

Kathleen Neel - Summit County Recorder

12 Pages 8/10/2016 11:12 AM

FIRST AMENDMENT TO CONDOMINIUM DECLARATION AND PLAN OF VACATION OWNERSHIP FOR GRAND COLORADO ON PEAK 8

This First Amendment (the "First Amendment") to the Condominium Declaration and Plan of Vacation Ownership for Grand Lodge on Peak 8 (the "Declaration") is made and executed this day of ______, 2016, by Peak 8 Properties LLC, a Colorado limited liability company (herein "Declarant") and the Grand Colorado on Peak 8 Owners Association, Inc. (the "Association").

RECITALS

- A. The Declaration, dated August 31, 2015, was recorded August 31, 2015, at Reception No. 1090316 in the Summit County, Colorado public records (the "Records"). Capitalized terms used herein throughout have the meanings given to them in the Declaration.
- B. The Condominium Map of Grand Colorado on Peak 8 (the "Map") was recorded August 31, 2015, at Reception No. 1090316 in the Records. The Map includes a parcel of real estate labeled "Future Expansion Property" which is subject to the Expansion and Development Rights set forth in the Declaration, Article 16.
- C. Pursuant to the rights reserved to Declarant in Articles 15 and 16 of the Declaration, Declarant has created Additional Improvements and desires to submit such Additional Improvements to the Declaration.
- D. Pursuant to the rights reserved to Declarant in Articles 15 and 22 of the Declaration, Declarant desires to submit additional Residential Units in the Project to the Plan of Vacation Ownership under the Declaration, and in conjunction therewith, to amend Exhibit B to the Declaration to reallocate the Allocated Interests shown thereon and to amend Exhibit E to the Declaration to reflect the additional Residential Units submitted to the Plan of Vacation Ownership.
- E. Pursuant to the rights reserved to Declarant in Articles 15 and 16 of the Declaration, Declarant desires to submit Commercial Units to the Project under the Declaration, and in conjunction therewith, to amend Exhibit B to the Declaration to reallocate the Allocated Interests shown thereon.
- F. Declarant has previously shown the location of the Commercial Units and additional Residential Units on the recorded Map, as amended by that certain First Supplement to

- the Condominium Map of Grand Colorado on Peak 8, recorded on or about the date hereof in the Records (the "First Supplement").
- G. Pursuant to Article 15 of the Declaration, certain Special Declarant Rights and Additional Reserved Rights have been reserved to the Declarant including the right to amend the Declaration under Section 15.1(h).

NOW THEREFORE, Declarant hereby declares and publishes as follows:

- Exercise of Development Rights. (a) Declarant hereby submits the following Residential Units to the Plan of Vacation Ownership: 1223A, 1223B, 1223C, 1223D, 1224E, 1224F, 1224G, 1224H, 1226A, 1226B, 1323A, 1323B, 1323C, 1323D, 1324E, 1324F, 1324G, 1324H, 1326A, 1326B, 1423A, 1423B, 1423C, 1423D, 1424E, 1424F, 1424G, 1424H, 1426A, 1426B, 1523A, 1523B, 1524E, 1524F, 1524G and 1524H.
 - (b) Declarant hereby submits the following Commercial Units to the Project under the Declaration: C-1, C-2, C-3 and C-7.
- 2. <u>Allocated Interests</u>. The Allocated Interests appurtenant to each Commercial Unit and each Residential Unit in the Condominium Project set forth on Exhibit B to the Declaration are hereby reallocated, based upon the formula in Section 4.2 of the Declaration. Exhibit B to the Declaration is hereby amended and replaced in its entirety as set forth on **Exhibit 1** to this First Amendment.
- 3. Exhibit E to Declaration. Exhibit E to the Declaration is hereby amended as set forth on **Exhibit 2** to this First Amendment.
- 4. <u>General</u>. In the event of any conflict or inconsistency between the provisions of the Declaration and this First Amendment, the provisions of this First Amendment shall control. All capitalized terms used in this First Amendment, but not defined herein, are defined in the Declaration. A reference to the Declaration or the Map in any document or instrument shall be deemed to include this First Amendment without any further or specific reference thereto.

