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Kathleen Neel - Summit County Recorder

FOURTH AMENDMENT OF THE CONDOMINIUM DECLARATION FOR CABIN CREEK CONDOMINIUMS

THIS FOURTH AMENDMENT OF THE CONDOMINIUM DECLARATION FOR CABIN CREEK CONDOMINIUMS ("Fourth Amendment") is made the 1974day of 3022.

RECITALS

A. The Condominium Declaration for Cabin Creek Condominiums, the Condominium Map, amendments and supplements which govern the Cabin Creek Condominium Project created under the Colorado Condominium Ownership Act and as recorded in the records of the Summit County, Colorado Clerk and Recorder are set forth below:

Document	Recordation Date	Reception Number
Condominium Map	12/31/1984	290131
Condominium Declaration	12/31/1984	290132
First Amendment to Declaration	10/11/1985	305056
Condo Map-1st Supp- Phase II Bldg. B	11/27/1990	396229
First Supplement to Declaration	11/27/1990	396230
First Supplement—Re-Recorded	12/17/1990	397314
Second Amendment to Declaration	05/03/1991	403073
Condo Map-2 nd Supp-Phase III	10/23/1991	411538
Second Supplement to Declaration	10/23/1991	411613
Third Amendment to Declaration	03/12/2020	1222570

All capitalized terms as defined in the Declaration have the same meaning in this Fourth Amendment.

- B. The Owners as members of Cabin Creek Condominium Association, Inc. (the "Association") desire to amend the Declaration to require Limited Common Element decks adjacent to each Owner's unit to be maintained by the Owner and to provide for design approval of any exterior modifications to the units as provided in this Fourth Amendment.
- C. Following authorization from the Board of Managers, the undersigned Treasurer of the Association hereby certifies that at least sixty-seven percent (67%) of the Owners, and at least sixty-seven percent (67%) of the holders of first mortgages or first deeds of trust, have approved this Fourth Amendment as required by the Declaration and C.R.S. §38-33.3-217(1), and that instruments signed by these Owners and lenders, along with the recorded copy of this Fourth Amendment shall be placed in the Association's corporate records and available for review and inspection upon request.

NOW THEREFORE, the Declaration is amended as follows:

1. <u>Limited Common Element Deck Maintenance</u>. The last sentence in Paragraph 10 (b) of the Declaration is deleted and replaced by the following maintenance covenants.

Each Owner shall be responsible for removing leaves, and debris from all Limited Common Elements (LCEs) appurtenant to such Owner's Unit. Owner's will also maintain, repair and replace the surface and structure of LCE decks and stairways and keep these LCEs in good, clean, orderly and sanitary condition. Any alterations to the decks or stairways must be approved as provided in paragraph 2 below.

The Association maintenance obligations for Limited Common Element decks in Paragraphs 13 (b) and 16 (b) are deleted, except as follows.

The Association will paint and maintain deck railings as part of its maintenance of the exterior surfaces in the Project. The Association will continue to maintain the garage roofs under the Limited Common Element decks in Buildings B and C. As provided in Paragraph 13 (c), the Association may at the request of any Owner perform maintenance or provide services to such Owner and the cost thereof will be assessed to the benefitted Owner.

- 2. <u>Design Approval.</u> Owners may, upon receipt of written approval by the Association, make modifications or additions to the exterior of their Unit and modify or install improvements on a Lot (such as any exterior addition, change, decoration or alternation) if:
- (a) the modifications or additions are in harmony with the external design of the community;
 - (b) have no negative impact on other Owners, Units or the Association; and
 - (c) conform to all town ordinances and applicable building and fire codes.

To apply for such Association approval the applicant must submit plans and specifications showing the nature, kind, shape, height, materials, and location of the modifications to the Association. The Association may adopt Rules to guide its design review. Approvals may be withheld for any reason that is not arbitrary, capricious, or discriminatory.

3. <u>Effective Date.</u> This Fourth Amendment shall be effective upon its recording and after recording any reference to the Declaration will include this Fourth Amendment.

CABIN CREEK CONDOMINIUM ASSOCIATION, INC.

a Colorado nonprofit corporation

By: David Hicks, Treasurer

STATE OF COLORADO) ss COUNTY OF Summit)

The foregoing FOURTH AMENDMENT OF THE CONDOMINIUM DECLARATION FOR CABIN CREEK CONDOMINIUMS is acknowledged before me this 19th day of July, 2022 by David Hicks as Treasurer of the Association.

My Commission Expires: August 2, 2023

Notary Public Ruhmend

[STAMP]

JOHN MARK RICHMOND Notary Public State of Colorado Notary ID # 19914008600 My Commission Expires 08-02-2023