

Recording Requested By:

Eagle County, CO  
Teak J Simonton  
Pgs: 4  
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10/14/2015  
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When Recorded Mail To:

The Christie Lodge Owners Association, Inc.  
c/o Lisa Siegert-Free

Eagle County, CO  
Teak J Simonton  
Pgs: 5  
REC: \$31.00  
DOC: \$0.00

**201519943**  
10/20/2015  
04:45:10 PM

**FIFTH AMENDMENT TO THE AMENDED AND RESTATED  
CONDOMINIUM DECLARATION FOR THE CHRISTIE LODGE**

This Fifth Amendment (“Fifth Amendment”) to the Amended and Restated Condominium Declaration for The Christie Lodge, recorded on February 17, 1989, in the records of the Eagle County Clerk and Recorder’s Office under Reception No. 396853 in Book 500, Page 664 (as amended from time to time), (collectively “Declaration”) is made by the Owners of Condominium Units and Timeshare Interests (“Owners”), who are identified in the attached Certificate, Exhibit A, and shall be effective upon recordation in the Office of the Clerk and Recorder of Eagle County, Colorado.

**RECITALS**

WHEREAS, The Christie Lodge is subject to that certain “Amended and Restated Condominium Declaration for The Christie Lodge,” adopted May 21, 1988, and recorded as follows:

- Declaration: February 17, 1989 under Reception No. 396853 in Book 500 at Page 664;
  - Amendment One: September 22, 1994, under Reception No. 546796 in Book 650 at Page 757;
  - Amendment Two: February 26, 1999, under Reception No. 688205;
  - Amendment Three: January 20, 2012, under Reception No. 201201301;
  - Amendment Four: November 6, 2014 under Reception No. 201419171
- all in the Office of the Clerk and Recorder of Eagle County, Colorado.

WHEREAS, Paragraph 16.1 of the Declaration provides that the Declaration “. . . may be amended at any regular or special meeting of the Owners called and convened in accordance with the provisions of the Bylaws, by the affirmative vote of Owners casting a simple majority of the total votes eligible to be voted in the Association,” subject to the provisions of Sections 7.7 and 8.2 of the Declaration.

WHEREAS, Article VII, Protection of Mortgagees, Paragraph 7.7, requires the prior written approval of each First Mortgagee and Mortgagee of Record for termination of The Christie Lodge as a condominium and/or for an amendment to the Declaration or to the Bylaws of the Association which would specifically affect the rights given to the First Mortgagees and the Mortgagees of Record by Paragraph 7.7. There are currently no Mortgagees who will be

affected by this Fifth Amendment. See Exhibit A attached hereto, which contains the certification of the Secretary that as of the Record Date established for the Annual Meeting: (a) no person or entity with a mortgage on a Timeshare Unit or Timeshare Interest had provided written notice of such mortgage to the Manager for the Association's records to establish such person as a "Mortgagee of Record" as required by the definition of "Mortgagee of Record;" and (b) based upon the Title Company of the Rockies Commitment No. 0815551-C3, dated September 17, 2015, there were no first lien mortgages or deeds of trust recorded against any Condominium Unit in the Project, and therefore no holders of such instruments qualifying as First Mortgagees as that term is defined in the Declaration.

WHEREAS, at the September 26, 2015 Annual Meeting ("Annual Meeting") of The Christie Lodge Owners Association, Inc., a Colorado Nonprofit Corporation ("Association"), Owners, either in person, by proxy or by the Board, voted to approve this Fifth Amendment by the affirmative vote of a simple majority of the total votes eligible to be voted in the Association, as more particularly set forth in the duly authenticated Certificate of the Secretary of the Association ("Certificate") attached to this Fifth Amendment as Exhibit A.

NOW THEREFORE, the undersigned President and Secretary of the Association hereby declare and publish that the Owners, pursuant to the above-referenced provisions of the Declaration, have amended paragraph 10.1(b) of the Declaration as follows and all other paragraphs set forth in Article X shall remain the same:

#### 10.1 CONVEYANCE AND TRANSFER.

b. Except as to a transfer to a Mortgagee of Record or to Christie Lodge Owners Association by foreclosure or by deed in lieu of foreclosure, no transfer of a Timeshare Interest shall be permitted unless and until the proposed transferor or any related entities of the transferor are current as to all Timeshare Assessments due the Association, and the purported transfer of a Timeshare Interest upon which any Timeshare Assessment is then owing shall be null and void and the proposed transferor shall remain liable for all Timeshare Assessments due the Association prior to the date of the purported transfer and following the date of the purported transfer. Further, no transfer of a Timeshare Interest shall be permitted unless and until the proposed transferee has provided the required Transfer Information as set forth in the Residential Rules and Regulations of The Christie Lodge Owners Association and is current as to all Timeshare Assessments due the Association, and the purported transfer of any Timeshare Interest to such a purported transferee shall be null and void and the proposed transferor shall remain liable for all Timeshare Assessments due the Association prior to the date of the purported transfer and following the date of the purported transfer with respect to the purported transfer of a Transfer Interest. Upon request, and upon the payment to the Association of a reasonable fee, as determined by the Board of Directors (except in the case of a Mortgagee of Record, in which instance no fee shall be payable), the Association shall issue a written statement setting forth the amounts, if any, which the proposed transferor and transferee of a Timeshare Interest owes the Association. Said statement shall be conclusive upon the

Association in favor of all persons or entities (except the transferor) who rely thereon in good faith as to the amount of such indebtedness as of the date of the statement.

