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Cheri Brunvand - Summit County Recorder 2/5/2009 15:11 DF:0.00

**SECOND AMENDMENT TO
 CONDOMINIUM DECLARATION OF
 LAKE CLIFFE CONDOMINIUM ASSOCIATION
 ELIMINATING RIGHT OF FIRST REFUSAL**

This Second Amendment to Condominium Declaration of Lake Cliff Condominium Association (the "**Second Amendment**") is made and entered into by the Lake Cliff Condominium Association, a Colorado non-profit corporation (the "**Association**"), with an address of 160 La Bonte Street, P.O. Box 336, Dillon, Colorado, 80435.

RECITALS

A. Ferndale Development Co., Inc., a Colorado corporation, made and recorded the Condominium Declaration of Lake Cliffe Condominium Association dated the 21st day of January, 1971, and recorded on January 22, 1971 in Book 205 at page 438, as amended by a First Amendment recorded on August 17, 1988 as Reception No. 357624, all in the records of the Clerk and Recorder of the County of Summit, Colorado and as supplemented from time to time (collectively, the "**Declaration**").

B. The Association desires to amend the Declaration to eliminate the Right of First Refusal by Owners contained in Sections 25, 26 and 27 of the Declaration and any reference thereto as set forth in this Second Amendment.

C. Section 18 of the Declaration provides that the Declaration may be amended upon the consent of the owners representing an aggregate ownership interest of sixty percent (60%), or more, of the general common elements, and all of the holders of any recorded mortgages or deeds of trust.

D. In accordance with the terms of the Declaration and § 38-33.3-217, C.R.S., this Second Amendment has been duly approved by the consent of the owners representing an aggregate ownership interest of sixty percent (60%), or more, of the general common elements, and all of the holders of any recorded mortgages or deeds of trust. The approval of such mortgagees was obtained in accordance with § 38-33.3-217(1)(b), C.R.S.

NOW THEREFORE, the Association hereby amends the Declaration as follows:

1. Each of *Article 25, Right of First Refusal By Owners, Article 26, Exemption from Right of First Refusal, and Article 27, Certificate of Compliance – Right of First Refusal*, are hereby stricken and deleted in their entirety.

2. Any and all references in the Declaration to *Articles 25, 26 and 27* are hereby deleted and stricken, including without limitation as follows: *Article 11, Use and Occupancy*, shall be amended by deleting and striking the following: "subject however to the provisions contained in paragraph 25 of this Declaration".

3. Except as otherwise specifically set forth herein the Declaration shall remain unchanged. All capitalized terms used herein not otherwise defined shall have the meaning set forth in the Declaration.

The Association has caused this Second Amendment to be executed by its duly authorized officers this 15th day of January, 2009.

Lake Cliffe Condominium Association,
a Colorado nonprofit corporation

By: R Michael Kruger
R. Michael Kruger, President

Attest:

By: Irene Fernandez
Irene Fernandez, Secretary

STATE OF COLORADO)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 15th day of January, 2009, by R. Michael Kruger, as President of Lake Cliffe Condominium Association.

Witness my hand and official seal.
My commission expires: Jan 17, 2011



Alyssa D. Ashton
Notary Public