

Eagle County, CO
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Recording Requested By:

**THE CHRISTIE LODGE
P.O. BOX 1196
AVON, CO 81620**

When Recorded Mail To:

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

SEVENTH AMENDMENT TO THE AMENDED AND RESTATED CONDOMINIUM DECLARATION FOR THE CHRISTIE LODGE

This Seventh Amendment ("Seventh 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;
Amendment Five: October 14, 2015 under Reception No. 201519558;
Amendment Six: December 21, 2017 under Reception No. 201724080;
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 Seventh 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 Rockies Commitment No. 0815551-C4, dated November 06, 2017, 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 30, 2017, 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 Seventh 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 Seventh 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 paragraph 2.9b(1) to the Declaration as follows and all other paragraphs set forth in Article II shall remain the same:

2.9 USE AND OCCUPANCY RESTRICTIONS.

b(1) The use of each Commercial Unit shall at all times comply with the various ordinances, building codes, and zoning regulations promulgated by the Town of Avon and the various Rules and Regulations promulgated by the Board of Directors of the Association regarding business uses of the Unit, including hours of operation, type of operation, and safety precautions. In addition, each Commercial Unit shall be subject to a right of first option to the Association, as provided in Paragraph 2.9b(2) herein. Neither the record Title Holder of the Unit nor its agents, servants, invitees, lessees, licensees and patrons shall use the Unit either on a permanent or temporary basis (to include one (1) night), as a sleeping accommodation. No Commercial Unit shall be divided or subdivided into small Units nor any portion sold or otherwise transferred without obtaining the Board's prior written approval, which approval may be withheld in the Board's sole and absolute discretion.

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

Exhibit A
to Secretary's Certificate
Detailed Voting On The Seventh Amendment

Owners in Attendance or Proxy				
<u>Last Name</u>	<u>Owner Name</u>	<u>Owner #</u>	<u>For</u>	<u>Against</u>
Adams	Ambrose D. Adams II Family Living Revocable Trust	9416	1	
Boulware	Jesse M Boulware and Elizabeth P Boulware	1197	2	
Brun	Rudolf B. Brun and Anne-Marie Brun	7801	2	
David	J. Raymond Sr. and Ann David	6323	2	
David	Jonathan David	6323	1	
Davis	Bill R. and Karen B. Davis	21739	1	
Duescher	Roger W. Duescher	8625	1	
Fisher	Timothy A. and Kristin B. Fisher	24238	1	
Fulton	Patrick S. and Andrea K. Fulton	24241	1	
Green	Edward H. Jr and Patricia G. Green	9263	1	
Hair	Roslind Hair	1902	1	
Hauserman	Earl F. and Bette L. Hauserman	16252	2	
Holcomb	Christina Holcomb	23821	5	
Holt	Irl N. Holt Revocable Living Trust	5245	1	
Horn	Howard Richard Jr. and Margie M Horn	23992	1	
Jackowski	Jack R.	2744	1	
Lane	Keith R. and Larry R. Lane	9129	1	
Langworthy	Theodore F. and Iris S. Langworthy	16113	3	
Lindblad	David and Tina Lindblad	23112	1	
Lowry	Mary C. Lowry	4311	2	
Maglione	Carol A. and Michael A. Maglione	8570	1	
Mask	David W. And Ellen R. Mask	126635	1	
McReynolds	William McReynolds	49926	2	
Mertens	John M. and Debra J. Mertens	14402	2	
Miller	Douglas M. and Sheryl E Miller	23102	3	
Nostrand	Kristen M. Nostrand	82091	2	
Oxelgren	Dennis W. Oxelgren	4785	1	
Perez	Debra and Vincent	5510	1	
Peterson	Raymond D. and Reona Peterson	9939	1	
Phillips	Jonasue Ammons and Reginald Conrad Phillips	15167	1	
Pitzer	Albert E. and Jean Pitzer	124174	1	
Robinson	Allen R. and Christa K. Robinson	124155	1	
Sanders	LaRae Lynn Sanders	22341	1	
Schreyer	Kent D. and Barbara E. Schreyer	4482	1	
Scogin	John L. and Wanda Scogin	6899	1	
Smith	Linda K. and Stuart P. Smith	9065	1	
Vick	Royce A. and Judith M. Vick	7076	1	
Wood	Christie A. and George D'Ascenzo Wood	9968	1	
Woodson	Marilyn Woodson	15348	1	
Morales	Javier Morales and Christina Morales	17208		1

Votes Cast by Kristen Nostrand, Secretary of the Association, Pursuant to Proxies Granted by the Following Owners				
<u>Last Name</u>	<u>Owner Name</u>	<u>Owner #</u>	<u>For</u>	<u>Against</u>
MulQueen	Paul M. & Susan	1520	1	
Olson	Arthur & Janet	123244	153	
Perkins	John	123242	51	
Kulchak	Jana Sue	1455	3	
Alexander	Stanley Living Trust	100390	1	
Kiefer	Carol Ann	6314	1	

Votes Cast by Kristen Nostrand, Secretary of the Association, for all Condominium Units and Timeshare Interest Owned by the Association				
<u>Last Name</u>	<u>Owner Name</u>		<u>For</u>	<u>Against</u>
CLOA	Christie Lodge Owners Association		3,454	-

Votes Cast by Kristen Nostrand, Secretary of the Association, as Successor Proxy to the Proxy Granted to the Board by Paragraph 4.4d of the Declarations				
<u>Last Name</u>	<u>Owner Name</u>		<u>For</u>	<u>Against</u>
CLOA	Christie Lodge Owners Association		12,019	-

TOTAL VOTES FOR THE SEVENTH AMENDMENT			<u>For</u>	<u>Against</u>
The 15,528 votes in favor of the Seventh Amendment represent ninety-nine and ninety-nine hundredths percent (99.99%) of the total votes eligible to be voted in the Association			15,528	1
Total Votes On The Seventh Amendment			15,528	1

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 30, 2017, in person or by proxy, for or against the Seventh Amendment. I further certify that as of the September 23, 2017, 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-C4, dated November 06, 2017, 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 22 day of January, 2018.

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

By: *Kristen Nostrand*
Kristen Nostrand, Secretary

Colorado
State of Florida }
Esle }ss:
County of Walton }

The foregoing instrument was signed and acknowledged before me, on this 22 day of January, 2018, 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:
12-20-2021

Sharon L Mitchell
Notary Public

