

12-09

FIRST SUPPLEMENT
TO
CONDOMINIUM DECLARATION
FOR
DILLON VALLEY WEST CONDOMINIUM

CLERK & RECORDER
SUMMIT COUNTY
NOV 8 2 09 PM '79
ARLYS H. HANCO

199359

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, K. C. ENSOR REALTY COMPANY, a Colorado corporation hereinafter called "Declarant" caused to be recorded a Condominium Declaration for Dillon Valley West Condominium at Reception Number 191732 in the records of the Clerk and Recorder of Summit County, Colorado, and

WHEREAS, the provisions of paragraphs 2 and 28 of the recorded Declaration reserve to Declarant the right to enlarge this condominium project by submitting additional real property and improvements to this condominium complex, such addition(s) to this condominium project to be expressed in and by a duly recorded Supplement to this Declaration and Map, and,

WHEREAS, Declarant has commenced the construction of additional buildings and other improvements on the separate adjoining real property, which property is situate in the County of Summit, State of Colorado, and is described on Exhibit "A", annexed hereto and by this reference made a part hereof, and

NOW, THEREFORE, Declarant does hereby submit to this condominium project such additional improvements and real property; provided, however, the individual parcels described herein shall not become part of the condominium until such time as the Map Supplement for each building respectively is filed for record, and

Declarant does hereby publish and declare that the following terms, covenants, conditions, easements, restrictions, uses, limitations and obligations shall be deemed to run with the land, shall be a burden and a benefit to Declarant, its successors and assigns and any person or entity acquiring or owning an interest in the real property and improvements, their grantees, successors, heirs, executors, administrators devisees or assigns.

1. Division of Property Into Condominium Units.

(a) The real property described on Exhibit "A" and the improvements thereon are hereby divided into the fee simple estates as is set forth on Exhibit "B" annexed hereto and by this reference made a part hereof. Each such estate shall consist of the separately designated unit and the undivided interest in and to the general common elements appurtenant to each unit as set forth therein.

(b) Declarant reserves the right to (i) physically combine the space within one unit with the space within one or more adjoining units or (ii) to combine a part of or combination of parts of the space within one unit with part or parts of the space within one or more adjoining units. Any such physical changes so made prior to the recording of this Supplement to Declaration and the Map, shall be made by a revision to Exhibit "B" and said Map, which revisions shall reflect the reapportioned undivided interests of the affected units. Subsequent to recording of the Supplement to Declaration and Map any such changes shall be made by amendment to this Supplement to Declaration and Map.

2. Limited Common Elements.

Subject to the provisions herein, the Limited Common Elements shall be identified on the Map. Any balcony or patio which is accessible directly from, is associated with and which adjoins an individual Unit shall, without need for further reference thereto, be a Limited Common Element to be used in conjunction with such Unit to the exclusion of others, except by invitation of the Owner(s) of the Unit in question. Any fixtures, outdoor electrical outlet equipment and/or utility lines which serve only one Unit, whether or not located within such Unit, within the Common Elements or within another Unit, are Limited Common Elements to the Unit so served, and shall be maintained and kept in repair by, and at the expense of the Owner of the Unit so served. Some Condominium Units may be provided with outside electrical outlets (controlled from within the Unit in question) located at or near ground level on the exterior of the building wherein the Unit in question is located. Any such exterior outlet and the wiring which serves it shall be a Limited Common Element of the unit from which it is controlled, limited to use in connection only with such Unit and to be maintained by and at the expense of the Owner of such Unit.

3. Condominium Map.

The Map may be filed for record in whole or in parts or sections, from time to time, as stages of construction of the units and other improvements are substantially completed. Each section of the Map shall identify the Units and the building designation(s) within which the units are located. Except as is provided herein, all of the provisions of paragraph 2 of the recorded Declaration which are not contradictory to the specific provisions hereof are incorporated herein by this reference.

4. Description of Condominium Unit.

(a) Every Contract for the sale of a condominium unit written prior to the filing for record of the Map or this Supplement to Declaration may legally describe a condominium unit by its identifying unit designation, the building symbol, followed by the name of this condominium, with further reference to the Map and the Supplement to Declaration to be filed for record.

(b) Every contract, deed, lease, mortgage, trust deed, will or other instrument may legally describe a condominium unit by its identifying unit designation, the building symbol, followed by the name of this condominium, with further reference to the Map and Supplement to Declaration and the Declaration filed for record. Every such description shall be construed to include a non-exclusive easement for ingress and egress to an owner's unit together with the right to the exclusive use of the Limited Common Elements appurtenant thereto.

