FIFTH SUPPLEMENTAL DECLARATION
TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR WOODRUN FIVE

BOOK 461 WE 623

CONTROL OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR WOODRUN FIVE

BOOK 461 WE 623

CONTROL OF COVENANTS,
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CONDITIONS AND RESTRICTIONS
FOR WOODRUN FIVE

CONTROL OF COVENANTS,
CONTROL OF

This Supplemental Condominium Declaration is made effective as of December 20, 1983, by The Snowmass Company, Ltd., a Colorado Limited Partnership.

- 1. Declaration. "Declaration" shall mean the Declaration of Covenants, Conditions and Restrictions for Woodrun Five, dated December 8, 1980, and recorded December 17, 1980 and rerecorded December 22, 1980, in Book 401 at Page 667 and in Book 401 at Page 912, of the records of the office of the County Clerk and Recorder of Pitkin County, Colorado, as supplemented by the First Supplemental Declaration to Declaration of Covenants, Conditions and Restrictions for Woodrun Five, recorded in Book 434 at Page 143 of said records, on October 15, 1982, and as supplemented by the Second Supplemental Declaration to Declaration of Covenants, Conditions and Restrictions for Woodrun Five, recorded in Book 434 at Page 932 of said records on November 1, 1982, as supplemented by the Third Supplemental Declaration to Declaration of Covenants, Conditions and Restrictions for Woodrun Five, recorded in Book 447 at Page 155 of said records on June 16, 1983, as supplemented by the Fourth Supplemental Declaration to Declaration of Covenants, Conditions and Restrictions for Woodrun Five recorded in Book 452 at Page 901 of said records on October 4, 1983.
- 2. <u>Declarant</u>. "Declarant" shall mean The Snowmass Company, Ltd., a Colorado limited partnership.
- 3. Fifth Addition. "Fifth Addition to Woodrun Five" shall mean a portion of Parcel 1, Woodrun Unit Five Subdivision, Pitkin County, Colorado, as described on Exhibit A to this Supplemental Declaration, together with all buildings, structures and improvements of any kind thereon.
- 4. Declaration. As provided in Article 12 of the Declaration, Declarant hereby declares that the Fifth Addition to Woodrun Five shall become a part of and shall be deemed within the Property, as defined in the Declaration, and shall be deemed subject to all of the provisions contained in the Declaration, as amended from time to time, upon the recording of this instrument in the office of the Clerk and Recorder of Pitkin County, Colorado.

800N 461 PAGE 624

IN WITNESS WHEREOF, Declarant has executed this instrument on Fibruary 24 , 1984 to be effective as of the day and year first above written.

THE STATE OF THE S

THE SNCWMASS COMPANY, LTD., a Colorado limited partnership

By Chaff General Partner

STATE OF Colorado

)) 65.)

The foregoing instrument was acknowledged before me this 14th day of February, 1984, by Charles Chaffer In. as General Partner of The Showmass Company, Ltd. a Colorado limited partnership.

Witness my hand and official seal.

My commission expires:

NOTARY OVBLIC

Marla K. Vannier

Notary Public

My Commission Expires October 6, 1986 61 Maningula Place P.O. Box 5241 Snovmass Villege, Co. 81615 Address

EXHIBIT A.

LEGAL DESCRIPTION

ALL THAT PORTION OF MODORUM UNIT FLYE SUBDIVISION OF PARCEL 1, A SUBDIVISION RECORDED IN PLAT BOOK 10 AT PAGE 94 OF THE RECORDS OF PITKIN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID WOODRUM UNIT FIVE SUBDIVISION OF PARCEL 1, THENCE MOD'OO'OO'E, 95.69
FEET ALONG THE WEST LINE OF SAID WOODRUM UNIT FIVE SUBDIVISION OF PARCEL 1 TO THE SOUTHWEST CORNER OF THE
MODORNIA FIVE TOMINDUSE COMPONINIUM MAP (PHASE LIB), RECORDED IN PLAY BOOK 14 AT PAGE 5 OF THE RECORDS OF PITKIN
COUNTY, COLDRADO;

