

**LIMITED AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS FOR CORDILLERA**

THIS AMENDMENT is made this ____ day of _____, 20__.

RECITALS

A. The Declaration of Protective Covenants, Conditions, and Restrictions for Cordillera was recorded on June 29, 1988, at Reception No. 382659, *et seq.*, Eagle County Clerk and Recorder (hereinafter referred to as the "Original Declaration").

B. The Original Declaration, as amended and supplemented, was amended and restated in its entirety by the Declaration of Protective Covenants, Conditions and Restrictions for Cordillera recorded on May 12, 1993 at Reception No. 504866, *et seq.*, Eagle County Clerk and Recorder ("1993 Declaration").

C. The 1993 Declaration was amended and restated in its entirety by the Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Cordillera recorded on September 8, 2016 at Reception No. 201614443 and re-recorded on September 13, 2016 at Reception No. 201614815 ("Amended and Restated Declaration").

D. Article XVII, Section 17.5 of the 1993 Declaration addressed litigation requirements and contained a different amendment requirement (67% of the total Association vote) than the amendment requirement for all other provisions of the Declaration set forth in Article XVII, Section 17.2 of the Declaration (51% of the total Association vote).

E. The vote in favor of the Amended and Restated Declaration did not meet the requirement to amend Article XVII, Section 17.5 of the 1993 Declaration, but due to scrivener's error was omitted from the Amended and Restated Declaration. Therefore, Article XVII, Section 17.5 of the 1993 Declaration remains in full force and effect and will be included in the Amended and Restated Declaration as Article 14, Section 14.12.

F. Article XVII, Section 17.5 of the 1993 Declaration and Article 14, Section 14.12 of the Amended and Restated Declaration provide that this section may be amended by owners holding at least 67% of the total Association vote.

G. Owners holding at least 67% of the total Association vote have approved the Amendment (defined below) by affirmative vote or by written consent and have determined this Amendment to be reasonable and not burdensome; or in the alternative the Amendment has been approved by District Court Order.

NOW THEREFORE, the Amended and Restated Declaration is hereby amended as follows:

- I. **Repeal.** Article XVII, Section 17.5 of the 1993 Declaration that is incorporated as Article 14, Section 14.12 of the Amended and Restated Declaration is amended by deleting that section in its entirety ("Amendment").
- II. **Effective Date.** This Amendment shall be effective upon recording.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, this Amendment is executed by the undersigned.

CORDILLERA PROPERTY OWNERS ASSOCIATION,
a Colorado nonprofit corporation

By: [Signature]
President

By: [Signature]
Treasurer

STATE OF COLORADO)
COUNTY OF Eagle) ss.

The foregoing was acknowledged before me this 26 day of April, 2017
by Edward Shames, as President of the Cordillera Property Owners Association,
a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: December 14, 2020

[Signature]
Notary Public

STATE OF COLORADO)
COUNTY OF Eagle) ss.

The foregoing was acknowledged before me this 26 day of April, 2017
by Danette Kirk, as Treasurer of the Cordillera Property Owners
Association, a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: December 14, 2020

[Signature]
Notary Public

STACEY LYNN WORLEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124080755
MY COMMISSION EXPIRES DECEMBER 14, 2020

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DISTRICT COURT, COUNTY OF EAGLE, STATE OF COLORADO Court Address: 885 Chambers Ave. Eagle, CO 81631 Phone Number: (970) 328-6373	DATE FILED: April 18, 2017 CASE NUMBER: 2016CV30224
PETITIONER: CORDILLERA PROPERTY OWNERS ASSOCIATION, INC., a Colorado nonprofit corporation	▲ COURT USE ONLY ▲ Case No.: 16CV030224
ATTORNEY FOR PETITIONER: Attorney: Kelly McQueeney, #45175 Candyce D. Cavanagh, #32944 Firm: Orten Cavanagh & Holmes, LLC Address: 1445 Market Street, Suite 350 Denver, Colorado 80202 Telephone: (720) 221-9780 Fax: (720) 221-9781 Email: kmcqueeney@ochhoalaw.com	Div.: 4
ORDER APPROVING LIMITED AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR CORDILLERA PURSUANT TO C.R.S. § 38-33.3-217(7)	

THIS MATTER comes before the Court for hearing on Tuesday, April 18, 2017 at 9:00 a.m. After reviewing the pleadings filed in this matter and considering the statements of Counsel, the Court makes the Findings of Fact and Conclusions of Law and orders:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Cordillera Property Owners Association, Inc., a Colorado nonprofit corporation (the "Association") is a common interest community that seeks an amendment (the "Limited Amendment") to the Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Cordillera, recorded in the real property records of Eagle County, Colorado on October 26, 2016 at Reception No. 201618114 (hereafter referred to as the

“Declaration”). The Declaration of Protective Covenants, Conditions and Restrictions for Cordillera was first recorded in the real property records of Eagle County, Colorado on June 29, 1988, at Reception No. 382659 and thereafter was amended and restated pursuant to the Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Cordillera recorded on May 12, 1993 at Reception No. 504866.

