

**SIXTH AMENDMENT TO THE AMENDED DECLARATION
OF THE BLUE MESA LODGE CONDOMINIUMS**

THIS SIXTH AMENDMENT to the Amended Declaration of the Blue Mesa Lodge Condominiums is made this 19 day of Oct 2021, (the “**Sixth Amendment**”), by the Blue Mesa Lodge Condominiums Association, Inc. (the “**Association**”), pursuant to the provisions of the (i) the Amended Declaration of the Blue Mesa Lodge Condominiums, filed in the office of the Clerk and Recorder, San Miguel County, Colorado, on August 29, 1997 under Reception Number 314222 (the “**Original Amended Declaration**”); (ii) the First Amendment to the Amended Declaration of the Blue Mesa Lodge Condominiums filed in the Public Records on October 5, 1998 under Reception No. 321574 (the “**First Amendment**”); and (iii) the Second Amendment to the Amended Declaration of the Blue Mesa Lodge Condominiums filed in the Public Records on March 17, 2010 under Reception No. 411615 and the (iv) Third Amendment to the Amended Declaration of the Blue Mesa Lodge Condominiums filed in the public records on April 13, 2020 and the (v) Fourth Amendment to the Amended Declaration of the Blue Mesa Lodge Condominiums filed in the Public Records on April 13, 2020 under Reception No. 464683 and the (vi) Fifth Amendment to the Amended Declaration of the Blue Mesa Lodge Condominiums filed in the Public Records on April 04, 2021 under Reception No. 469448 (the “**Fifth Amendment**”) (collectively, the “**Amended Declaration**”).

RECITALS

- A. The Blue Mesa Lodge Condominium Association, duly convened, and according to the Amended Bylaws of the Blue Mesa Lodge Condominium Association, Inc., the Amended Declaration, and the Colorado Common Interest Ownership Act, C.R.S. Section 38-33.3-101, et. Seq, by and through the undersigned Unit Owner, seek to (i) re-designate two Residential Studio Apartment Units as a Residential Unit (not Residential Studio Apartment Units) (collectively the “**New Residential Units**”).
- B. The uses and designation for the New Residential Unit shall be consistent with the zoning designation of a Lodge Unit as defined by Town of Mountain Village’s Community Development Code dated as of Sept 19, 2019 (the “**Code**”).
- C. The creation of the New Residential Unit converts two Residential Studio Apartment Units into two New Residential Units.
- D. The town of Mountain Village Town Council has approved the rezoning of the Residential Studio Apartment Unit (zoned as an Efficiency Lodge Unit) into a Lodge Unit, pursuant to Ordinance No 2021-06 & 2021-07, which designation is consistent with the floor plans and improvements within the New Residential Unit.
- E. Pursuant to Section 2.5 of the Original Amended Declaration, Residential Units may be altered or combined within the Blue Mesa Lodge community upon approval of only such Owners of the impacted Unit (the “**New Residential Unit Owner**”) and the Association need not seek approval of any uninvolved Owners.

F. The New Residential Unit Owner has taken all steps required by the Amended Declaration and the Town Of Mountain Village to approve this Fourth Amendment.

NOW THEREFORE, the undersigned New Residential Unit Owner, being duly authorized to affect this Sixth Amendment, and having taken those steps necessary and advisable in order to effectuate an amendment to the Amended Declaration, hereby amends the Amended Declaration of the Blue Mesa Lodge Condominiums as follows:

SIXTH AMENDMENT TO AMENDED DECLARATION

1. The New Residential Units are hereby no longer designated as a Residential Studio Apartment Unit and thus now shall be designated generally a Residential Unit consistent with the uses allowed in a Lodge Unit according to the Code, as reflected on the First Amended Map and as follows:
 - a. Unit 23A is re-designated as Residential Unit 23A-R,
 - b. Unit 23B is re-designated as Residential Unit 23B-R.
2. Exhibit A of the Amended Declaration is hereby amended as set forth in the attached revised Exhibit A
3. A Fourth Amendment to Blue Mesa Lodge Condominium Map (the **"Fourth Amended Map"**) shall be duly recorded in the Public Records to reflect the re-designation as set forth in this Sixth Amendment.
4. Pursuant to Section 2.5 of the Original Amendment Declaration the New Residential Unit Owner approves of this Sixth Amendment effectuating the re-designation of the Residential Units, which as also been acknowledged and accepted by the Association.
5. All other provisions of the Amended Declaration not specifically amended hereby shall remain in full force and effect.
6. This Sixth Amendment shall have no impact on any Unit or Unit Owners not specifically referenced herein.

