

AFTER RECORDING RETURN TO:
HindmanSanchez P.C.
555 Zang Street, Suite 100
Lakewood, CO 80228

**LIMITED AMENDMENT TO THE CONDOMINIUM DECLARATION
OF HIGHLINE MEADOWS**

THIS AMENDMENT is made this 18th day of August, 2018.

RECITALS

A. KDC Ltd., a Colorado Corporation, created Highline Meadows Condominium Association (the "Association") by recording a Condominium Declaration for Highline Meadows Condominium in the real property records of the County of Arapahoe, State of Colorado, at Reception No. 1786267 on October 25, 1978 (the "Declaration").

B. The Association is the successor Declarant.

C. The Declaration provides for and allows for this Limited Amendment to the Declaration (the "Amendment") in Article 16, Section 16.2, which provides as follows:

This Declaration shall not be amended unless the Owners of seventy-five percent (75%) or more of the condominiums and all Mortgagees consent and agree to such amendment by instrument(s) duly recorded. Any such amendment shall be binding upon every Owner and every Condominium whether the burdens thereon are increased or decreased by any such amendment and whether or not the Owner of each and every Condominium consents thereto.

D. Pursuant to C.R.S. § 38-33.3-217, "the declaration, including the plats and maps, may be amended only by the affirmative vote or agreement of unit owners of units to which more than fifty percent of the votes in the association are allocated or any larger percentage not to exceed sixty-seven percent, that the declaration specifies. Any provision in the declaration that purports to specify a percentage larger than sixty-seven percent is hereby declared void as contrary to public policy, and until amended, such provision shall be deemed to specify a percentage of sixty-seven percent." This provision applies to the Association.

E. Pursuant to Article 20, Section 20.2 "all notices or demands to be served on Mortgagees pursuant hereto shall be sent by either registered or certified mail, postage prepaid, addressed in the name of the Mortgagee at such address as the Mortgagee may have furnished to the Association in writing. Unless the Mortgagee furnishes the Association such address, the Mortgagee shall be entitled to receive none of the notices provided for in this Declaration."

F. All Owners are aware of the provisions of the Declaration allowing for amendment, by virtue of the record notice of the Declaration, by acts and disclosures, newsletters or notices of the Association and by other means.

G. This Limited Amendment has been prepared and determined by the Association, the Owners, and applicable Mortgagees that have approved this Limited Amendment to be reasonable and not burdensome.

H. The purpose of this Limited Amendment is to lower the amendment approval percentage to a simple majority, or 51%.

I. On August 14, 2018, the District Court for Arapahoe County, Colorado granted the Association's Petition for Approval of Proposed Limited Amendment to the Declaration Pursuant to the Requirements of C.R.S. §38-33.3-217(7). A copy of this Order is attached and incorporated by reference as Exhibit "A" hereto.

J. Pursuant to C.R.S. §38-33.3-217(7), upon recordation of the Limited Amendment and the Court Order approving the Limited Amendment, the Declaration, as amended, shall be effective as if all of the approval requirements set forth in the Original Declaration were met.

K. As amended by this Limited Amendment, this amendment shall become part of and incorporated into the "Declaration."

NOW THEREFORE,

I. Amendments. The Declaration is hereby amended as follows:

- (a) **Repeal and Restatement:** Article 2, Section 2.14 is hereby repealed in its entirety and the following Article 2, Section 2.14 is substituted:

2.14 "Eligible Mortgagee means a holder of a first mortgage on a Unit that has submitted a written request for the Association to notify such holder of any proposed action requiring the consent of a specified percentage of Eligible Mortgagees, which request must contain its name, address, and the legal description and address of the Unit upon which it holds a security interest.

- (b) **Repeal and Restatement.** Article 16, Section 16.2 is hereby repealed in its entirety and the following Article 16, Section 16.2 is substituted:

16.2 This Declaration shall not be amended unless the Owners of fifty-one percent (51%) or more of the condominiums consent and agree to such amendment and upon the consent of a majority of all Eligible Mortgagees. Any such amendment shall be binding upon every Owner and every condominium whether the burdens thereon are increased or decreased by any such amendment and whether or not the Owner of each and every Condominium consents thereto.

II. No Other Amendments. Except as amended by the terms of this Limited Amendment and previous amendments, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned.

HIGHLINE MEADOWS CONDOMINIUM ASSOCIATION, a Colorado nonprofit corporation

By: [Signature] President

STATE OF COLORADO)) ss. COUNTY OF Arapahoe)

The foregoing was acknowledged before me this 20th day of August, 2018, by Matthew Vogt, President of Highline Meadows Condominium Association.