THENCE S90°00'00°E, 146.14 FEET ALONG THE SOUTH LINE OF SAID THE MODORUM FIVE TOWNHOUSE COMPONIMIUM HAP (PHASE 118) TO THE MORTHWEST CORNER OF THE MODORUM FIVE TOWNHOUSE COMPONIMIUM HAP (PHASE 11A), RECORDED IN PLAY BOOK 13 AT PAGE 98 OF THE RECORDS OF PITKIN COUNTY, COLORADO;

THENCE SOO"OO"OO"M, 89.23 FEET ALONG THE WEST LINE OF SAID THE WOODRUN FITE TOMBHOUSE COMDONIUM MAP (PHASE TIA) TO THE SOUTHWEST CORNER THEREOF AND THE SOUTHERLY LINE OF SAID WOODRUN UNIT FIVE SUBDIVISION OF PARCEL 1;

THENCE 587'28'20'N, 146.28 FEET ALONG THE SOUTHERLY LINE OF SAID MOCORUM UNIT FIVE SUBDIVISION OF PARCEL 1 TO THE POINT OF BEGINNING.

ALL THAT PORTION OF SAID WOODRUM UNIT FIVE SUBDIVISION OF PARCEL 1 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORMER OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1. THENCE MOD'OD'OD'E, 207.17 FEET ALONG THE WEST LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1 TO THE MORTHMEST CORMER THEREOF; THENCE SOD'OD'OD'E, 62.00 FEET ALONG THE NORTHERT LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1; THENCE MOT'IE'2'O'E, 90.80 FEET ALONG THE MORTHEAST LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1; THENCE SUTHEASTERLY, 64.96 FEET ALONG THE MORTHEASTERLY LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1 AND ALONG THE ARC OF A CORNE CONCAVE TO THE MORTHEAST TO A MORTHEAST CORNE OF SAID THE MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1 AND ALONG THE ARC OF A CORNE CONCAVE OF SAID THE MODORUM UNIT FIVE TOWNSHOUSE COMPONITION HE ARC OF A CORNE TO THE MORTHEAST TO A MORTHEAST CORNE OF SAID THE MODORUM FIVE TOWNSHOUSE COMPONITION HE ARC OF A CORNE TO THE MORTHEAST TOWN OF SAID ARC HAVING A RADIUS OF 142.00 FEET, A DELTA ANGLE OF 26"12"40" AND BEING SUBTEMBED BY A CHORD THAT BEARS 555"50"00"E, 64.40 FEET;

THENCE 521°03'38"M, 55.78 FEET ALONG AN EASTERLY LINE OF SAID THE MODDRUN FIVE TOWNHOUSE COMMUNIUM MAP (PHASE IIB);

THENCE SOO'OO'DO'N, 64.93 FEET ALONG AN EASTERLY LINE OF SAID THE MOODRUN FIVE TOWNHOUSE COMPONENTIAL MAP [PHASE-III];

THÉRICE 590'00'00'E, 97.70 FEET ALONG A MORTHERLY LINE OF SAID THE MODORUM FIVE TOWNHOUSE COMPONINTUM MAP (PHASE 118) TO A POINT OF CURVE TO THE LEFT;

THEMCE MORTHEASTERLY, 87.34 FEET ALONG A MORTHERLY LINE OF SAID THE MODORUM FIVE TOWNHOUSE CONDOMINIUM MAP

(PMASE IIB) AND ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC MAYING A RADIUS OF 90.00 FEET, A DELTA

ANGLE OF 55"36"00" AND BEING SUBTENDED BY A CHORD THAT BEARS M62"12"00"E, 83.95 FEET;

THEMCE M34"24"00"E; 12.79 FEET ALONG A MORTHERLY LINE OF SAID THE MODORUM FIVE TOWNHOUSE COMPONIUM MAP (PMASE
IIB) TO A MORTHEAST CORMER THEREOF AND THE MORTHEASTERLY LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1;

THENCE MORTHMESTERLY, 56.74 FEET ALONG THE MORTHEASTERLY LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL I AND ALONG THE ARC OF A CURIT CONCAVE TO THE SOUTHMEST TO A POINT TANCENT, SAID ARC MAYING A RADIUS OF 285, 68 FEET, A DELTA ANGLE OF 11°20'24" AND BEING SUBTEMBED BY A CHORD THAT BEARS M63"16'08"M, 56.65 FEET;

THENCE N68'56'22'W, 116.32 FEET ALONG THE MORTHEASTERLY LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1 TO THE TRUE POINT OF BEGINNING.

