

After recording, please return to:
Waas Campbell Rivera Johnson
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Attn: Bart Johnson
420 E. Main Street, Suite 210
Aspen, Colorado 81611

RECEPTION#: 606456, 12/12/2013 at
10:04:43 AM,
1 OF 8, R \$46.00 Doc Code AMEND DEC
Janice K. Vos Caudill, Pitkin County, CO

**FIRST AMENDMENT TO
FIRST AMENDED AND RESTATED CONDOMINIUM DECLARATION FOR
DER BERGHOF CONDOMINIUMS**

THIS FIRST AMENDMENT TO FIRST AMENDED AND RESTATED CONDOMINIUM DECLARATION FOR DER BERGHOF CONDOMINIUMS (this "Amendment") is made as of the 10th day of December, 2013, by the Der Berghof Association, a Colorado nonprofit corporation (the "Association").

Recitals

A. The Association is the "Association" as defined and described in the First Amended and Restated Condominium Declaration for Der Berghof Condominiums recorded on November 30, 2006 at Reception No. 531664 in the real property records of Pitkin County, Colorado (the "Declaration"). Capitalized terms used in this Amendment but not defined herein have the meaning given for them in the Declaration.

B. Pursuant to that certain Resolution of the Members dated as of September 15, 2011 and attached to this Amendment as Exhibit A, the Owners approved the renovation and expansion of the Der Berghof Condominiums and authorized and directed the Association to, *inter alia*, amend the Declaration to reallocate the "allocated interests" (as defined in the Colorado Common Interest Ownership Act, C.R.S. §§ 38-33.3-101 *et seq.* ("CCIOA")) of the Owners based on the floor areas of the Units upon completion of such renovation and expansion Project.

Amendment

NOW, THEREFORE, the Association hereby declares that the Declaration is amended as follows:

1. Incorporation of Recitals. The Recitals given above are incorporated into this Amendment and the factual assertions in such Recitals are confirmed as being true and accurate.
2. Change in Allocated Interests. The allocated interests for each Unit are hereby amended according to Exhibit C attached to this Amendment, which shall amend, supersede and replace Exhibit C of the Declaration. (There is no Exhibit B attached to this Amendment.) All provisions of the Declaration concerning the allocated interests for each Unit, including without

limitation the Units' percentage undivided interests in the Common Elements, the Units' percentage allocation of liability for Common Expenses, and the voting percentage allocated to each Unit, are hereby amended in accordance with the attached Exhibit C. The allocated interest percentages given on such Exhibit C have been calculated based on the floor area of each Unit (as renovated and expanded, as applicable) as compared to the total floor area of all the Units.

3. Certification. The undersigned President and Secretary of the Association hereby certify that this Amendment has been approved by the Owners in accordance with Section 3.4 and Article 13 of the Declaration and the requirements of CCIOA.

4. Effect. Except as expressly provided in this Amendment, the Declaration has not been amended and remains in full force and effect.

5. Recording. This Amendment shall be recorded in the real property records of Pitkin County, Colorado.

*[Balance of Page Intentionally Left Blank.
Signatures Appear on Following Page.]*

WHEREAS, this Amendment is hereby executed to be effective of the date first above written.

Association:

DER BERGHOF ASSOCIATION, a Colorado nonprofit corporation

By: Michael Knapp
Name: Mike Knapp
Title: President

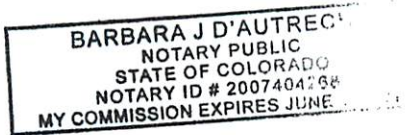
By: _____
Name: _____
Title: Secretary

STATE OF COLORADO)
) ss.
COUNTY OF PITKIN)

The foregoing instrument was acknowledged before me this 9th day of December, 2013, by Mike Knapp, as the President of DER BERGHOF ASSOCIATION, a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: June 11, 2017.



Barbara J. D'Autreuil
Notary Public

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IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office, at the City and County of Denver, State of Colorado, this _____ day of _____, 2007.

Barbara J. D'Autreuil
Notary Public
State of Colorado
My Commission Expires June 30, 2010

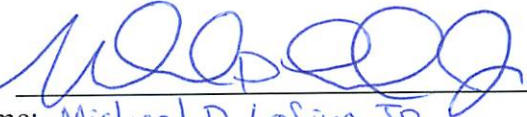
BARBARA J D'AUTREUIL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 200740000
MY COMMISSION EXPIRES JUNE 30, 2010

WHEREAS, this Amendment is hereby executed to be effective of the date first above written.

