

AFTER RECORDING RETURN TO:

Law Office of Diane Wolfson
560 Mountain Village Blvd., 102A
Mountain Village, CO 81435

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP
AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE
BROWN HOMESTEAD CONDOMINIUM

WHEREAS, Brown Homestead Condominium is a condominium community ("Association") originally created by the following instruments recorded in the Office of the Clerk and Recorder of San Miguel County, Colorado: "DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, AND COVENANTS FOR THE BROWN HOMESTEAD CONDOMINIUM" recorded on February 18, 1977, in Book 363, at Pages 277-323 ("Original Declaration"), and map titled "Brown Homestead Condominium A & B," recorded November 9, 1979, in Plat Book 1 at Pages 184-186 ("Original Plat").

WHEREAS, the Original Declaration as amended, supplemented, and/or restated by additional instruments recorded in the Office of the Clerk and Recorder of San Miguel County, Colorado, are collectively referred to herein as the "Declaration."

WHEREAS, the Original Plat has been amended and supplemented by additional maps recorded in the Office of the Clerk and Recorder of San Miguel County, Colorado, and all of which are collectively referred to herein as the "Plat":

WHEREAS, the Owners desire to amend the Declaration as set forth in this FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE BROWN HOMESTEAD CONDOMINIUM ("Fifth Amendment").

NOW THEREFORE, this Fifth Amendment amends the Declaration as follows.

Section 19, Remedies, is here by deleted in its entirety.

A new paragraph 27 is added as follows:

27. Liability for Obligations Notwithstanding anything herein to the contrary, every Unit Owner, by acceptance of a deed or instrument of conveyance of an ownership interest in a Unit, whether or not expressed in any deed or instrument of conveyance, shall be deemed to covenant and agree for such Owner and such Owner's heirs, personal representatives, successors and assigns, that:

A) All Owners shall have personal liability to the association for the obligations created by this declaration, including monetary obligations, that arise out of their ownership of a Unit.

B) All obligations created by this declaration, including monetary obligations, with respect to a particular Unit, run with the land and burden that particular Unit, and shall continue to burden that particular Unit notwithstanding a change in Unit ownership. Such obligations shall not be affected or extinguished by a change in Owners.

C) Every current Owner of a particular Unit shall have joint and several liability with the former Owner of that Unit for all amounts owed to the association of every kind and nature (including but not limited to regular assessments, special assessments, water and sewer charges, interest, fines, costs of collection, transfer fees, and attorneys fees) that are unpaid as of the date of the grant or conveyance from the former Unit Owner to the current Unit Owner. This provision applies regardless of the type of conveyance and includes a purchase and sale, a deed-in-lieu of foreclosure, or the sale or redemption of the Unit in a foreclosure by the San Miguel County trustee or sheriff. These provisions are intended to be without prejudice to a Unit Owner's right to recover any such amounts from the former Owner.

A new paragraph 28 is added as follows:

28. **Transfer Fee** Notwithstanding anything herein to the contrary, there is hereby imposed on all Transfers of Units (as defined below), a transfer fee of five percent (5%) of the Consideration (as defined below), unless the Transfer is subject to an Exemption as set forth below. Such transfer fee is due and payable to the association on the date of the Transfer. Unpaid transfer fees for a particular Unit are a personal obligation of that Unit's Owner and are an association lien on that Unit.
- I. A "Transfer" is defined as any transfer of an ownership interest in a Unit, whether by deed or any other writing or instrument, and includes:
 - A. A public trustee confirmation deed, sheriff's deed, or deed-in-lieu of foreclosure.
 - B. The conveyance of fifty percent (50%) or more in a corporation, limited liability company, partnership, limited partnership, joint venture, trust or any other association or entity that owns a Unit.
 - II. "Consideration" is defined as the actual amount paid in consideration of the Transfer.
 - III. The transfer fee shall not apply to a Transfer to any of the following "Exemptions" so long as a written exemption request is submitted to the Board prior to the date of Transfer and the Board certifies in writing its approval of the exemption:
 - A. On the date of Transfer, all amounts owed to the association of every kind and nature (including but not limited to regular assessments, special assessments, water/sewer charges, interest, fines, costs of collection, and attorneys fees) are paid in full; or
 - B. The Consideration is zero; or
 - C. The Transfer is to a spouse, or to natural or adopted children; or
 - D. The Transfer is pursuant to a decree of separation or divorce.