BOOK 461 PAGE 626

CONSENT

Mariani Financial Co., a California limited partnership, as owner of the property described on Exhibit A to the Fifth Supplemental Declaration to Declaration of Covenants, Conditions and Restrictions for Woodrun Five, together with all buildings, structures and improvements of any kind thereon consents, effective as of December 20, 1983, to the submission of such property to the Declaration.

MARIANI FINANCIAL CO., a California limited partnership

By Mariani, General David W. Mariani, General Partner

STATE OF CALIFORNIA

) 58

COUNTY OF SANTA Clair

The foregoing instrument was acknowledged before me this Manday of Yebruary, 1984, by David W. Mariani, as General Partner of Mariani Financial Co., a California limited partnership.

WITNESS my hand and official seal,

Juinella C. Ruppotuil

Address: 693 E. Remington Drat 4 Sunny rate, CA 4411

My commission expires:

[SEAL]

OFFICIAL SEAL
PRISCILLAE KIRKPATRICK
NOTATY ABELO: CALFORNA
SMIRACHAGOMY
My Coma Expires Agg 9, 1987

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BOOK 461 ME 627 2 5 7 5 5 6

FIFTH SUPPLEMENTAL CONDOMINIUM DECLARATION TO THE

CONDOMINIUM DECLARATION
FOR THE
COODDIN FIVE TOWNHOUSE CONDOMINI

LORETTA BANNER PITKIH CTY. RECORDER

WOODRUN FIVE TOWNHOUSE CONDOMINIUMS SNOWMASS VILLAGE, COLORADO (Phase IIC)

FEB 27 9 53 AN '84

This Supplemental Condominium Declaration to the Condominium Declaration for Woodrun Five Townhouse Condominiums (the "Supplement") is made effective as of December 20, 1983, by Woodrun Townhouses, Ltd. a Colorado limited partnership.

1. Definitions.

1.1. <u>Declarant</u>. "Declarant" shall mean Woodrun Townhouses, Ltd., a Colorado limited partnership.

1.2. Condominium Declaration. "Condominium Declaration" shall mean the Condominium Declaration the Woodrun Five Townhouse Condominiums recorded on December 18, 1980 in Book 401 at Page 603 and rerecorded on December 22, 1980 in Book 401 at Page 875 of the office of the Clerk and Recorder of Pitkin County, Colorado.

1.3. Phase IIC Property. "Phase IIC Property" shall mean a portion of Parcel 1, Woodrun Unit Five Subdivision, Pitkin County, Colorado, according to the recorded plats thereof, as described on Exhibit A at /ched hereto, together with all buildings, structures and improvements of any kind thereon.

1.4. First Additional Property. Subject to the provisions of Section 2.1 of this Supplement, "First Additional Property" shall mean First Additional Property as described on Exhibit A to the First Supplemental Condominium Declaration to the Condominium Declaration for the Woodrun Five Townhouse Condominiums recorded on October 15, 1982, in Book 434 at Page 138 of the office of the Clerk and Recorder of Pitkin County, Colorado together with the Phase IIB Property as described on Exhibit A to the Second Supplemental Condominium Declaration to the Condominium Declaration for the Woodrun Five Townhouse Condominiums recorded on November 14, 1982, in Book 434 at Page 932.

1.5. Terms Previously Defined. All terms defined in the Condominium Declaration shall have the same meaning when used in this Supplement, except to the extent such term is given a different meaning in this Supplement.