[Remainder of page intentionally blank; signature pages follow.]

Executed as of the date first written above.

DECLARANT

PEAK 8 PROPERTIES LLC, a Colorado limited liability company

By: Michael A. Dudick, Manager

STATE OF COLOROADO)

)ss.

COUNTY OF SUMMIT

Subscribed to and sworn to before me this the day of th

Witness my hand and official seal.

My commission expires: 9-18-15

NOTARY PUBLIC

KAIRA J ADAM
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064037809
MY COMMISSION EXPIRES 9/18/2018

VAIL SUMMIT RESORTS INC.'S CONSENT

Pursuant to Section 21.8 of the Condominium Declaration and Plan of Vacation Ownership for Grand Lodge on Peak 8 dated August 31, 2015, and recorded August 31, 2015 at Reception No. 1090316 in the Summit County, Colorado public records, Vail Summit Resorts, Inc. hereby consents to and approves this First Amendment to Condominium Declaration and Plan of Vacation Ownership for Grand Colorado on Peak 8 and the First Supplement to the Map.

Ownership for Grand Colorado on Peak 8 and the	First Supplement to the Map.
VAII	L SUMMIT RESORTS, INC.
By: Name Title:	
STATE OF COLORADO)	
)ss.	
COUNTY OF SUMMIT)	
The foregoing instrument was acknowledge 2016, by gon Buhler , WE COO	d before me this 2nd day of <u>August</u> of Vail Summit Resorts, Inc.
Witness my hand and official seal.	
My commission expires: April 30, 207	<u>2</u> >
DEBRA A. TAYLOR NOTARY PUBLIC STATE OF COLORADO	Debra a. Jala

NOTARY PUBLIC

NOTARY ID 20124027042 MY COMMISSION EXPIRES APRIL 30, 2020

MORTGAGEE'S CONSENT

- ,	the execution and recording of the foregoing First ation Ownership for Grand Colorado on Peak 8 and
Dated this 28 day of Tuly, 201	16.
	FIRSTBANK, a Colorado banking corporation
	By: <u>Candice K Panaus</u> Candice K Panaus Candice K Panaus Senior Vice President
STATE OF COLORADO)	
)ss.	
COUNTY OF SUMMIT)	
The foregoing instrument was acknown July, 2016, by candice K a Colorado banking corporation.	wledged before me this 28 day of Chanan so, Senior Vice President of FirstBank,
Witness my hand and official seal.	
My commission expires: 9/19/18	
	Isuly Woodward

ASHLEY WOODWARD NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20144036895 MY COMMISSION EXPIRES SEPTEMBER 19, 2018

NOTARY PUBLIC

CAPITAL ONE'S CONSENT

The undersigned hereby consents to the execution and recording of the foregoing First Amendment to Declaration and Plan of Vacation Ownership for Grand Colorado on Peak 8 and the First Supplement to the Map.

Dated this 25 day of UK CAPITAL ONE, NATIONAL ASSOCIATION, a national banking association By: April Skolen Name: VP - Portfolio Management Title: STATE OF MARYLAND COUNTY OF MONTGOMERY The foregoing instrument was acknowledged before me this 25 day of 2016, by April Skolen Capital One, National Association, a national banking association. WITNESS MY HAND AND OFFICIAL SEAL. My Commission expires: [SEAL]

> Ashleigh V Strand NOTARY PUBLIC Montgomery County, Maryland My Commission Expires 9/12/2018

LIBERTY BANK'S CONSENT

The undersigned hereby consents to the execution and recording of the foregoing First Amendment to Declaration and Plan of Vacation Ownership for Grand Colorado on Peak 8 and the First Supplement to the Map.

Dated this 26 day of July, 2016.

LIBERTY BAI	NK,
-------------	-----

A Connecticut Non-Stock Muttual Savings Bank

By: MM M. M. Sardon
Title: Vice President

STATE OF CONNECTICUT

)ss.