IN WITNESS WHEREOF, the Association has executed this Fifth Amendment to the Declaration effective the day and year first above written.

THE CHRISTIE LODGE OWNERS ASSOCIATION, INC., A Colorado Non-Profit Corporation

By [Signature]  
J. Raymond David, President

By [Signature]  
Kristen Nostrand, Secretary

State of Colorado )  
 ) ss.  
County of EAGLE )

The foregoing instrument was acknowledged before me this 1 day of OCTOBER, 2015, by J. Raymond David, as President, of The Christie Lodge Owners Association, Inc., a Colorado non-profit corporation.

WITNESS my hand and official seal.

My Commission Expires 08-21-18

Signature [Signature]  
CANDACE R. LANGAGER [Print Name of Notary]



State of Colorado )  
 ) ss.  
County of EAGLE )

The foregoing instrument was acknowledged before me this 1 day of OCTOBER, 2015, by Kristen Nostrand, as Secretary, of The Christie Lodge Owners Association, Inc., a Colorado non-profit corporation.

WITNESS my hand and official seal.

My Commission Expires 08-21-18

Signature [Signature]  
CANDACE R. LANGAGER [Print Name of Notary]



**EXHIBIT A**

SECRETARY'S CERTIFICATE

I, Kristen Nostrand, Secretary of The Christie Lodge Owners Association, Inc, a Colorado non-profit corporation, do hereby certify that the following Scheduled attached as Exhibit 1, reflect the votes of Owners attending the Annual Meeting of the Association held on September 25, 2015, in person or by proxy, for or against the Fifth Amendment. I further certify that as of the September 25, 2015 Record Date established for the Annual Meeting: (a) no person or entity with a mortgage on a Timeshare Unit or Timeshare Interest had provided written notice of such mortgage to the Manager for the Association's records to establish such person as a "Mortgagee of Record" as required by the definition of "Mortgagee of Record;" and (b) based upon the Title Company of The Rockies Commitment No. 0815551-C2 dated September 17, 2015, there were no first lien mortgages or deeds of trust recorded against any Condominium Unit in the Project, and therefore no holders of such instruments qualifying as First Mortgagees as that term is defined in the Declaration.

This Certificate is executed this 1 day of October, 2015.

The Christie Lodge Owners Association, Inc.  
a Colorado non-profit corporation

By: Kristen Nostrand  
Kristen Nostrand, Secretary

State of ~~Florida~~ } COLORADO  
                                  } ss:  
County of ~~Walton~~ } EAGLE

The foregoing instrument was signed and acknowledged before me, on this 1 day of OCTOBER, 2015, by Kristen Nostrand, as Secretary of The Christie Lodge Owners Association, Inc., a Colorado non-profit corporation.

Witness my Hand and Official Seal:

Candace R. Langager  
Notary Public

My commission expires:  
08-21-18



**Exhibit A to Secretary's Certificate - Detailed Voting On The Fifth Amendment**

<b>Owners in attendance or Proxy</b>				
<b>Last Name</b>	<b>Owner Name</b>	<b>Owner #</b>	<b>For</b>	<b>Against</b>
Perkins	John	123242	51	
Williams	Ruth	10193	1	
Buchanan	E.Nan	1307	3	
Miller	Douglas	23102	3	
David	J. Raymond	6323	3	
Craft	Clark	3944	1	
Fulton	Patrick	24241	1	
Powell	Kenneth	2778	2	
Higginbotham	James	255	1	
Cronch	Daniel & Brenda	100012	1	
Fisher	Timothy	24238	1	
Camara	Michael	342	1	
Long	Brenda	4781	1	
Myles	Raymond	9631	1	
Christians	Douglas & Linda	22234	1	
Wilson	Robert & Diane	125506	1	
Long	Gary	3349	1	
Lednický	Donald	3889	1	
Moyer	Paul & Betty	2647	1	
Dawson	Richard	125756	1	
Nostrand	Kristen	82091	2	
Davies	Joe Kim	23997	3	
Hileman	Lon	957	1	
Sperandio	Joseph	1102	1	
Ricks	Robert	123322	1	
Holcomb	Christina	23821	4	
Hauserman	Earl	16252	1	
Wier	John & Anna Marie	2619	1	
Langworthy	Theodore F.	16113	3	
Phillips	Jonasure Ammons	15167	2	
McReynolds	William	49976	2	
Mertens	John M.	14402	2	
Bell	James Jr. & Elaine	3190	1	
Ermis-Obermann	Barbara	1295		2
Pelsinger	Fred	113798	1	
CLOA Owned			2602	
<b>Proxies Granted to Association</b>				
Olson	Arthur & Janet	123236	153	
<b>Successor Proxies as granted Board by 4.4(d) of Declarations</b>				
CLOA			12669	
<b>Total Votes On The Fifth Amendment</b>			<b>15526</b>	<b>2</b>