THE STATE OF THE S

2. Declaration.

- 2.1. Addition of Phase IIC Property. The Phase IIC Property is hereby added to and made a part of the Property, and the Phase IIC Property is also made a part of and is deemed within the First Additional Property. The First Additional Property, as expanded herein, shall be a separate and distinct Lot as defined and described in Sections 1.5 and 1.10 of the Condominium Declaration.
- 2.2. Additional Units. There shall be 6 Units located on Phase IIC Property. These Units shall be designated 26, 27, 28, 31, 32 and 33 on a Map to be recorded in the office of the Clerk and Recorder of Pitkin County, Colorado. Designated on Exhibit B attached hereto is (a) a schedule of the undivided interests of Owners of all Units on the First Additional Property, as expanded herein, in the Common Elements constituting or in the Lot within which such Units are located, and (b) a schedule of the gross square footage for each of the above-described Units.
- 2.3. Common Elements. No portion of the real property Common Elements in the Phase IIC Property is Association Property.
- 2.4. Maintenance of Trees. The Association shall maintain the trees currently located on the Phase IIC Property to the southeast of the location of Units 31, 32 and 33.
- 3. General. All provisions of the Condominium Declaration not specifically superseded by this Supplement shall apply to the Phase IIC Property.

IN WITNESS WHEREOF, Declarant has executed this Supplement on February, 1984 to be effective as of the day and year first above written.

WOODRUN TOWNHOUSES, LTD., a Colorado limited partnership

By General Partner

BOOK 461 PASE 629

STATE OF Colorado

COUNTY OF Pithin

88.

The foregoing instrument was acknowledged before me this 24 th day of February , 1984, by James A. Chaffer M., as General Partner of Woodrun Townhouses, Ltd., a Cofforatio limited partnership.

Witness my hand and official seal.

My Commission expires:

NOTARY

Marla k. Vannie

Notary Public
My Commission Expires October 6, 1986
41 Martingale Place, P.O. Box 6241
Snowmass Village, Co. 81616

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BOOM 461 PASE 630

EXHIBIT B

Lot	Unit	Percentage Ownership of Common Elements	Unit Square* Footage
		B 0600	2.136
Parcel 1	22	7.8622	2,115
Parcel 1	23	7.8622	2,115
Parcel 1	24	7.8622	2,115
Parcel 1	25	7.8622	2,115
Parcel 1	26	7.3194	1,969
Parcel 1	27	7.2748	1,957
Parcel 1	28	7.3417	1,975
Parcel I	29	9.5907	2,580
Parcel 1	30	9.5907	2,580
Parcel 1	31	9.1595	2,464
Parcel 1	32	9.1149	2,452
Parcel 1	33	<u>9.1595</u>	2,464
		100.00%	26,901

^{*} Gross square footage.

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BOOK 461 TAGE 631

EXHIBIT A.

LEGAL DESCRIPTION

ALL THAT PORTION OF MODERNM WHIT FIVE SUBDIVISION OF PARCEL 1, A SUBDIVISION RECORDED IN PLAT BOOK 10 AT PAGE 94 OF THE RECORDS OF PITCH COUNTY, COLORADO, DESCRIBIO AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID WOODRUM UNIT FIVE SUBDIVISION OF PARCEL 1, THENCE NOO*00*00*E, 95.69 FEET ALONG THE MEST LINE OF SAID WOODRUM UNIT FIVE SUBDIVISION OF PARCEL 1 TO THE SOUTHMEST CORNER OF THE WOODRUM FIVE TOWNHOUSE CONDOMINION MAP (PHASE 118), RECORDED IN PLAT BOOK 14 AT PAGE 5 OF THE RECORDS OF PITXIM COUNTY, COLORADO;

THEICE 590°00'00°E, 146.14 FIET ALONG THE SOUTH LINE OF SAID THE WOORDIN FIVE TOMBHOUSE COMMONHIUM MAP (PMASC 118) TO THE MORTHMEST CORNER OF THE MCORRUM FIVE TOMBHOUSE COMMONHIUM MAP (PMASE 11A), RECORDED IN PLAT BOOK 13 AT PAGE 98 OF THE JECORDS OF PITXIN COUNTY, COLDRIDO;