COUNTY OF Middlesex)

The foregoing instrument was acknowledged before me this 26 day of Joly, 2016, by Jason M Gordon, as <u>Vice President</u> of Liberty Bank, A Connecticut Non-Stock Mutual Savings Bank.

Witness my hand and official seal.

My commission expires:

SHARON L. MCKERNAN NOTARY PUBLIC

MY COMMISSION EXPIRES MAY 31, 2019

NOTARY PUBLIC

GRAND COLORADO ON PEAK 8 OWNERS ASSOCIATION'S CONSENT

The undersigned hereby consents to Amendment to Declaration and Plan of Vac		
Dated this 26 day of July, 20	16.	
, Gran	d Colorado on	n Peak 8 Owners Association, Inc.
	orado nonprofi	
	By:	MAD
	Name: Title:	Michael A. Dudick President
STATE OF COLORADO))ss. COUNTY OF SUMMIT)		
The foregoing instrument was acknowledge of the foregoing instrume	lick as Preside	nt of the Grand Colorado on Peak 8
Witness my hand and official seal.		
My commission expires: $9 - 18 - 18$		
	De C	delybria

NOTARY PUBLIC

KAIRA J ADAM

NOTARY PUBLIC

STATE OF COLORADO

NOTARY ID 20064037809

ENY COMMISSION EXPIRES 9/18/2018

EXHIBIT 1
Exhibit B to Declaration
ALLOCATED INTERESTS

									Vacation
							Percentage	Votes	Estates
						Percentage	Share of	in the	Undivided
					Average	Interest in	Common	affairs of	Interest in
		Ì		Allocation	Square	Common	Expense	the	Vacation
	Use	Unit	No	Factor	Feet	Elements	Liability	Association	Unit
1	R	1010	A A	1.1500	955	1.1219%	1.1219%	4	1/52
2	R	1010	В	0.8500	435	0.8292%	0.8292%	1	1/52
3	R	1010	C	0.8500	435	0.8292%	0.8292%	1	1/52
4	R	1010	D	1.1500	955	1.1219%	1.1219%	1	1/52
5	R	1010	A	1.1500	955	1.1219%	1.1219%	1	1/52
6	R	1012	В	0.8500	435	0.8292%	0.8292%	1	1/52
7	R	1020	A	1.1500	955	1.1219%	1.1219%	1	1/52
8	R	1020	В	0.8500	435	0.8292%	0.8292%	1	1/52
9	R	1020	C	0.8500	435	0.8292%	0.8292%	1	1/52
10	R	1020	D	1.1500	955	1.1219%	1.1219%	1	1/52
11	R	1022	Ā	1.1500	955	1.1219%	1.1219%	1	1/52
12	R	1022	В	0.8500	435	0.8292%	0.8292%	1	1/52
13	R	1220	E	1.4500	1,240	1.4145%	1.4145%	.1	1/52
14	R	1220	Ğ	0.8500	435	0.8292%	0.8292%	1	1/52
15	R	1220	Н	0.8500	435	0.8292%	0.8292%	1	1/52
16	R	1220	1	0.8500	435	0.8292%	0.8292%	1	1/52
17	R	1221	A	1.1500	955	1.1219%	1.1219%	1	1/52
18	R	1221	В	0.8500	435	0.8292%	0.8292%	1 1	1/52
19	R	1221	Č	0.8500	435	0.8292%	0.8292%	1 1	1/52
20	R	1221	D	1.1500	955	1.1219%	1.1219%	1 1	1/52
21	R	1222	Ē	1.4500	1,240	1.4145%	1.4145%	1	1/52
22	R	1222	F	0.8500	435	0.8292%	0.8292%	i	1/52
23	R	1222	G	0.8500	435	0.8292%	0.8292%	i	1/52
24	R	1222	Н	0.8500	435	0.8292%	0.8292%	i	1/52
25	R	1320	E	1.4500	1,240	1.4145%	1.4145%	1 1	1/52
26	R	1320	G	0.8500	435	0.8292%	0.8292%	i	1/52
27	R	1320	Н	0.8500	435	0.8292%	0.8292%	1	1/52
28	R	1320		0.8500	435	0.8292%	0.8292%	1	1/52
29	R	1321	Α	1.1500	955	1.1219%	1.1219%	1	1/52
30	R	1321	В	0.8500	435	0.8292%	0.8292%	1	1/52
31	R	1321	С	0.8500	435	0.8292%	0.8292%	1	1/52
32	R	1321	D	1.1500	955	1.1219%	1.1219%	1	1/52
33	R	1322	E	1.4500	1,240	1.4145%	1.4145%	1	1/52
34	R	1322	F	0.8500	435	0.8292%	0.8292%	1	1/52
35	R	1322	G	0.8500	435	0.8292%	0.8292%	1	1/52
36	R	1322	н	0.8500	435	0.8292%	0.8292%	1	1/52
37	R	1420	Α	1.1500	955	1.1219%	1.1219%	1	1/52
38	R	1420	В	0.8500	435	0.8292%	0.8292%	1	1/52
39	R	1421	Α	1.1500	955	1.1219%	1.1219%	1	1/52
40	R	1421	В	0.8500	435	0.8292%	0.8292%	1	1/52
41	R	1421	C .	0.8500	435	0.8292%	0.8292%	1	1/52
42	R	1421	D	1.1500	955	1.1219%	1.1219%	1	1/52
_	-		•	•	'	•	ı	1	

