

**AMENDMENT TO THE CONDOMINIUM DECLARATION FOR CHAMONIX AT
WOODRUN CONDOMINIUMS**

(Gas Fireplace Conversion)

This Amendment to the Condominium Declaration for Chamonix at Woodrun Condominiums Association, Inc. (the "Amendment") is made effective upon the recording hereof (the "Effective Date") by Chamonix at Woodrun Condominium Association, Inc. (the "Association"), a Colorado non-profit corporation.

RECITALS

WHEREAS, the Association is a condominium project located in the Town of Snowmass Village, Pitkin County, Colorado, and is subject to the Declaration was recorded on February 8, 1985 at Reception No. 265938 in the records of Pitkin County, Colorado, as supplemented and amended as shown in the public records of Pitkin County (the "Declaration");

WHEREAS, the Association was established prior to July 1, 1992, and is therefore a "pre-CCIOA" common interest community that has not affirmatively elected to be governed by the Colorado Common Interest Ownership Act ("CCIOA");

WHEREAS, although the Association has not opted into CCIOA in its entirety, several provisions of CCIOA nonetheless apply retroactively to all common interest communities in Colorado, including the Association, as set forth in C.R.S. § 38-33.3-117(1.5);

WHEREAS, Article 19 of the Declaration states that amendments generally require the affirmative vote of Owners holding at least seventy-five percent (75%) of the allocated interests in the General Common Elements;

WHEREAS, however, C.R.S. § 38-33.3-217(1)(a)(III)(A), which applies retroactively to the Association per C.R.S. § 38-33.3-117(1.5), provides that, as a matter of public policy, no amendment to a declaration may require approval by more than sixty-seven percent (67%) of the votes in the Association, except in limited circumstances described in subsection (4) thereof;

WHEREAS, this Amendment does not involve any change to the allocated interests of any Unit, any change to Unit boundaries, any increase in the number of Units, or the creation or increase of special declarant rights, and therefore does not fall within the subsection (4) exceptions;

WHEREAS, accordingly, notwithstanding the 75% requirement stated in the Declaration, this Amendment may be adopted upon the affirmative vote of the owners of at least sixty-seven percent (67%) of the allocated interests in the General Common Elements;

WHEREAS, as of the Effective Date, all required consents of mortgage or deed of trust holders were obtained pursuant to C.R.S. § 38-33.3-217(1)(b);

WHEREAS, the Association believes this Amendment is necessary to address the unsafe condition of existing wood-burning fireplaces and chimney stacks and to authorize gas-compatible fireplace options; and

WHEREAS, at least sixty-seven percent (67%) of the allocated interests in the General Common Elements voted in favor of this Amendment, and therefore the Amendment has been duly adopted.

AMENDMENT

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. **Recitals.** The foregoing recitals are incorporated herein.
2. **Definitions.** The definition contained in the Declaration are incorporated herein, except as they conflict with the defined terms in this Amendment.
3. **Section 20 Monetary Cap Increase.** The Five Thousand Dollars (\$5,000.000) cap on additions, alterations, or improvements by the Board of Managers or the Managing Agent of or to the General or Limited Common Elements in any one calendar year without requisite Unit owner approval is hereby amended and increased to Twenty Thousand Dollars (\$20,000.00).
4. **Decommissioning of Wood-Burning Fireplaces.** All existing wood-burning fireplaces within the Condominium Project are hereby permanently decommissioned. No Owner shall use or reinstall any wood-burning fireplace within the Condominium Project unless otherwise expressly authorized in writing by the Association pursuant to a resolution of the Board of Managers or an amendment to this Declaration.
5. **Gas Infrastructure as General Common Element.** The Association acknowledges and affirms its authority to install, maintain, and replace gas utility trunk and branch lines within any Condominium Project chimney shafts, including to the point of connection (stub-out) serving each Unit. All such lines from each Unit's connection point back through the chimney shafts, including said shafts, shall be and remain General Common Elements.
6. **Gas Fireplace Installation and Approval.** Consistent with Section 20 of the Declaration, (i) no Owner may install, modify, or replace any gas fireplace, insert, appliance, venting, or related systems (each a "Gas Fireplace System") without the prior written approval required therein, and (ii) any duly approved installation, modification, or replacement of a Gas Fireplace System that results in an encroachment by a Unit upon the Common Elements, or by the Common Elements upon a Unit, shall be subject to and benefit from the easements established in Section 20. Notwithstanding anything to the contrary in this Declaration, no prior written approval of a Unit Owner's request to install, modify, or replace a gas fireplace insert, appliance, or venting shall be deemed an addition, alteration, or improvement to the General or Limited Common Elements undertaken by the Association.
7. **Gas Fireplaces as Fixtures and Limited Common Elements.** All Gas Fireplace Systems (whether existing on the Effective Date or installed thereafter) that are (a) installed into any

existing firebox within a Unit, or (b) otherwise located within a Unit and affixed to or utilizing any Condominium Project chimney shaft or other General Common Element, shall be and are hereby deemed fixtures and Limited Common Elements appurtenant to the benefitted Unit. Each such Limited Common Element shall be for the exclusive use of the benefitted Unit and, consistent with Section 17 of the Declaration and notwithstanding anything to the contrary in Section 21 or elsewhere in this Declaration, shall be maintained, repaired, and replaced at the sole cost and expense of that Unit owner, inclusive of all liability arising therefrom.

8. **No Alteration of Allocated Interests.** Consistent with Section 20 of the Declaration, any Gas Fireplace System (whether existing on the Effective Date or installed thereafter) shall be owned by the Unit owners in the same proportion as their ownership interest in existing General and Limited Common Elements and shall not affect any Unit owner in reference to his voting power or allocation of common expense in the Association.

9. **Force and Effect; Recordation.** This Amendment hereby supersedes and controls over any provision contained in the Declaration as adopted before this Amendment. Except as amended by the terms of this Amendment and previous amendments and supplemented by previous supplements, the Declaration shall remain in full force and effect. This Amendment shall be recorded in the public records of Pitkin County, Colorado.

~ Signature Page Follows ~

