

RF #41

**AMENDED & SUPPLEMENTAL DECLARATION
FOR LINES III CONDOMINIUMS, A CONDOMINIUM**

THIS AMENDED & SUPPLEMENTAL DECLARATION FOR LINES III CONDOMINIUMS, A CONDOMINIUM ("Amended & Supplemental Declaration"), is made this 8 day of November, 2007 by Carl George Lines and Tong Luu.

This Amended & Supplemental Declaration amends and supplements the Declaration for Lines III Condominiums, a Planned Community ("Declaration") recorded January 21, 2005, as reception no. 667379, County of Garfield, State of Colorado.

I. Commercial References.

- 1.1 Commercial References. All references to "commercial," "commercial association," "commercial building" and "commercial unit owners" are hereby deleted from the Declaration.
- 1.2 Commercial Building. No commercial building will be constructed on the Real Property.
- 1.3 Commercial Association. No separate commercial Association will be established or come into existence.
- 1.4 Deleted Sections. Sections 1.4, 1.16, 4.11, 7.5, 8.1B. are hereby deleted from the Declaration.

II. Association References.

- 2.1 Association References. All references to "Association" in the Declaration shall only mean the Lines III Condominiums Residential Owners Association.
- 2.2 One Association. The Project has only one Association, the Lines III Condominiums Residential Owners Association. The Project now consists of two residential condominium buildings of six (6) Units each. The Association now contains a total of twelve (12) members/unit owners from the two residential condominium buildings.

III. Exclusive Common Elements.

- 3.1 Exclusive Common Elements References. All references to "exclusive common elements" are hereby deleted from the Declaration.
- 3.2 Deleted Sections. Sections 1.8 and 3.1 are hereby deleted from the Declaration.

STEWART TITLE OF COLORADO
ROARING FORK DIVISION
"A" 1000 DELORES WAY
CARBONDALE, COLORADO 81623

IV. Amendments.

4.1 Residential Building(s). The definition of "Residential Building(s)" in Section 1.3 in the Declaration is hereby amended to mean the two constructed building improvements situated on Real Property consisting of six (6) residential units per building for a total of twelve (12) residential units, as shown and described on the Supplemental Lines III Condominium Map – Building 2 ("Supplemental Map") recorded 12/18/07 as reception no. 739499, County of Garfield, State of Colorado and any supplements thereto which may be filed in the Garfield County records.

4.2 Project. The definition of "Project" in Section 1.5 in the Declaration is hereby amended to mean the Real Property, Residential Buildings, General Common Elements, Limited Common Elements and improvements now or hereafter located on the Real Property. The Project is a planned community subject to the Colorado Common Interest Ownership Act under C.R.S. 38-33.3-101 (the "Act").

4.3 General Common Elements. The definition of "General Common Elements" in Section 1.9 of the Declaration is hereby amended to state the following: The General Common Elements include parking lots, parking facilities, curbs, gutters, outside walkways, fences, driveways, trees, shrubs, lawns, parks, play areas and similar facilities; all foundations, columns, girders, beams and support of either buildings; all exterior walls, the main bearing walls, the main or bearing sub-flooring and the roofs, of or within either building; all entrances, exits, stairs, stairways, landings, elevators and fire escapes not within individual Units; all utility, service and maintenance areas, space fixtures, equipment, apparatus, installations and facilities for purposes of power, light, gas, telephone, television, internet access and use, hot water, cold water, heating, refrigeration, incineration, trash disposal, or similar utilities; furnaces, tanks, boilers, pumps, motors, fans, compressors, vents, ducts, flues, wires, pipes, conduits and other similar fixtures, structures, apparatus or equipment, provided they do not exist solely to serve an individual Unit in which they may be located. The General Common Elements do not include the air space of the individual units and do not include any Limited Common Elements as defined herein.

4.4 Division Into Units. Section 2.2 Division Into Units in the Declaration is hereby amended to state the following: The Project is hereby divided into a maximum of six (6) Units per building for a total of twelve (12) Units, each consisting of a separate fee simple estate in a particular Unit and an appurtenant fee simple undivided interest in the Limited Common Elements designed for exclusive use with such Unit, and a similar interest in the General Common Elements.

4.5 Real and Personal Property of Association. The last sentence of Section 4.5 Real and Personal Property of Association in the Declaration is hereby amended to state the following: Upon termination of ownership of the Project and dissolution of the Association, the beneficial interest in any such property shall be deemed to be owned by the then Owners of the Units, an undivided one-twelfth (1/12th) interest by the Owner of each Unit.

