



**SECOND AMENDMENT  
TO  
CONDOMINIUM DECLARATION  
FOR  
VILLAS AT PROSPECT POINT**

THIS AMENDMENT to the Condominium Declaration for Villas at Prospect Point is made on this 29<sup>th</sup> day of June, 2007. Villas at Prospect Point Condominium Association, Inc. is a Colorado nonprofit corporation.

**RECITALS**

A. On September 29, 1995, Prospect Point, LLC, a Colorado limited liability company (the "Declarant") recorded the Condominium Declaration for Villas at Prospect Point in the real property records of Summit County, Colorado at Reception No. 500202. On November 13, 1995, Declarant recorded the First Amendment to Condominium Declaration for Villas at Prospect Point in the real property records of Summit County, Colorado at Reception No. 503130 (collectively, "Declaration").

B. Article 17 of the Declaration provides that the Declaration may be amended upon the written approval in recordable form of the Owners of 80% or more of the total Interests in the General Common Elements and 67% or more of the First Lienors. Pursuant to C.R.S. Section 38-33.3-217(1)(a), any amendment provision that specifies a percentage of owners larger than 67% is declared void as contrary to public policy and shall be deemed to specify 67%. Accordingly, Article 17 of the Declaration is deemed to require the written approval of the Owners of 67% of the total Interests in the General Common Elements and 67% of the First Lienors.

C. The Owners of Units in Villas at Prospect Point desire to amend the Declaration, as set forth in this Amendment, to restrict the placing of subordinate covenants or restrictions on Units within the Project.

D. Owners of 67% of the total Interests in the General Common Elements have approved this Amendment below.

E. This Amendment has been determined by the Association and by the Owners that have approved it, to be reasonable and not burdensome.

F. The Association has submitted a written proposal of this Amendment to each First Lienor, by certified or registered mail with return receipt requested. At least 67% of the First Lienors have given express approval or implied approval by failing to respond within 30 days after receiving notice.

NOW, THEREFORE, effective upon execution of this Amendment and recording with the Clerk and Recorder of Summit County, the Declaration is amended as follows:

1. **The following is added as Article 3, Section 3.8:**

3.8 Restrictions on Subordinate Covenants or Restrictions.

- (a) No Owner may record a subordinate covenant or deed restriction against any Condominium Unit which purports to discriminate in the sale, transfer, lease or occupancy of the Condominium Unit because of disability, race, creed, color, sex, marital status, familial status, religion, national origin, ancestry, age, or sexual orientation.
- (b) Unless an Owner has obtained the prior written approval of Owners of 67% of the total Interests in the General Common Elements, or the Association (acting through the Board of Directors), no Owner may record any type of subordinate covenant or deed restriction against any Condominium Unit, including but not limited to those which expressly limit free market appreciation and/or discriminate based upon economic status, income, and/or employment status.
- (c) In the event an Owner records subordinate covenants or deed restrictions against a Condominium Unit in violation of this Section, the instrument recorded shall be voidable and shall be deemed void by the Association upon the Association recording a notice to that effect.

**IN WITNESS WHEREOF**, the undersigned, being the President and the Secretary of Villas at Prospect Point Condominium Association, Inc., certify that the Association has obtained the written approval of this Amendment as set forth in the Recitals above, as evidenced by written instruments of Owners, recorded herewith and/or as filed with the records of the Association and by the approval of First Lienors, as allowed by state statute.

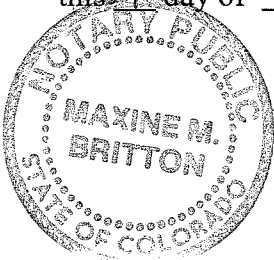
VILLAS AT PROSPECT POINT CONDOMINIUM  
ASSOCIATION, INC., a Colorado nonprofit  
corporation

By: Robert C. Bullard  
President

Attest: [Signature]  
Secretary

STATE OF COLORADO )  
 ) ss.  
COUNTY OF SUMMIT )

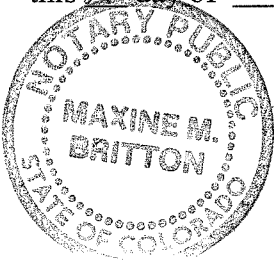
The foregoing Second Amendment to Condominium Declaration for Villas at Prospect Point was acknowledged before me by Robert C. Bullard, as President of Villas at Prospect Point Condominium Association, Inc., a Colorado nonprofit corporation, on this 24<sup>th</sup> day of June, 2007.



Maxine M. Britton  
Notary Public  
My Commission expires: November 27, 2007

STATE OF COLORADO )  
 ) ss.  
COUNTY OF SUMMIT )

The foregoing Second Amendment to Condominium Declaration for Villas at Prospect Point was acknowledged before me by Douglas, as Secretary of Villas at Prospect Point Condominium Association, Inc., a Colorado nonprofit corporation, on this 24<sup>th</sup> day of June, 2007.



Maxine M. Britton  
Notary Public  
My Commission expires: November 27, 2007

AFTER RECORDING, RETURN TO:

Orten Cavanagh Richmond & Holmes, LLC  
1301 Washington Avenue, Suite 350  
Golden, CO 80401  
Attn: LCH