A new paragraph 29 is added as follows:

- 29. Homestead Waiver Every Unit Owner, by acceptance of a deed or instrument of conveyance of an ownership interest in a Unit, whether or not expressed in any deed or instrument of conveyance, shall be deemed to covenant and agree that such Unit Owner waives the homestead exemption set forth in C.R.S. § 38-41-201, as same may be amended or supplemented, as to all liens of the association against such Unit, and all such liens of the association against such Unit shall be superior Owner's claim to a homestead exemption.

The foregoing amendments to the Declaration shall be effective upon recording. All other provisions of the Declaration and Plat shall remain unchanged and in full force and effect.

CERTIFICATION OF ADOPTION

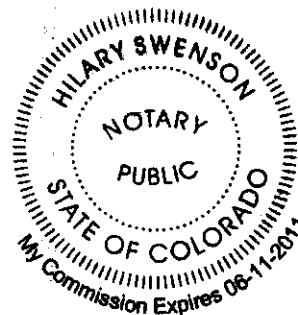
The undersigned hereby certify that the Association has complied with C.R.S. § 38-33.3-217 (1)(a), effective January 1, 2006, by obtaining the written consent of the owners representing an aggregate ownership interest of at least sixty-seven percent (67%) of the Common Elements.

Brown Homestead Condominium Association, Inc.,
a Colorado nonprofit corporation,

By: [Signature]
President

By: _____
Secretary

STATE OF CO
COUNTY OF San Miguel } ss.



The foregoing was acknowledged before me this 5th day of February, 2010, by Doug Geissler as president of Brown Homestead Condominium Association, Inc., a Colorado nonprofit corporation. Witness my hand and official seal.

My commission expires: 6/11/11 Hilary Swenson
Notary Public

STATE OF COLORADO
COUNTY OF _____ } ss.

The foregoing was acknowledged before me this _____ day of _____, 20____, by _____, as Secretary of Brown Homestead Condominium Association, Inc., a Colorado nonprofit corporation. Witness my hand and official seal.

My commission expires: _____
Notary Public

A new paragraph 29 is added as follows:

- 29. **Homestead Waiver** Every Unit Owner, by acceptance of a deed or instrument of conveyance of an ownership interest in a Unit, whether or not expressed in any deed or instrument of conveyance, shall be deemed to covenant and agree that such Unit Owner waives the homestead exemption set forth in C.R.S. § 38-41-201, as same may be amended or supplemented, as to all liens of the association against such Unit, and all such liens of the association against such Unit shall be superior Owner's claim to a homestead exemption.

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Brown Homestead Condominium Association, Inc.,
a Colorado nonprofit corporation,

By: _____
President

By: Christine C. Merrill
Secretary

STATE OF _____ }
COUNTY OF _____ } ss.

The foregoing was acknowledged before me this _____ day of _____, 20____, by _____ as president of Brown Homestead Condominium Association, Inc., a Colorado nonprofit corporation. Witness my hand and official seal.

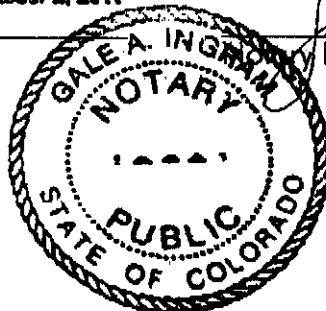
My commission expires: _____ Notary Public

STATE OF COLORADO }
COUNTY OF Owens } ss.

The foregoing was acknowledged before me this 5th day of February, 2010, by Christine C. Merrill as Secretary of Brown Homestead Condominium Association, Inc., a Colorado nonprofit corporation. Witness my hand and official seal.