4.6 Member Action. The first sentence of Section 5.3 Member Action in the Declaration is hereby amended to state the following: Unless otherwise herein provided, the Association shall make all decisions, take all actions, exercise all powers and fulfill all obligations required of it hereunder by Member Action, which shall consist of the affirmative vote of the Owners of a majority of the Units at any meeting called in accordance herewith, or without a meeting, by the written approval of any particular action by the Owners of not less than eight

(8) of the Units, provided that the Owners of all such Units are provided an opportunity to approve or disapprove any such action in writing.

4.7 Notices. The phrase "In accordance with the provisions of C.R.S. 38-33.3-205(c)" shall be deleted from Section 5.6 Notices in the Declaration.

4.8 Receipt and Application of Insurance Proceeds. The second sentence of Section 9.6 Receipt and Application of Insurance Proceeds in the Declaration is hereby amended to state the following: All insurance proceeds or recoveries received by the Association shall be applied by the Association: first, as expressly provided elsewhere in this Declaration; second, to the Owner's or persons whom the Association may determine are legally or equitably entitled thereto; and third, the balance, if any, to Owners of Units in accordance with each such Owner's interest in the Limited Common Elements appurtenant to his Unit and a one-twelfth (1/12th) interest in the General Common Elements.

4.9 Voting. Section 10.10 Voting in the Declaration shall be amended to state the following: Except as is provided in this Article X, the votes of all Owners of all twelve (12) Units, in both buildings, shall be considered one hundred percent, for such voting purposes.

4.10 Voting of Owners. Section 5.4 in the Declaration shall be amended to state the following: Each Unit shall have one (1) vote. Voting by proxy shall be permitted. In the event of multiple Owners of the same Unit, the voting rights of such multiple Owners shall not be divided but shall be exercised as if the Owner consisted of only one (1) person in accordance with the proxy or other designation made by the persons constituting such Owner. The right to vote may not be severed or separated from any Unit, and any sale, transfer or conveyance of any Unit to a new Owner or Owners shall operate to transfer the appurtenant voting rights without the requirement of any express reference thereto.

4.11 Amendment and Termination. Section 12.2 in the Declaration shall be amended to state the following: Upon approval of the Town of Carbondale, if such approval is necessary and/or required, any provision contained in this Declaration may be amended, or additional provisions may be added to this Declaration, or this Declaration and ownership of the Project may be terminated or revoked, by the recording of a written instrument or instruments specifying the amendment or addition or the fact of termination and revocation, executed by sixty seven percent (67%) of all Owners of the Units.

V. Supplements.

5.1 Ownership of the Common Elements and Assessment Obligations. Each of the twelve (12) residential Unit Owners shall own an 8.333% undivided interest of the Common Elements and each residential Unit shall be obligated to pay 8.333% of the Common Expenses of the Association.

5.2 Common Elements. "Common Elements" shall mean all of the Project except all residential condominium Units. Common elements shall be divided into two categories, "General Common Elements" and "Limited Common Elements."

5.3 Limited Common Elements. "Limited Common Elements" means those Common Elements designated or reserved in the Declaration, and/or on the Map or Supplemental Map for the exclusive use and benefit of the Owners of the Units benefited thereby. Each Unit in

Building 2 contains an appurtenant parking space, storage unit and deck, which are Limited Common Elements as labeled and depicted on the Supplemental Map.

5.4 Amendment of Bylaws. Amended bylaws do not need to be recorded in the public records and may be amended from time to time in accordance with Section 7.1 of the Bylaws.

1458, 1446, 1434, 1442, 1438

IN WITNESS WHEREOF, Declarants, as owners of Units 1, , , have accepted, approved and executed this Amended & Supplemental Declaration this 8 day of November, 2007.

Carl George Lines
Carl George Lines, Declarant

Tong Luu
Tong Luu, Declarant

State of Colorado)
County of Garfield) ss.

The foregoing Amended & Supplemental Declaration for Lines III Condominiums, a Planned Community was acknowledged, subscribed and sworn to before me by Carl George Lines, Declarant this 8 day of November, 2007.

Witness my hand and official seal.

Theresa S. Goodwin
Notary Public

My commission expires: 9-28-2010



State of)
County of) ss.

The foregoing Amended & Supplemental Declaration for Lines III Condominiums, a Planned Community was acknowledged, subscribed and sworn to before me by Tong Luu, Declarant this _____ day of _____, 2007.