2. The Board of Directors of the Association filed a petition with this Court in accordance C.R.S. § 38-33.3-217(7) for an order amending the Declaration as provided in the Limited Amendment (the “Petition”). The Limited Amendment repeals Article 14, Section 14.12 from the Declaration.

3. The Association has complied with the notice and meeting requirements set forth in C.R.S. § 38-33.3-217(7) by fulfilling the following requirements:

a. Notices. The Association has exceeded the requirement to send at least two notices of the proposed Limited Amendment to all unit owners who are entitled by the Declaration to vote on the proposed Limited Amendment. Notices were sent as follows: (a) Notice of the Limited Amendment and the vote thereon dated December 12, 2016; (b) Notice of the Limited Amendment and the vote thereon dated December 13, 2016; (c) Notice of the Limited Amendment and the vote thereon dated December 14, 2016; (d) Notice of the Limited Amendment and the vote thereon and the Association’s Open House dated December 21, 2016; (e) Notice of the Association’s Open House dated December 23, 2016; (f) Notice of the Association Open House dated December 28, 2016; (g) Notice of the Limited Amendment and the vote thereon dated January 6, 2017; (h) Notice of Special Meeting of the Members of Cordillera Property Owners Association, Inc. dated January 19, 2017; and (i) Notice of Special Meeting of the Members of

Cordillera Property Owners Association, Inc. dated January 26, 2017. Copies of the notices are attached as Exhibit "C" to this Petition.

b. Meetings. The Association accepted public comment on the proposed Limited Amendment to the Declaration and reviewed public comment. The draft of the proposed Limited Amendment was provided to members on several occasions. The Association hosted two open houses on December 23 and December 30, 2016, at which members of the Board of Directors of the Association and staff were available to answer questions about and discuss the proposed Limited Amendment. The Association discussed the proposed Limited Amendment at a meeting of the Association held on January 31, 2017.

c. Results of Vote Taken. C.R.S. § 38-33.3-217(7)(a) requires that unit owners to which are allocated more than 50% of the number of approvals that would be required under the Declaration to adopt the proposed Limited Amendment have voted in favor of the proposed Limited Amendment. The Declaration requires approval of at least 67% of the total Association vote to approve the Limited Amendment. Therefore, pursuant to C.R.S. § 38-33.3-217(7)(a), the Limited Amendment must be approved by 33.5% of the total Association vote.

There are 833 units in the Cordillera community, and each unit is allocated one equal vote. The owners of 440 units (52.8%) voted with respect to the Limited Amendment. Of the 440 votes cast, 341 owners (77.5%) approved, and 99 owners (22.5%) opposed, the proposed Limited Amendment. Owners representing approximately 40.9% of the total Association vote have approved the proposed Limited Amendment, thereby exceeding the 33.5% requirement.

4. Notice of the Petition was sent to all unit owners as required by C.R.S. § 38-33.3-217(7)(d), as evidenced by the Certificate of Mailing filed in this case. The notice included all materials, information, and statements required pursuant to C.R.S. § 38-33.3-217(7)(d)(I)(A)-(C).

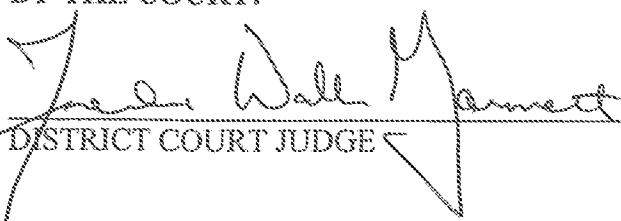
5. No notice was sent to the declarant, as it was dissolved as of June 8, 2013.
6. No notice was sent to mortgagees, as no mortgagees are entitled to vote on the proposed Limited Amendment.
7. No notice was sent to the Federal Housing Administration or the Veterans Administration since they have no voting rights with respect to the proposed Limited Amendment.
8. Pursuant to the terms of C.R.S. § 38-33.3-217(7)(c), a hearing regarding the Petition was held before this Court on April 18, 2017.
9. Not more than 33% of the owners entitled to vote on the proposed Limited Amendment filed written objections with the Court prior to the hearing.
10. The proposed Limited Amendment presented to the Court does not terminate the Declaration. The preponderance of the evidence and application of the plain language of the Declaration indicates that the proposed Limited Amendment is an amendment to the Declaration and not a termination thereof.
11. The proposed Limited Amendment presented to the Court does not change the allocated interests of the owners.
12. Based on these Findings of Fact and Conclusions of Law, and pursuant to the requirements of C.R.S. § 38-33.3-217(7)(e) and (f), it is hereby:

ORDERED that the proposed Limited Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Cordillera is approved by this Court and shall be binding upon all owners subject to the Declaration and shall have the same legal effect as if it were adopted pursuant to the amendment requirements set forth in the Declaration upon the recording of the proposed Limited Amendment, with this Order attached, with the Clerk and Recorder's Office for Eagle County, Colorado.

IT IS FURTHER ORDERED that the Association record a fully executed copy of the approved Limited Amendment together with a copy of this Order in the office of the Clerk and Recorder of Eagle County, Colorado.

DONE AND SIGNED this 18th day of April, 2017.

BY THE COURT:


DISTRICT COURT JUDGE