My Commission Expires October 2, 2011

My commission expires: _____ Gale A. Ingram
Public



BROWN HOMESTEAD CONDOMINIUMS HOMEOWNERS ASSOCIATION
MAIL BALLOT

To: Members of the Brown Homestead Condominiums Homeowners Association, Inc.
From: Board of Directors
Date: December 29, 2009

This ballot provides Brown Homestead owners the opportunity to approve the enclosed Fifth Amendment to its Declaration. The Board recommends your support. **This ballot represents your vote.** In order for your vote to count, you must submit your ballot by **February 5, 2010**, at 11:59 p.m. MST.

PROPOSED ACTION: Shall the Brown Homestead Condominium Homeowners Association, Inc., adopt the enclosed FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE BROWN HOMESTEAD CONDOMINIUM? (Pursuant to C.R.S. § 38-33.3-217, this action will pass by an affirmative vote of sixty-seven percent (67%) of the total votes of the association.)

YES, I vote for the action *JF* (your initials) NO, I vote against the action (your initials)

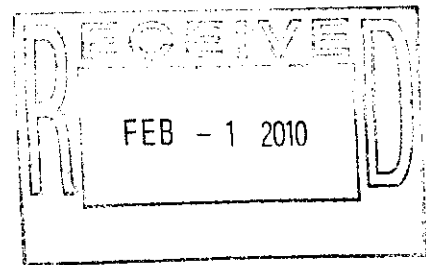
 Julie F Taylor
SIGN
 Julie F TAYLOR
PRINT

 E-3
YOUR UNIT
 1/5/10
DATE

ONCE SUBMITTED, YOUR BALLOT CANNOT BE REVOKED

Please return a signed copy of this ballot by mail, by hand, by fax or by email to:

Brown Homestead Condominiums Homeowners Association, Inc.
c/o Full Circle HOA Management
560 Mountain Village Blvd., 102B
Mountain Village, CO 81435
Telephone: (970) 369-1428
Facsimile: (970) 369-1429
Email: Mail@FullCircleHOA.com



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YES, I vote for the action MC fwc (your initials)

NO, I vote against the action _____ (your initials)

Anthony A. Ciani
Lisa W. Ciani
SIGN
Anthony A. Ciani
Lisa W. Ciani
PRINT

CA/CC
YOUR UNIT
January 23, 2010
DATE

ONCE SUBMITTED, YOUR BALLOT CANNOT BE REVOKED

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YES, I vote for the action CCM (your initials)

NO, I vote against the action _____ (your initials)

Christine C. Merritt

SIGN

CHRISTINE C. MERRITT

PRINT

C-2

YOUR UNIT

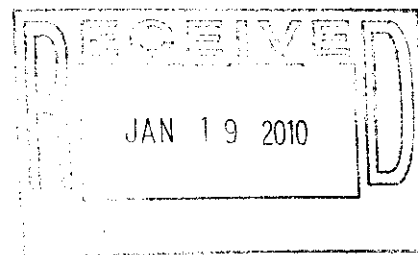
1/19/10

DATE

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To: Michelle

Fax- 970-369-1429

BROWN HOMESTEAD CONDOMINIUMS HOMEOWNERS ASSOCIATION
MAIL BALLOT

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YES, I vote for the action X (your initials) NO, I vote against the action _____ (your initials)

Stacey Lidman
SIGN
Stacey Lidman
PRINT

B4 B6
YOUR UNIT
1/19/10
DATE

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Date: December 29, 2009

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YES, I vote for the action HDW (your initials)

NO, I vote against the action _____ (your initials)

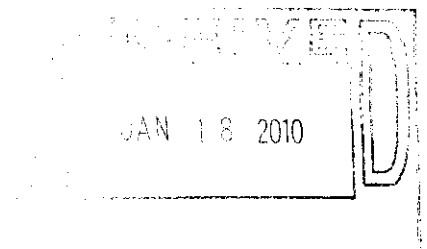
Harvey Drake Waggoner
SIGN
HARVEY DRAKE WAGGONER
PRINT

Brown Homestead Unit C-3/CS
YOUR UNIT
Jan. 13, 2010
DATE

ONCE SUBMITTED, YOUR BALLOT CANNOT BE REVOKED

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YES, I vote for the action SA (your initials)

NO, I vote against the action _____ (your initials)

