

FIRST AMENDMENT TO THE CONDOMINIUM DECLARATION

FOR

WINFIELD ARMS CONDOMINIUMS

SILVIA DAVIS
PITKIN CNTY RECORDER

DEC 29 2 42 PM '89

One Nineteen East Cooper Associates, successor to W/J Ranch, Inc. ("Declarant"), is the owner of all of the condominium units in the Winfield Arms Condominiums, located in the city of Aspen, County of Pitkin, State of Colorado; and

WHEREAS, Declarant desires to amend the Condominium Declaration for Winfield Arms Condominiums in certain respects.

NOW, THEREFORE, Declarant does hereby publish and declare that the following amendment shall be made to the Condominium Declaration recorded in Book 455 at Page 387 et seq.:

1. Except as amended herein, the above-described Condominium Declaration is hereby ratified and confirmed in all other respects.

2. Section 1(a) is corrected to delete the reference to Unit No. 29 as no such unit exists or ever has existed.

3. The condominium map referred to in Section 1(j) is amended to designate the garage spaces as shown on the basement floor plan as separate individual units appurtenant to the specific residential units shown on Exhibit "A" attached hereto and within the condominium, with the entrance and exit to the garage amended to be a limited common element for the use and benefit of the individual garage space owners. The condominium map referred to in Section 1(j) is also amended to designate the spaces shown as gravel parking area in Book 15 at Page 59 of the Plat as separate individual parking spaces appurtenant to the specific Residential Units shown on Exhibit "A" attached hereto. However, both the garage spaces and parking spaces may be transferred by the owners of the existing residential units to which they presently appurtenant to other residential units.

4. Section 12 is amended by deleting the last sentence of the first paragraph thereof and replacing it with the following:

"The Managing Agent of the project shall be the Managing Agent as chosen in accordance with the method provided in this section."

5. Section 23(b) is amended by deleting the words "three of the four unit owners and all but one in number of all mortgagees" and replacing it with the following language:

"Owners of eighteen (18) of the twenty-six numbered residential units."

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6. A new paragraph shall be added to Section 15 as a separate paragraph reading as follows:

"The owners of the residential condominium units may make and the Managing Agent shall enforce reasonable and uniformly applied rules and regulations governing the use of the individual units, of the limited common elements, and of the general common elements. Such rules and regulations may, without limitation, regulate the manner in which a condominium unit and the common elements may be changed, altered, or repaired and the use of common elements to assure equitable use and enjoyment by all persons entitled to use them and to require that draperies, shades, or other window coverings shall present a uniform and attractive appearance from the exterior of the building.

The Managing Agent shall furnish each owner with a written copy of each and every rule and regulation adopted pursuant to this section. However, failure to furnish a copy shall not be deemed to invalidate in any manner the rules and regulations.

The Managing Agent shall have the right to enforce any of the rules and regulations of the Association, the obligations of any owner under this Declaration or any provision of the Articles or Bylaws by having the Association assess a fine against such owner for each violation and/or suspend the right of such owner to use the recreational common elements and/or suspend the right of each owner to vote at meetings of the Association; provided that any such fines shall be reasonable in amount as may be determined from time to time by the owner's association and such use and/or voting suspension may not be imposed for a period longer than thirty (30) days per violation. If any such fine imposed on an owner by the owner's association is not paid by said owner within sixty (60) days after said owner has received from the owner's association written notice of the imposition of such fine, then the amount of such fine shall be added to the amount of the assessments charged to the owner and shall be enforceable as an assessment in accordance with Section 20 hereof. No penalty may be imposed under this section until the owner charged with such violation has first been notified in writing of the violation and afforded the right to have a hearing before the owner's association or a committee designated by the owner's association to conduct such hearing, or has in writing, waived such right. Each owner shall have the right to be heard in person, by submission of a written statement, or through a spokesman at any such hearing. The owner's association may also take judicial action against any unit owner to enforce compliance with such rules, regulations, or obligations or to obtain damages for non-compliance, all to the extent permitted by law."

The presently existing Rules and Regulations affecting the condominium units are attached hereto and incorporated herein by reference as Schedule A.

12-29-84

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing First Amendment to the Condominium Declaration for Winfield Arms Condominiums was acknowledged before me this 27th day of December, 1989, by Ron Rozga, Vice President of United Bank of Grand Junction--Downtown, National Association.