5. Acceptance of Provisions of All Documents.

The conveyance or encumbrance of a condominium unit shall be deemed to include the acceptance of all of the provisions of the Declaration, this First Supplement thereto, the Articles of Incorporation and Association By-Laws and Rules and Regulations, and shall be binding upon each grantee or encumbrancer without the necessity of inclusion of such an express provision in the instrument of conveyance or encumbrance.

6. Common Expense and Voting Percentage Factor.

As is provided and required by the provisions of paragraph 28 of the Declaration, a common expense ratio has been assigned to each unit to be submitted to this condominium project in order that common expense of this condominium project be shared equitably and proportionately by all of the owners. Reference is made to that portion of Exhibit "B" hereof which assigns to each condominium unit such Proportional Share Ratio. As is also provided in paragraph 28 of the Declaration, each owner of a

Condominium unit in this project shall be entitled to cast votes at any Association meeting equal to the same common expense factor, and the aggregate of all of the percentage interests shall be considered one hundred percent (100%) for voting purposes.

7. General.

(a) Except as is otherwise provided by the provisions of this Supplement, all of the provisions contained in the Declaration are made a part of this Supplement.

(b) If any of the provisions of this First Supplement to Declaration or any paragraph, sentence, clause, phrase or word, or the application thereof in any circumstance by invalidated, such invalidity shall not affect the validity of the remainder of this instrument, and the application of any such provisions, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

(c) "Declarant" as used herein means the named Declarant, its successors and assigns.

(d) The provisions of this First Supplement to Declaration shall be in addition to and supplemental to the Condominium Ownership Act of the State of Colorado, and to all other provisions of law.

(e) That whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

(f) Paragraph titles are for convenience of reference and are intended to limit, to enlarge or change the meaning of the contents of the various paragraphs.

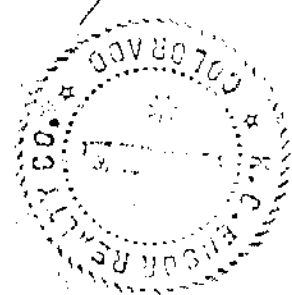
IN WITNESS WHEREOF, Declarant has duly executed this Declaration this 24th day of October, 1979.

K. C. ENSOR REALTY COMPANY

BY: *K. C. Ensor, Jr.*
K. C. Ensor, Jr. President

ATTEST:

Edna R. Ensor
Edna R. Ensor, Secretary



STATE OF COLORADO)
CITY AND) ss.
COUNTY OF DENVER)

The above and foregoing instrument was acknowledged before me this 24th day of October, 1979, by K. C. Ensor, Jr. as President, and Edna R. Ensor as Secretary of K. C. Ensor Realty Company, a Colorado Corporation.

Witness my hand and official seal.

My commission expires: February 15, 1981

Arthur H. Carson
Notary Public



EXHIBIT A

ATTACHED TO AND PART OF
A FIRST SUPPLEMENT OF THE
CONDOMINIUM DECLARATION FOR
DILLON VALLEY WEST

a Condominium Complex in Summit County, Colorado

LEGAL DESCRIPTION - PARCEL C.

A parcel of land being a part of Lot 20, Block 1 of the recorded plat of a Resubdivision of a part of Dillon Valley, lying in Sections 5, 6, 7 and 8, Township 5 South, Range 77 West of the Sixth Principal Meridian, County of Summit, State of Colorado, being more particularly described as follows:

Commencing at the North most corner of Lot 21, Block 1 of said Resubdivision of a part of Dillon Valley; thence $S31^{\circ}17'22''E$ and along the Easterly line of said Lot 21, Block 1 and along the Westerly Right-of-way of Scenary Hill Trail, 300.00 feet; thence $S58^{\circ}42'38''W$ and along the Southerly line of said Lot 21, Block 1 and along the Northerly Right-of-way of Straight Creek Drive, 726.00 feet to the South most point of Lot 21, Block 1; thence continuing $S58^{\circ}42'38''W$ and along the Southerly line of said Lot 20, Block 1 and along the Northerly Right-of-way of Straight Creek Drive, 266.42 feet to the Point of Beginning; thence $N44^{\circ}42'34''W$, 308.42 feet to a point on the Northerly line of said Lot 20, Block 1; thence along said Northerly line and along the Southerly Right-of-way of Interstate Highway No. 70, 8.40 feet to a point of curve; thence continuing along said Northerly line of Lot 20, Block 1 and along said Southerly Right-of-way of Interstate Highway No. 70 and along a curve to the left having a radius of 5580.00 feet, a central angle of $1^{\circ}16'59''$, 124.97 feet; thence $S44^{\circ}17'22''E$, 306.46 feet to a point on the Southerly line of said Lot 20, Block 1; thence $N58^{\circ}42'38''E$ and along said last mentioned Southerly line and along the Northerly line of Straight Creek Drive, 136.00 feet to the Point of Beginning, containing 40,393.6 square feet or 0.927. acres, more or less.

