(S) 9

Printed Name of Individual Owner or Entity Owner: Eric & Cholly Wiener, Keystone 2514

Signature of Owner or

Authorized Representative of Entity Owner: [Signature]

Printed Name of Signor (if signing for an entity): Eric R. Wiener

Title (if signing for an entity): Member

Date: 2-24, 2020

STATE OF Colorado )

COUNTY OF Denver ) ss.

Subscribed and sworn to before me this 24 day of February, 2020, by  
Eric R. Wiener

Witness my hand and official seal.

My commission expires: 09/01/2022

Michelle E Endsley  
Notary Public

MICHELLE E ENDSLEY  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20104034318  
MY COMMISSION EXPIRES SEPTEMBER 1, 2022



**COUNTERPART SIGNATURE PAGE FOR SECOND AMENDMENT TO  
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The undersigned owner of a Unit in the Homestead at Snowmass, hereby approves the Second Amendment to the Condominium Declaration for The Homestead at Snowmass, a Condominium.

UNIT NUMBER(S) 11

Printed Name of Individual Owner or Entity Owner: MARILYN SELTZER FOUR TREES LLC

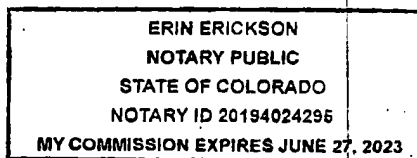
Signature of Owner or  
Authorized Representative of Entity Owner: Marilyn Seltzer

Printed Name of Signor (if signing for an entity): MARILYN SELTZER

Title (if signing for an entity): Managing Director / President

Date: 2/20/20, 2020

STATE OF Colorado )  
 ) SS.  
COUNTY OF Pitkin )



Subscribed and sworn to before me this 20 day of February, 2020, by  
Erin Erickson

Witness my hand and official seal.

My commission expires: June, 27, 2023

[Signature]  
Notary Public

**COUNTERPART SIGNATURE PAGE FOR SECOND AMENDMENT TO  
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UNIT NUMBER(S) 14

Printed Name of Individual Owner or Entity Owner: H. Michael Kurzman sub Res. and Trust

Signature of Owner or

Authorized Representative of Entity Owner: H. Michael Kurzman

Printed Name of Signor (if signing for an entity): H. Michael Kurzman

Title (if signing for an entity): Trustee

Date: 2/5, 2020

STATE OF Colorado  
COUNTY OF Pitkin ) ss.

Subscribed and sworn to before me this 5 day of February, 2020, by  
H. Michael Kurzman

Witness my hand and official seal.

My commission expires: Feb 6, 2023

Cara L. Haugan  
Notary Public