ACKNOWLEDGED AND ACCEPTED BY:

Blue Mesa Lodge Condominium Association Inc.
A Colorado non-profit organization

Thomas J. Scruton

Thomas J. Scruton (Sep 20, 2021 13:24 MDT)

By Thomas J. Scruton

Title President, Blue Mesa Lodge Condominium Association

NEW RESIDENTIAL UNIT OWNERS:

Unit 23A-R, formerly known as Unit 23A,


Bogna Nowak 23A-R Residential Unit Owner

Unit 23B-R, formerly known as Unit 23A,


Bogna Nowak 23B-R Residential Unit Owner

Acknowledged, subscribed and sworn to before me this 27 day of September 2021
By Bogna Nowak

My commission expires 3-13-24

Witness my hand and official seal


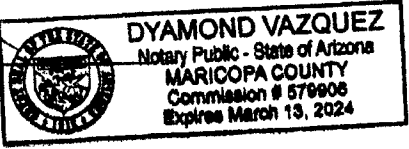

Notary Public 

Exhibit A

Total Unit S/F	22,467.14			
Unit	S/F	% of Total S/F	% Residential GCES/F Residential	
20A	459.40	2.07%	3.392%	59.02
20B-R	438.40	1.98%	3.237%	56.32
20C	430.30	1.94%	3.177%	55.28
21A-R	958.80	4.33%	7.079%	61.45
21C	429.90	1.94%	3.174%	55.23
22A-R	1,254.30	5.66%	9.260%	51.09
23A-R	424.70	1.92%	3.135%	54.56
23B-R	440.90	1.99%	3.255%	56.64
23C	375.10	1.69%	2.769%	48.19
30A-R	984.90	4.38%	7.260%	79.88
31A	492.40	2.22%	3.635%	63.26
31B	426.40	1.93%	3.148%	54.78
31C	439.30	1.98%	3.243%	56.44
32A	514.30	2.32%	3.797%	66.07
32B	539.80	2.44%	3.985%	69.35
33A-R	864.80	3.91%	6.385%	54.41
33C	340.30	1.54%	2.512%	43.72
40A	469.00	2.12%	3.463%	60.25
40B	834.20	3.77%	6.159%	107.17
40C	540.10	2.44%	3.987%	69.39
41A-R	541.30	2.44%	3.996%	69.54
41B-R	796.00	3.59%	5.877%	102.26
41C	572.30	2.58%	4.225%	73.52
Sub Residential	13,566.90	61.20%	100.00%	1511.66
P34	162.00	0.72%		
2/3 P35	108.00	0.48%		
1/3 P35	54.00	0.24%		
1/2 P36	81.00	0.36%		
1/2 P36	81.00	0.36%		
P37	162.00	0.36%		
P38	162.00	0.72%		
P39	162.00	0.72%		
P40	162.00	0.72%		
P41	162.00	0.72%		
P42	162.00	0.72%		
P43	162.00	0.72%		
P44	162.00	0.72%		
P45	162.00	0.72%		
P46	162.00	0.72%		
P47	162.00	0.72%		
P48	162.00	0.72%		
Sub Parking	2,430.00	10.83%		
	% Commercial GCE	S/F Commercial		
D	3,947.24	18.13%	62.01%	508.04
E	915.00	4.20%	14.14%	116.61
F	900.00	4.13%	13.91%	114.70
G	708.00	3.25%	10.94%	90.23
Sub Commercial	6,470.24	28.83%	100.00%	824.57
Total	22,467.14	100.83		