Association:

DER BERGHOF ASSOCIATION, a Colorado nonprofit corporation

By: _____
Name: Mike Knapp
Title: President

By: 
Name: Michael D. Lofino Jr.
Title: Secretary

STATE OF COLORADO)
) ss.
COUNTY OF PITKIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by Mike Knapp, as the President of DER BERGHOF ASSOCIATION, a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: _____.

Notary Public

[remainder of page intentionally blank]

STATE OF COLORADO)
) ss.
COUNTY OF PITKIN)

The foregoing instrument was acknowledged before me this 10th day of December, 2013, by Michael D. Lofing, Jr., as the Secretary of DER BERGHOF ASSOCIATION, a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: June 11, 2017.

BARBARA J D'AUTRECHY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20074042687
MY COMMISSION EXPIRES JUNE 11, 2017

Barbara J D'Autrechy
Notary Public

Exhibit A

Resolution of the Members

[see attached page]

RESOLUTION OF THE MEMBERS
OF
DER BERGHOF ASSOCIATION,
A COLORADO NONPROFIT CORPORATION

WHEREAS, Der Berghof Association, a Colorado nonprofit corporation (the "Association"), is the "Association" pursuant to the First Amended and Restated Condominium Declaration for Der Berghof Condominiums recorded in the Pitkin County records on November 30, 2006 as Reception No. 531664 (the "Condominium Declaration"); and

WHEREAS, the members of the Association have previously taken various actions and approved various actions by the Board of Directors of the Association (the "Board") in furtherance of a plan to remodel and expand the Der Berghof Condominiums pursuant to, among others, the following documents: (a) plans and specifications prepared by Rowland + Broughton dated January 30, 2009; (b) City of Aspen Building Permit # 0021.2008.ARBK dated June 30, 2011; and (c) Cyr and Company revised budget dated [March 25, 2009] (the "Renovation/Expansion Project"); and

WHEREAS, the members of the Association desire to ratify their approval of the Renovation/Expansion Project and also desire to authorize and direct the Board and the officers of the Association to take all necessary and appropriate actions to implement the Renovation/Expansion Project.

NOW, THEREFORE be it

RESOLVED, that the Renovation/Expansion Project is approved and that all prior actions by the Board and the officers of the Association in executing and furthering the Renovation/Expansion Project, including without limitation the plan for funding the Renovation/Expansion Project through Special Assessments levied against the owners, are hereby ratified and approved; and

FURTHER RESOLVED, that the Board and the officers of the Association shall have the power and authority and are hereby directed to take all further actions as may be necessary or appropriate to commence, carry-out and implement the Renovation/Expansion Project, including without limitation: (a) to collect unfunded Special Assessments for the completion of the Renovation/Expansion Project; (b) to cause the Renovation/Expansion Project to be constructed; (c) to amend the Condominium Declaration to reallocate the "allocated interests" (as defined in the Colorado Common Interest Ownership Act ("CCIOA")) of the owners based on the as-built floor area of the Units upon completion of the Renovation/Expansion Project; (d) to amend the Condominium Map of Der Berghof recorded in Book 4 Page 467 of the Pitkin County records based on the as-built condition of the Units upon completion of the Renovation/Expansion Project in accordance with Section 38-33.3-209 of CCIOA; and (e) to execute any instruments of conveyance and other documents required pursuant to Section 38-33.3-312 of CCIOA to convey Common Element airspace to the owners of those Units that are expanded pursuant to the Renovation/Expansion Project.

The undersigned officers certify that this Resolution has been adopted at the Annual Meeting of the members of the Association this 15th day of September, 2011, with the affirmative vote of 10 members present in person or by telephone or proxy, with 0 members voting against this Resolution, and with 2 members either abstaining or not being present. The total percentage of votes in favor of this Resolution represents 83.3 % of the total votes in the Association, which is 100% of eligible votes.

W



Mike Knapp, President



Andy Fulstone, Secretary

Exhibit C

Table of Allocated Interests

| Unit Number | Percentage of Common Elements and Common Expenses | Voting Percentage |
|-------------|---|-------------------|
| 1 | 5.88% | 5.88% |
| 2 | 6.52% | 6.52% |
| 3 | 5.73% | 5.73% |
| 4 | 5.73% | 5.73% |
| 5 | 5.73% | 5.73% |
| 6 | 8.77% | 8.77% |
| 7 | 10.66% | 10.66% |
| 8 | 10.32% | 10.32% |
| 9 | 10.32% | 10.32% |
| 10 | 10.32% | 10.32% |
| 11 | 14.14% | 14.14% |
| 12 | 5.88% | 5.88% |