Witness my hand and official seal.

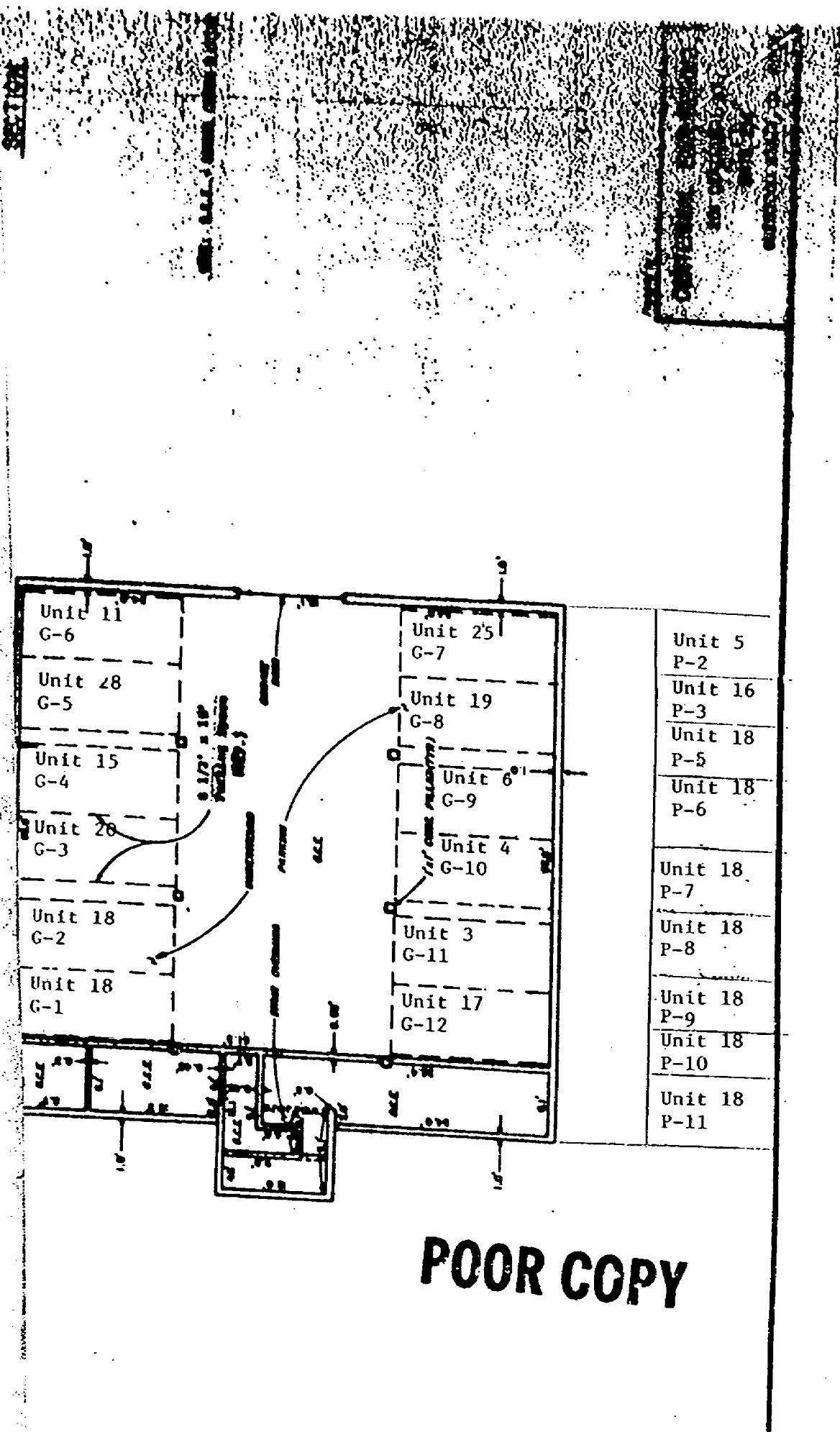
My commission expires: 10-9-90

Mavis M. Spurger
Notary Public
Address: P.O. Box 908
Grand Junction, Co 81502

MI\023 12/26/89



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