LEGAL DESCRIPTION - PARCEL G.

A parcel of land being a part of Lot 21, Block 1 of the recorded plat of a resubdivision of a part of Dillon Valley, lying in Sections 5, 6, 7 and 8, Township 5 South, Range 77 West of the Sixth Principal Meridian, County of Summit, State of Colorado, being more particularly described as follows:

Commencing at the North most corner of said Lot 21, Block 1; thence $S31^{\circ}17'22''E$ and along the Easterly line of said Lot 21, Block 1 and along the Westerly Right-of-way of Scenary Hill Trail, 300.00 feet; thence $S58^{\circ}42'38''W$ and along the Southerly line of said Lot 21, Block 1 and along the Northerly Right-of-way of Straight Creek Drive, 396.00 feet to the Point of Beginning; thence $N45^{\circ}41'05''W$, 309.72 feet to a point on the Northerly line of said Lot 21, Block 1; thence $S58^{\circ}42'38''W$ and along said Northerly line and along the Southerly Right-of-way of Interstate Highway No. 70, 140.00 feet; thence $S42^{\circ}57'58''E$, 306.34 feet to a point on the Southerly line of said Lot 21, Block 1; thence $N58^{\circ}42'38''E$ and along said Southerly line and along the Northerly Right-of-way of Straight Creek Drive, 155.00 feet to the Point of Beginning, containing 44,250.0 square feet or 1.016 acres, more or less.

LEGAL DESCRIPTION - PARCEL H.

A parcel of land being a part of Lot 21, Block 1 of the recorded plat of a Resubdivision of a part of Dillon Valley, lying in Sections 5, 6, 7 and 8, Township 5 South, Range 77 West of the Sixth Principal Meridian, County of Summit, State of Colorado, being more particularly described as follows:

Commencing at the North most corner of said Lot 21, Block 1; thence $S31^{\circ}17'22''E$ and along the Easterly line of said Lot 21, Block 1 and along the Westerly Right-of-way of Scenary Hill Trail, 300.00 feet; thence $S58^{\circ}42'38''W$ and along the Southerly line of said Lot 21, Block 1 and along the Northerly Right-of-way of Straight Creek Drive, 244.00 feet to the Point of Beginning; thence $N48^{\circ}09'50''W$, 313.50 feet to a point on the Northerly line of said Lot 21, Block 1, thence $S58^{\circ}42'38''W$ and along said Northerly line and along the Southerly Right-of-way of Interstate Highway No. 70, 138.00 feet; thence $S45^{\circ}41'05''E$, 309.72 feet to a point on the Southerly line of said Lot 21, Block 1; thence $N58^{\circ}42'38''E$ and along said Southerly line and along the Northerly Right-of-way of Straight Creek Drive, 152.00 feet to the Point of Beginning, containing 43,500.0 square feet or 0.999 acres, more or less.

LEGAL DESCRIPTION - PARCEL I.

A parcel of land being a part of Lot 21, Block 1 of the recorded plat of a Resubdivision of a part of Dillon Valley, lying in Sections 5, 6, 7 and 8, Township 5 South, Range 77 West of the Sixth Principal Meridian, County of Summit, State of Colorado, being more particularly described as follows:

Commencing at the most Northerly corner of said Lot 21, Block 1; thence $S31^{\circ}17'22''E$ and along the Easterly line of said Lot, 300.00 feet to the Southeast corner of said Lot; thence $S58^{\circ}42'38''$ along the Southerly line of said Lot, 169.00 feet to the Point of Beginning; thence continuing along the aforesaid course, 75.00 feet; thence $N48^{\circ}09'50''W$, 313.50 feet to the North line of said Lot; thence along said North line; $N58^{\circ}42'38''E$, 150.00 feet; thence $S47^{\circ}44'36''E$, 201.24 feet; thence $S31^{\circ}17'22''E$, 12.00 feet; thence $S7^{\circ}56'45''E$, 103.47 feet to the Point of Beginning, containing 41,002 square feet or 0.941 acres, more or less.