				Allocation	Average Square	Percentage Interest in Common	Percentage Share of Common	Votes in the affairs of the	Vacation Estates Undivided Interest in Vacation
- 10	Use	Unit		Factor	Feet	Elements	Expense Liability	Association	Unit
43	R	1422	E	1.4500		1.4145%	1.4145%	1	1/52
44 45	R R	1422 1422	F	0.8500	435	0.8292%	0.8292%	1	1/52
46	R	1422	G H	0.8500 0.8500	435 435	0.8292%	0.8292%	1	1/52
47	R	1521	A	1.1500	955	0.8292% 1.1219%	0.8292% 1.1219%	1	1/52 1/52
48	R	1521	В	0.8500	435	0.8292%	0.8292%	1	1/52
49	R	1521	С	0.8500	435	0.8292%	0.8292%	1	1/52
50	R	1521	D	1.1500	955	1.1219%	1.1219%	1	1/52
51	R	1522	E	1.4500	1,240	1.4145%	1.1219%	1	1/52
52	R	1522	F	0.8500	435	0.8292%	0.8292%	1	1/52
53	R	1522	G	0.8500	435	0.8292%	0.8292%	1	1/52
54	R	1522	H	0.8500	435	0.8292%	0.8292%	1	1/52
55	Ċ	C-1: Restau		3.5885	2,494	3.5007%	3.5007%	4	1702
56	Ċ	C-2: Locke	rs &	8.0230	5,576	7.8268%	7.8268%	8	
57	Α	C-3: OPC E		0.1036	72	0.1011%	0.1011%	0	Day BATT
58	R	1223	Α	1.1500	955	1.1219%	1.1219%	1	1/52
59	R	1223	В	0.8500	435	0.8292%	0.8292%	1	1/52
60	R	1223	С	0.8500	435	0.8292%	0.8292%	1	1/52
61	R	1223	D	1.1500	955	1.1219%	1.1219%	1	1/52
62	R	1224	E F	1.4500	1,240	1.4145%	1.4145%	1	1/52
63	R	1224		0.8500	435	0.8292%	0.8292%	1	1/52
64	R	1224	G	0.8500	435	0.8292%	0.8292%	1	1/52
65	R	1224	Н	0.8500	435	0.8292%	0.8292%	1	1/52
66	R	1226	Α	1.1500	955	1.1219%	1.1219%	1	1/52
67	R	1226	В	0.8500	435	0.8292%	0.8292%	1	1/52
68	R	1323	Α	1.1500	955	1.1219%	1.1219%	1	1/52
69	R	1323	В	0.8500	435	0.8292%	0.8292%	1	1/52
70	R	1323	С	0.8500	435	0.8292%	0.8292%	1	1/52
71	R	1323	D	1.1500	955	1.1219%	1.1219%	1	1/52
72	R	1324	E	1.4500	1,240	1.4145%	1.4145%	1	1/52
73 74	R	1324	F	0.8500	435	0.8292%	0.8292%	1	1/52
75	R R	1324 1324	G H	0.8500	435	0.8292%	0.8292%	1	1/52
76	R	1324	А	0.8500 1.1500	435 955	0.8292%	0.8292%	1	1/52
77	R	1326	В	0.8500	435	1.1219% 0.8292%	1.1219%	1	1/52
78	R	1423	A	1.1500	955		0.8292%	1	1/52
79	R	1423	В	0.8500	435	1.1219% 0.8292%	1.1219%	1	1/52
80	R	1423	C	0.8500	435	0.8292%	0.8292% 0.8292%	1	1/52
81	R	1423	D	1.1500	955	1.1219%	1.1219%	1	1/52
82	R	1424	E	1.4500	1,240	1.4145%	1.1219%	1	1/52
83	R	1424	F	0.8500	435	0.8292%	0.8292%	1	1/52
84	R	1424	G	0.8500	435	0.8292%	0.8292%	1	1/52
85	R	1424	H	0.8500	435	0.8292%	0.8292%	1 1	1/52
86	R	1426	A	1.1500	955	1.1219%	1.1219%	1	1/52 1/52
87	R	1426	В	0.8500	435	0.8292%	0.8292%	1	1/52
88	R	1523	Ā	1.1500	955	1.1219%	1.1219%		1/52 1/52
89	R	1523	В	0.8500	435	0.8292%	0.8292%	1 1	1/52

