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Kathleen Neel – Summit County Recorder

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**SECOND AMENDMENT TO THE DECLARATION
OF THE PONDS AT BLUE RIVER,
A CONDOMINIUM COMMUNITY**

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE PONDS AT BLUE RIVER, CONDOMINIUM COMMUNITY ("Second Amendment") is made by The Ponds at Blue River Owners Association, Inc., a Colorado nonprofit corporation (the "Association") and its Unit Owners.

RECITALS

A. The following Governing Documents for the Community have been recorded in the records of the Summit County, Colorado Clerk and Recorder:

i. The Ponds at Blue River Condominium Declaration of The Ponds at Blue River, a Condominium Community was recorded on May 25, 2000, at Reception Number 623069, which together with the Supplemental Declarations, First Amendment, Plat and Maps listed below are referred to in this Second Amendment as the "Declaration";

ii. The Supplemental Declaration for The Ponds at Blue River was recorded on May 25, 2000, at Reception Number 623070;

iii. The Supplemental Declaration for The Ponds at Blue River was recorded on July 14, 2000, at Reception Number 626993;

iv. The Supplemental Declaration for The Ponds at Blue River was recorded on July 14, 2000, at Reception Number 626994;

v. The Supplemental Declaration for The Ponds at Blue River was recorded on July 14, 2000, at Reception Number 626995;

vi. The Supplemental Declaration for The Ponds at Blue River was recorded on July 14, 2000, at Reception Number 626996;

vii. The Supplemental Declaration for The Ponds at Blue River was recorded on September 13, 2000, at Reception Number 632598;

viii. The Supplemental Declaration for The Ponds at Blue River was recorded on November 13, 2000, at Reception Number 637903;

ix. The Supplemental Declaration for The Ponds at Blue River was recorded on December 5, 2000, at Reception Number 639666;

x. The Supplemental Declaration for The Ponds at Blue River was recorded on April 28, 2001, at Reception Number 650959;

xi. The Supplemental Declaration for The Ponds at Blue River was recorded on June 20, 2001, at Reception Number 655204;

xii. The Supplemental Declaration for The Ponds at Blue River was recorded on August 17, 2001, at Reception Number 660306;

xiii. The Supplemental Declaration for The Ponds at Blue River was recorded on October 26, 2001, at Reception Number 666453;

xiv. The First Amendment to Declaration of Covenants, Conditions and Restrictions of The Ponds at Blue River, Condominium Community was recorded December 12, 2011 under Reception Number 981508.

B. The following Plat and Maps have been recorded in the office of the Summit County, Colorado Clerk and Recorder:

i. Final Plat of The Ponds at Blue River was recorded on October 1, 1999, at Reception Number 606740;

ii. Condominium Map - The Ponds at Blue River was recorded on May 25, 2000, at Reception Number 623068;

iii. First Amendment to Condominium Map - The Ponds at Blue River was recorded on July 14, 2000, at Reception Number 626992;

iv. Second Amendment to Condominium Map - The Ponds at Blue River was recorded on September 13, 2000, at Reception Number 632597;

v. Third Amendment to Condominium Map - The Ponds at Blue River was recorded on December 5, 2000, at Reception Number 639665;

vi. Fourth Amendment to Condominium Map - The Ponds at Blue River was recorded on April 20, 2001, at Reception Number 650673;

vii. Fifth Amendment to Condominium Map - The Ponds at Blue River was recorded on June 15, 2001, at Reception Number 655046;

viii. Sixth Amendment to Condominium Map - The Ponds at Blue River was recorded on August 17, 2001, at Reception Number 660305;

ix. Seventh Amendment to Condominium Map - The Ponds at Blue River was recorded on October 26, 2001, at Reception Number 666452;

x. Eight Amendment to Condominium Map - The Ponds at Blue River was recorded on December 8, 2011, at Reception Number 981381.

C. Pursuant to C.R.S. § 38-33.3-217 and Section 10.5 of the Declaration, the Association desires to amend the Declaration to add Fractional Ownership Restrictions.

D. In accordance with the terms of the Declaration and C.R.S. §38-33.3-217, this Second Amendment has been approved by the affirmative vote and agreement of Owners holding 67% or more of votes in the Association.

E. In accordance with the terms of Section 9.3 of the Declaration, this First Amendment has been approved by the affirmative vote of 67% of the Eligible Holders of first lien Security Interests (based on one vote for each mortgage owned) encumbering Units in the Community.

NOW THEREFORE, the Association and its Unit Owners hereby amend the Declaration as follows:

1. Section 6.3 Leasing and Occupancy. *is supplemented to add a new subsection (d) as follows:*

(d) *Fractional Ownership, Time Share Estates and Time Span Estates Prohibited.* Title to a Condominium Unit may be held individually, jointly or in any form of concurrent or co-ownership recognized in Colorado except fractional ownership, time share estates and time-span estates which, however created, shall be prohibited and any attempt to create any such interest(s) shall be void. For the purposes of this restriction, "fractional ownership" is defined as any ownership arrangement whereby there may be more than one Owner of a Unit and a recorded ownership declaration, agreement or tenancy in common agreement is executed by the Owners that, among other things, provides for separate, exclusive occupancy time periods of the Unit for the separate owners (whether such periods be fixed or floating.) The prohibition in this restriction applies whether or not the interests created are deemed real or personal property. Whether or not a co-ownership arrangement constitutes a prohibited fractional ownership under this restriction shall rest within the sound discretion of the Board. In the case of any permitted co-ownership, each co-owner shall be jointly and severally liable for the performance and observance of all duties and responsibilities of an Owner under the Governing Documents.

2. Ratification and Effective Date. Except as otherwise specifically set forth herein the Declaration shall remain unchanged. All capitalized terms used herein not otherwise defined shall have the meaning set forth in the Declaration. This Second Amendment shall be effective upon its recording and after recording any reference to the Declaration will include this Second Amendment.

The Association has caused this Second Amendment to be executed by its duly authorized officers this 11th day of July, 2014.

THE PONDS AT BLUE RIVER OWNERS ASSOCIATION, INC.,
a Colorado nonprofit corporation

By: [Signature]
James E. Pansing, President

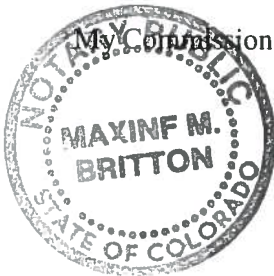
ATTEST:

[Signature]
By: David Raymond, Secretary

STATE OF COLORADO)
) ss
COUNTY OF SUMMIT)

The foregoing **SECOND AMENDMENT TO THE DECLARATION OF THE PONDS AT BLUE RIVER, A CONDOMINIUM COMMUNITY** is acknowledged before me this 11th day of July, 2014 by James E. Pansing as President and David Raymond as Secretary of The Ponds at Blue River Owners Association, Inc, a Colorado nonprofit corporation.

Witness my hand and official seal.



My Commission Expires: November 28, 2015

[Signature]
Notary Public