LEGAL DESCRIPTION - PARCEL J.

A parcel of land being a part of Lot 21, Block 1 of the recorded plat of a Resubdivision of a Part of Dillon Valley, lying in Sections 5, 6, 7 and 8, Township 5 South, Range 77 West of the Sixth Principal Meridian, County of Summit, State of Colorado, being more particularly described as follows:

Beginning at the most Northerly corner of said Lot; thence $S31^{\circ}17'22''E$ and along the East line of said Lot, 205.00 feet; thence $S58^{\circ}42'38''W$, 128.00 feet; thence $N31^{\circ}17'22''W$, 12.00 feet; thence $N47^{\circ}44'36''W$, 201.24 feet to the Northerly line of said Lot; thence $N58^{\circ}42'38''E$ and along said Northerly line, 185.00 feet to the Point of Beginning, containing 31,740 square feet or 0.729 acres, more or less.

EXHIBIT B
 ATTACHED TO AND PART OF A FIRST SUPPLEMENT OF THE
 CONDOMINIUM DECLARATION
 FOR DILLON VALLEY WEST

a Condominium Complex in Summit County, Colorado

The following percentage interests in and to the General
 Common Elements of Dillon Valley West are appurtenant to, part of
 and inseparable from the Condominium Units designated below:

<u>Condominium Unit</u>	<u>Proportionate Share Ratio</u>	<u>Percentage Interest</u>	<u>Condominium Unit</u>	<u>Proportionate Share Ratio</u>	<u>Percentage Interest</u>
C-101	.57	.883	I-101	.57	.883
C-201	.57	.883	I-201	.57	.883
C-301	.61	.938	I-301	.61	.938
C-102	.57	.883	I-102	.57	.883
C-202	.57	.883	I-202	.57	.883
C-302	.61	.938	I-302	.61	.938
C-103	.77	1.180	I-103	.77	1.180
C-203	.77	1.180	I-203	.77	1.180
C-303	.77	1.180	I-303	.77	1.180
C-104	.77	1.180	I-104	.77	1.180
C-204	.77	1.180	I-204	.77	1.180
C-304	.77	1.180	I-304	.77	1.180
C-105	.57	.883	I-105	.57	.883
C-205	.57	.883	I-205	.57	.883
C-305	.61	.938	I-305	.61	.938
C-106	.57	.883	I-106	.57	.883
C-206	.57	.883	I-206	.57	.883
C-306	.61	.938	I-306	.61	.938
C-107	.77	1.180	I-107	.77	1.180
C-207	.77	1.180	I-207	.77	1.180
C-307	.77	1.180	I-307	.77	1.180
C-108	.77	1.180	I-108	.77	1.180
C-208	.77	1.180	I-208	.77	1.180
C-308	.77	1.180	I-308	.77	1.180
G-101	.77	1.180	J-101	.77	1.180
G-201	.77	1.180	J-201	.77	1.180
G-301	.77	1.180	J-301	.77	1.180
G-102	.77	1.180	J-102	.77	1.180
G-202	.77	1.180	J-202	.77	1.180
G-302	.77	1.180	J-302	.77	1.180
G-103	.57	.883	J-103	.57	.883
G-203	.57	.883	J-203	.57	.883
G-303	.61	.938	J-303	.61	.938
G-104	.57	.883	J-104	.57	.883
G-204	.57	.883	J-204	.57	.883
G-304	.61	.938	J-304	.61	.938
G-105	.77	1.180	J-105	.77	1.180
G-205	.77	1.180	J-205	.77	1.180
G-305	.77	1.180	J-305	.77	1.180
G-106	.77	1.180	J-106	.77	1.180
G-206	.77	1.180	J-206	.77	1.180
G-306	.77	1.180	J-306	.77	1.180
H-101	.77	1.180			
H-201	.77	1.180			
H-301	.77	1.180			
H-102	.77	1.180			
H-202	.77	1.180			
H-302	.77	1.180			
H-103	.57	.883			
H-203	.57	.883			
H-303	.61	.938			
H-104	.57	.883			
H-204	.57	.883			
H-304	.61	.938			
H-105	.77	1.180			
H-205	.77	1.180			
H-305	.77	1.180			
H-106	.77	1.180			
H-206	.77	1.180			
H-306	.77	1.180			
					108.656