Witness my hand and official seal.

Notary Public

My commission expires:

ADOPTED AND APPROVED by the Executive Board of the LINES III CONDOMINIUMS
 RESIDENTIAL OWNERS ASSOCIATION, INC.

ATTEST: [Signature]
 Secretary

ADOPTED AND APPROVED by the following Members of the Association.

[Signature] 1450
 Owner Unit 1

[Signature] 1442
 Owner Unit 2

[Signature] 1446
 Owner Unit 3

[Signature] 1438
 Owner Unit 4

[Signature] 1434
 Owner Unit 5

Owner Unit 6

STATE OF COLORADO)
) ss.
 COUNTY OF GARFIELD)

The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential
 Owner's Association Inc. was acknowledged, subscribed and sworn to before me by
[Signature] as Member and Owner of Unit 1 of the LINES III
 CONDOMINIUMS.
 on 11/8/07, 2007.

my commission expires: 9-28-2010

Theresa A. Goodwin
 Notary Public



STATE OF COLORADO)
) ss.
 COUNTY OF GARFIELD)

The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential
 Owners Association Inc. was acknowledged, subscribed and sworn to before me by
[Signature] as Member and Owner of Unit 2 of the LINES III
 CONDOMINIUMS.
 on 11/8/07, 2007.

Theresa A. Goodwin
 Notary Public



Reception#: 739500
12/18/2007 10:41:19 AM Jean Alberico
6 of 8 Rec Fee:\$41.00 Doc Fee:0.00 GARFIELD COUNTY CO

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential Owners Association Inc. was acknowledged, subscribed and sworn to before me by _____ as member and Owner of Unit 3 of the LINES III CONDOMINIUMS.
on _____, 2007.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

X The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential Owners Association Inc. was acknowledged, subscribed and sworn to before me by _____ as Member and Owner of Unit 4 of the LINES III CONDOMINIUMS.
on 11/8/07, 2007.

Theresa S. Goodin
Notary Public




STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential Owners Association Inc. was acknowledged, subscribed and sworn to before me by _____ as Member and Owner of Unit 5 of the LINES III CONDOMINIUMS.
on 11/8/07, 2007.

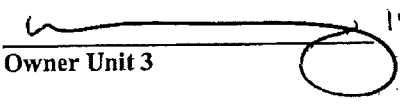
Theresa S. Goodin
Notary Public



ADOPTED AND APPROVED by the Executive Board of the LINES III CONDOMINIUMS RESIDENTIAL OWNERS ASSOCIATION, INC.

ATTEST: 
Secretary

ADOPTED AND APPROVED by the following Members of the Association.

- | | |
|---|-----------------------|
| _____
Owner Unit 1 | _____
Owner Unit 2 |
| <u></u> 1496
Owner Unit 3 | _____
Owner Unit 4 |
| _____
Owner Unit 5 | _____
Owner Unit 6 |

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential Owners Association Inc. was acknowledged, subscribed and sworn to before me by _____ as Member and Owner of Unit 1 of the LINES III CONDOMINIUMS.
on _____, 2007.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential Owners Association Inc. was acknowledged, subscribed and sworn to before me by _____ as Member and Owner of Unit 2 of the LINES III CONDOMINIUMS.
on _____, 2007.

Notary Public

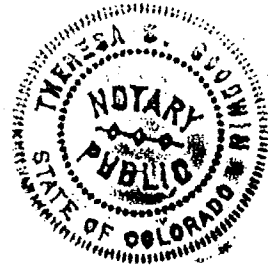
Reception#: 739500
12/18/2007 10:41:19 AM Jean Alberico
8 of 8 Rec Fee:\$41.00 Doc Fee:0.00 GARFIELD COUNTY CO

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential Owners Association Inc. was acknowledged, subscribed and sworn to before me by William Toney as member and Owner of Unit 3 of the LINES III CONDOMINIUMS.
on 11/7/, 2007.

my Commission expires: 9-28-2010

Theresa S. Goodie
Notary Public



STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential Owners Association Inc. was acknowledged, subscribed and sworn to before me by _____ as Member and Owner of Unit 4 of the LINES III CONDOMINIUMS.
on _____, 2007.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing Amended & Supplemental Declaration for the Lines III Condominiums Residential Owners Association Inc. was acknowledged, subscribed and sworn to before me by _____ as Member and Owner of Unit 5 of the LINES III CONDOMINIUMS.
on _____, 2007.

Notary Public