Witness my hand and official seal. My commission expires: 11/02/2020

[Signature] Notary Public

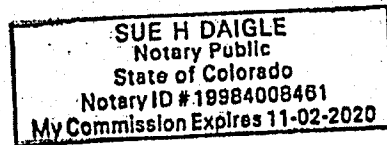


EXHIBIT A
COURT ORDER

Attached.

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO	
Court Address: 7325 S Potomac St, Centennial, CO, 80112	DATE FILED: August 14, 2018 9:52 AM
Petitioner(s) HIGHLINE MEADOWS CONDOMINIUM ASSOCIATION v. Respondent(s) HOMEOWNERS	CASE NUMBER: 2018CV31430
	△ COURT USE ONLY △
	Case Number: 2018CV31430 Division: 202 Courtroom:
Order: Order Approving Proposed Limited Amendment to the Declaration, Pursuant to C.R.S. 38-33.3-217(7)	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 8/14/2018



ELIZABETH BEEBE VOLZ
District Court Judge

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<p>DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO</p> <p>Court Address: 7325 S. Potomac Street Centennial, CO 80112</p> <p>Phone Number: (303) 649-6355</p> <hr/> <p>Petitioner:</p> <p>Highline Meadows Condominium Association, a Colorado nonprofit corporation</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case Number 2018CV031430</p> <p>Div.: 202 Ctrm.:</p>
<p>ORDER APPROVING PROPOSED LIMITED AMENDMENT TO THE DECLARATION, PURSUANT TO C.R.S. §38-33.3-217(7)</p>	

THIS MATTER comes before the Court for hearing on August 10, 2018. After reviewing the pleadings filed in the matter and considering the statements of Counsel, the Court makes the following Findings of Fact and Conclusions of Law and Orders:

Findings of Fact and Conclusions of Law

1. Highline Meadows Condominium Association ("Association") seeks to amend the Condominium Declaration of Highline Meadows recorded on October 25, 1978 in the real property records of Arapahoe County, Colorado at Reception No. 1786267 in Book 2873 at Page 367 ("Declaration") by means of a proposed Limited Amendment to the Condominium Declaration of Highline Meadows (the "Proposed Declaration Amendment").
2. The Association notified its Owners of the Proposed Declaration Amendment on October 5, 2017, November 20, 2017, and May 1, 2018.
3. The Members of the Association discussed the Proposed Declaration Amendment (as submitted to the Court in the Petition filed herein) at a special meeting of the Association held on May 14, 2018.
4. Based on the foregoing, the Association has complied with the notice and meeting requirements set forth in Section 38-33.3-217(7)(a)(I) and (II).

5. At least half of the Members required by the Declaration to approve the Proposed Declaration Amendment have voted for the Proposed Declaration Amendment, pursuant to C.R.S. §38-33.3-217(7)(a)(III).

6. Based on the Petition filed in this case, the Association has not obtained the required consent and approval of the requisite number of Owners required by the Declaration, and so, has filed its Petition and caused this matter to come before the Court, as allowed for by state statute.

7. Based on the Certificate of Mailing filed in this case, Notice of the Petition was mailed to all of the Owners within the Association and to the others indicated in a Certificate of Mailing filed in this case.

8. The notice given is in compliance with the requirements of the applicable state statute.

9. A hearing regarding the petition was held, as referred to above, on August 10, 2018, before this Court.

10. The Association has satisfied all of the requirements of C.R.S. §38-33.3-217(7).

11. Neither 33% or more of the Owners, nor 33% or more of the lenders with security interests in one or more units that are entitled to vote, if any, nor the declarant, if entitled to vote, have filed written objections with the Court prior to the hearing.

12. Neither the Federal Housing Administration nor the Veterans Administration are entitled to vote on the proposed amendment.

13. The Proposed Declaration Amendment presented to the Court does not terminate the Declaration. The preponderance of the evidence and application of plain language of the Declaration indicates that the Proposed Declaration Amendment is an amendment, and not a termination.

14. The Proposed Declaration Amendment presented to the Court does not change the allocated interests of the Owners.

15. The Period of Declarant control has expired and approval of the Declarant is not required.

16. Based upon these Findings of Fact and Conclusions of Law and pursuant to the requirements of C.R.S. §38-33.3-217(7)(e) and (f), it is hereby:

ORDERED that the Proposed Declaration Amendment is approved by this Court and shall be binding upon all Owners in the Highline Meadows community and shall have the same legal effect as if were adopted pursuant to the amendment requirements set forth in the Declaration upon the recording of the Declaration Amendment, with this Order attached, with the Clerk and Recorders' office for the County of Arapahoe, State of Colorado.

IT IS FURTHER ORDERED that the Association record a copy of the approved Declaration Amendment together with a copy of this Order with the Clerk and Recorder's office for Arapahoe County, Colorado.

DONE this _____ day of _____, 2018.

BY THE COURT

DISTRICT COURT JUDGE

Attachment to Order - 2018CV01430



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