Steve Holve

SIGN

A4-A-6

YOUR UNIT

Steve Holve

PRINT

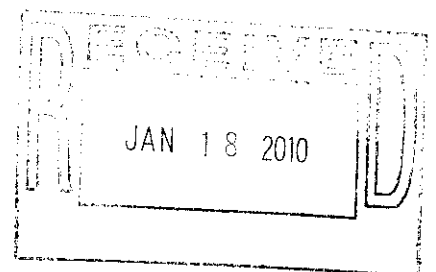
1/8/10

DATE

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YES, I vote for the action MM (your initials) NO, I vote against the action _____ (your initials)

Meredith Muller
SIGN
MEREDITH MULLER
PRINT

82
YOUR UNIT
1/14/2010
DATE

ONCE SUBMITTED, YOUR BALLOT CANNOT BE REVOKED

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From: Board of Directors
Date: December 29, 2009

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YES, I vote for the action DBA (your initials) NO, I vote against the action _____ (your initials)

Douglas B Geissler
SIGN
DOUGLAS B GEISSELER
PRINT

Unit B1
YOUR UNIT
1/14/10
DATE

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YES, I vote for the action (LK) (your initials) NO, I vote against the action _____ (your initials)

LY Kissling
SIGN
Lon Kissling
PRINT

A-1
YOUR UNIT
12/30/09
DATE

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YES, I vote for the action DW (your initials)

NO, I vote against the action _____ (your initials)

DW
SIGN
Dru Wallon
PRINT

B12
YOUR UNIT
1-7-10
DATE

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YES, I vote for the action HR (your initials) NO, I vote against the action _____ (your initials)

Leonard Rybicki
SIGN
Leonard Rybicki
PRINT

A2
YOUR UNIT
1/7/10
DATE

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YES, I vote for the action LE (your initials)

NO, I vote against the action _____ (your initials)

Linda E. Mueffel

LINDA E. Mueffelmann

SIGN
Linda E. Mueffel
PRINT

135
YOUR UNIT
12/31/09
DATE

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YES, I vote for the action AY (your initials) NO, I vote against the action _____ (your initials)

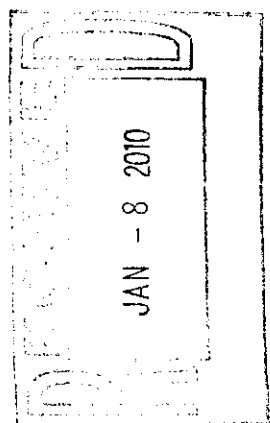
Patrick J. O'Connor
SIGN
PATRICK J. O'CONNOR
PRINT

A-3/5
YOUR UNIT
1-8-10
DATE

ONCE SUBMITTED, YOUR BALLOT CANNOT BE REVOKED

Please return a signed copy of this ballot by mail, by hand, by fax or by email to:

Brown Homestead Condominiums Homeowners Association, Inc.
c/o Full Circle HOA Management
560 Mountain Village Blvd., 102B
Mountain Village, CO 81435
Telephone: (970) 369-1428
Facsimile: (970) 369-1429
Email: Mail@FullCircleHOA.com



**BROWN HOMESTEAD CONDOMINIUMS HOMEOWNERS ASSOCIATION
MAIL BALLOT**

To: Members of the Brown Homestead Condominiums Homeowners Association, Inc.
From: Board of Directors
Date: December 29, 2009

This ballot provides Brown Homestead owners the opportunity to approve the enclosed Fifth Amendment to its Declaration. The Board recommends your support. This ballot represents your vote. In order for your vote to count, you must submit your ballot by February 5, 2010, at 11:59 p.m. MST.

PROPOSED ACTION: Shall the Brown Homestead Condominium Homeowners Association, Inc., adopt the enclosed FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE BROWN HOMESTEAD CONDOMINIUM? (Pursuant to C.R.S. § 38-33.3-217, this action will pass by an affirmative vote of sixty-seven percent (67%) of the total votes of the association.)

YES, I vote for the action _____ (your initials)

NO, I vote against the action MA (your initials)

Marissa A. Lee
SIGN
Marissa A. Lee
PRINT

E-4
YOUR UNIT
1/8/10
DATE

ONCE SUBMITTED, YOUR BALLOT CANNOT BE REVOKED

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