

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

THIS FIFTH AMENDMENT TO THE AMENDED DECLARATION OF THE BLUE MESA LODGE CONDOMINIUMS is made this 23th day of September 2020 (the “**Third Amendment**”), by the Blue Mesa Lodge Condominiums Association, Inc. (the “**Association**”), pursuant to the provisions of (i) the Amended Declaration of the Blue Mesa Lodge Condominiums, filed in the office of the San Miguel County Clerk and Recorder (the “**Public Records**”) on August 29, 1997 under Reception No. 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 “**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 (collectively, the “**Amended Declaration**”), and (iii) the third Amendment to the Amended Declaration of the Blue Mesa Lodge Condominiums filed in the Public Records on April 3, 2020, and the (iv) the Fourth Amendment to the Amended Declarations of the Blue Mesa Lodge Condominiums filed in the Public Records on August 25, 2020 (collectively, the “**Amended Declaration**”).

RECITALS

- A. The Blue Mesa Lodge Condominiums Association, duly convened, and according to the Amended Bylaws of the Blue Mesa Lodge Condominiums 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 Owners, seeks to (i) combine and re-designate certain Residential Studio Apartment Units* (as such term is referenced but not defined in Section 1.2 of the First Amendment) as a Residential Unit (not Residential Studio Apartment Unit), and (ii) re-designate two additional Residential Studio Apartment Units as Residential Units (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 September 19, 2019 (the “**Code**”).
- C. The creation of the New Residential Unit converts two Residential Studio Apartment Units (known as Efficiency Lodge Units) into one New Residential Unit.
- D. The Town of Mountain Village Town Council has approved the rezoning of the Residential Studio Apartments Units (zoned as Efficiency Lodge Units) into Lodge Units, pursuant to Ordinance Nos. 2019-13, which designation is consistent with the floor plans and improvements within the New Residential Unit.
- E. Pursuant to Section 2.5 of the Original Amendment Declaration, Residential Units may be altered or combined within the Blue Mesa Lodge community upon approval of only such Owners of the impacted Unit (collectively, the “**New Residential Unit Owners**”) and the Association need not seek approval of any uninvolved Owners.
- F. New Residential Unit Owners have taken all steps required by the Amended Declaration and the Town of Mountain Village to approve this FIFTH Amendment.

NOW THEREFORE, the undersigned New Residential Unit Owners, being duly authorized to affect this Third 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:

FIFTH AMENDMENT TO THE AMENDED DECLARATION

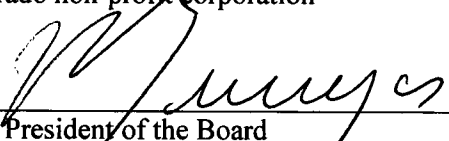
- 1. The New Residential Unit is hereby no longer designated as a Residential Studio Apartment Unit and thus now shall be designated generally as Residential Unit consistent with the uses allowed in a Lodge Unit according to the Code, as reflected on the First Amended Map and as follows:

Unit 30A and Unit 30B are combined to create Residential Unit 30A-R.

- 2. Section 2.3. Number of Units. The number of Units presently included in the Blue Mesa Lodge Condominium Community will be 23, due to the combining of units 30A and 30B to 30A-R. Therefore, there are twenty-three (23) Residential Units used for residential purposes, four (4) Commercial Units used for commercial purposes and fifteen (15) Parking Units used for parking purposes.
- 3. Exhibit A of the Amended Declaration combines the square footages of the units 30A and 30B to 30A-R and verifies the other square footages and percentages set forth in previous amendments has not changed and is attached as Exhibit A.
- 4. A Third Amendment to Blue Mesa Lodge Condominium Map (the “**Third Amended Map**”) shall be duly recorded in the Public Records to reflect the Combined Units as set forth in this Third Amendment.
- 5. Pursuant to Section 2.5 of the Original Amendment Declaration, the New Residential Unit Owners hereby unanimously approve of this Fifth Amendment effectuating the consolidation of the New Residential Units, which also has been acknowledged and accepted by the Association.
- 6. All other provisions of the Amended Declaration not specifically amended hereby shall remain in full force and effect.
- 7. This Fifth Amendment shall have no impact on any Units or Unit Owners not specifically referenced herein.

ACKNOWLEDGED AND ACCEPTED BY:

Blue Mesa Lodge Condominiums Association, Inc.,
A Colorado non-profit corporation

By:  Date 11/21/20
President of the Board

NEW RESIDENTIAL UNIT OWNERS:

Unit 30A-R formerly known as Units 30A and 30B

Mary C. Weiler

Mary Weiler
State of Ohio
County of Franklin

Steven Weiler

Steven Weiler

Acknowledged, subscribed and sworn to before me this 25th day of September, 2020 by Mary Weiler and Steven Weiler.

My commission expires: 2-11-2021

Witness my hand and official seal

Shana Vollmar

Notary Public



SHANA VOLLMAR
NOTARY PUBLIC
STATE OF OHIO
COMM. EXPIRES
02-11-2021

Exhibit A

Total Unit S/F Unit	22,467.14 S/F	% of Total S/F	% Residential GCE	S/F Residential
20A	459.40	2.07	3.392	59.02
20B	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	424.70	1.92	3.135	54.56
23B	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		
½ P36	81.00	0.36		
½ P36	81.00	0.36		
P37	162.00	0.72		
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	2430.00	10.83		
			% Commercial GCE	S/F Commercial
D	3,947.24	17.59	61.01	508.04
E	915.00	4.08	14.14	116.61
F	900.00	4.01	13.91	114.70
G	708.00	3.15	10.94	90.23
Sub Commercial	6470.24	28.83	100.00	824.57
Total	22,467.14	100.83		