LOAN MODIFICATION AND ASSUMPTION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT WHEREAS, there was recorded on the 1st day of August, A. D. 19 78, in Book _____, at Page _____, Reception No. 178451 on the records in the Office of the County Clerk and Recorder of the _____ County of Summit, in the State of Colorado, a certain Deed of Trust, dated the 21st day of July A. D. 19 78, executed and delivered by Scott R. Scholbe and Deborah A. Scholbe to secure to SECURITY NATIONAL BANK, 425 16th Street, Denver, Colorado 80202 the payment of an indebtedness in said instrument particularly mentioned, creating a lien upon the following described property in

said _____ County of Summit, State of Colorado, to wit: Condominium Unit 203, Building BB, DILLON VALLEY EAST CONDOMINIUM (A Condominium Project) according to the Map thereof filed for record May 11, 1973 under Reception No. 133769 and according to the Condominium Declaration recorded April 23, 1971, in Book 206 at Page 551 and according to the Second Supplement to Condominium Declaration for Dillon Valley East Condominium recorded in Book 233 at Page 742 in the Summit County, Colorado records. Subject to the terms, conditions, provisions, and obligations of said Condominium Declaration and Second Supplement thereto, County of Summit, State of Colorado.

AND WHEREAS, Thirty-Eight Thousand and Four Hundred Forty-Four & 39/100ths-----Dollars (\$ 38,444.39) of said indebtedness remains unpaid, with interest paid

only to October 1, A. D. 19 79, and WHEREAS, _____

Scott R. Scholbe and Deborah A. Scholbe are ~~1/2~~ the legal owners of said property; and WHEREAS, SECURITY NATIONAL BANK is the owner of said indebtedness above referred to, and WHEREAS, the parties hereto desire to revise the terms of payment of said indebtedness,

NOW, THEREFORE, for a valuable consideration, it is agreed:

1. That the maturity date of the Promissory Note of August 1, 2008 secured by the aforesaid Deed of Trust, shall ~~be extended to~~ remain the same.
2. That from and after 11/1/79, said Note and Deed of Trust shall provide for interest at the rate of eleven percent per annum.
3. Seller hereby assigns to Purchaser and authorized Lender to transfer to Purchaser's account any and all escrow funds or security deposits held by Lender in connection with the Property which all parties hereto agree at the date of the execution of this Agreement are as follows:

Tax Escrow	\$	169.02
Insurance Escrow		65.76
Security Deposits		
PMI Escrow		32.24
Total	\$	267.04

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 ARLYN R. WARD
 CLERK / SD RECORDER
 SUMMIT COUNTY

199300

IN CONSIDERATION of the granting of said extension, all of the provisions of the aforesaid Promissory Note and Deed of Trust, except as specifically amended hereby, shall remain in full force and effect, and the undersigned, _____

promises to pay said indebtedness and to perform all of the obligations of said Deed of Trust as modified and amended herein.

Dated this X 29th day of October, A.D. 1979

SECURITY NATIONAL BANK

By: [Signature]

SELLER(S):

Scott R. Scholbe
Deborah A. Scholbe

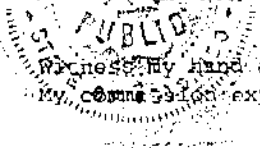
PURCHASER(S):

MAUST ASSOCIATES

By: Joseph Maust
Joseph Maust

STATE OF COLORADO)
County of Denver) SS

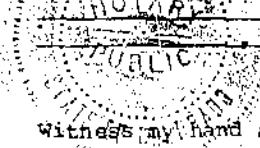
The foregoing instrument was acknowledged before me this 29th day of October, 1979, by Raymond A. Horton, Jr. as Assistant Vice President of Security National Bank.



Rebecca C. Morris
Notary Public

STATE OF COLORADO)
County of Summit)

The foregoing instrument was acknowledged before me this 29th day of October, 1979, by Scott R. Scholbe and Deborah A. Scholbe



Mary Kay Geel
Notary Public

Witness my hand and official seal.
My commission expires: 5/4/80

MICHIGAN)
STATE OF ~~COLORADO~~)
County of Huron)

The foregoing instrument was acknowledged before me this 29th day of October, 1979, by Joseph Maust, partner of Maust Associates

Witness my hand and official seal.
My commission expires: 8-3-85

Betty R. Champagne
Notary Public
Betty R. Champagne
Notary Public, Huron Co., Michigan