•

									Vacation
:							Percentage	Votes	Estates
						Percentage	Share of	in the	Undivided
					Average	Interest in	Common	affairs of	Interest in
				Allocation	Square	Common	Expense	the	Vacation
	Use	Unit I	No.	Factor	Feet	Elements	Liability	Association	Unit
90	R	1524	E	1.4500	1,240	1.4145%	1.4145%	1	1/52
91	R	1524	F	0.8500	435	0.8292%	0.8292%	1	1/52
92	R	1524	G	0.8500	435	0.8292%	0.8292%	1	1/52
93	R	1524	Н	0.8500	435	0.8292%	0.8292%	1	1/52
94	С	C-7: Ambula	ance Bay	0.7914	550	0.7720%	0.7720%	1	
Total:				102.5065	68,892	100.00%	100.00%	103	

EXHIBIT 2 Exhibit E to Declaration UNITS SUBMITTED TO THE PLAN OF VACATION OWNERSHIP

Phase 1:	Phase 1:	Phase 2:
1010A	1521A	1223A
1010B	1521B	1223B
1010C	1521C	1223C
1010D	1521D	1223D
1012A	1522E	1224E
1012B	1522F	1224F
1020A	1522G	1224G
1020B	1522H	1224H
1020C	2022	1226A
1020D		1226B
1022A		1323A
1022B		1323B
1220E		1323C
1220G		1323D
1220H		1323E
12201		1324E
1221A		1324G
1221A 1221B	•	1324H
1221C		1324H
1221C 1221D		1326B
1221D 1222E		1423A
1222F		1423A 1423B
1222G		1423C
1222H		1423C 1423D
1320E		1424E
1320G		1424F
1320H		1424G
13201		1424H
1321A		1426A
1321B		1426B
1321C		1523A
1321D		1523B
1322E		1524E
1322F		1524F
1322G		1524G
1322H		1524H
1420A		
1420B		
1421A		
1421B		
1421C		
1421D		
1422E		
1422F		
1422G		

1422H