THENCE SOO'OO'OO'N, 89.23 FEET ALONG THE WEST LINE OF SAID THE NOODRUN FIYE TONOGOUSE CONDOMINIUM MAP (PMASE ITAI TO THE SOUTHMEST CORNER THEREOF AND THE SOUTHERLY LINE OF SAID WOODRUM UNIT FIYE SUBDIVISION OF PARCEL 1;

THENCE 587°28'20"M, 146.28 FEET ALONG THE SOUTHERLY LINE OF SAID VOCORUM UNIT FIVE SUBDIVISION OF PARCEL 1 TO THE POINT OF BEGINNING.

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ALL THAT PORTION OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL I DESCRIBED AS FOLLOWS:

COMENCING AT THE SOUTHWEST CORNER OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1, THEME MOD'OD'OF, 207.17 FEET ALONG THE WEST LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1 TO THE MORTHMEST CORNER THERE OF: THEMES SOO'OD'OF, 62,00 FEET ALONG THE MORTHMEST LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1, THEMES MOT'IF 20TH, 98 FEET ALONG THE MORTHMESTERLY LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1, THEMES SUBHASTERLY, 64,96 FEET ALONG THE MORTHMESTERLY LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1, AND ALONG THE ARC OF A CURYE CONCAVE TO THE MORTHMESTERLY LINE OF SAID WE MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1, AND ALONG THE ARC OF A CURYE CONCAVE TO THE MORTHMEST CONCRETOR SAID THE MODORUM FIVE TOMORROUSE COMONIMIEM MOP (MASS ITS) MOTHES THE TOMORROUSE COMONIMIEM MOP (MASS ITS) MOTHES THE FOUND OF BEGINNING. SAID ARC MAYING A RADIUS OF 142,00 FEET, A DELTA AMORE OF 26'12'40" AND BEING SUBTEMBED BY A CHORD THAT BLARS SSS'50'00"E, 64.40 FEET;

THENCE \$21°03'38"M, 55.70 FEET ALONG AN EASTERLY LINE OF SAID THE MODORUM FIVE TOWNSHOUSE COMPONINTUM MAP (PMASE IIB);

THENCE SOO 'CO'OO'N, 64,93 FEET ALONG AM EASTERLY LINE OF SAID THE MODORUM FIVE TOWNHOUSE COMMONINIUM MAP (PMASE 118);

THERE'S 590'00'00'E, 97,70 FEET ALONG A MORTHERLY LINE OF SAID THE MODORUM FIVE TOMOROUSE CONDICIONAL MAP (PMASE ITS) TO A POINT OF CURVE TO THE LLFT;

THENCE MORTHEASTERLY, 87.34 FEET ALONG A MORTHERLY LINE OF SAID THE MODORUM FIVE TOMINOUSE COMDUNITION MAP (PHASE TIB) AND ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID AND HAVING A RADIUS OF 90.00 FEET, A DELTA AMEL OF 55°36'00" AND BEENG SUBTINGED BY A CHOKAD THAT BEARS MSZ'12'CO'E, 83,95 FEET;

THENCE MIA 24 DO E. 12.79 FEET ALONG A MORTHERLY LINE OF SAID THE MOODRIM FIVE TOWNHOUSE COMOMINIUM MAP (PHASE

THENCE MONTHMESTERLY, SE. 74 SEET ALONG THE MORTHEASTERLY LINE OF SAID MODRUM UNIT FIVE SUBDIVISION OF PARCEL I AND ALONG THE ARE OF A CURVE CONCATE TO THE SOUTHMEST TO A POINT TANGENT, SAID ARC MAYING A ANDIUS OF 286.69 FEET, A DELTA ANGLE OF 11°20'24" AND BEING SUBTENDED BY A CHORD THAT BEARS NG3"16'08'W, 56.65 FEET;

THENCE MS6"56'22"N, 116.32 FEET ALONG THE MORTHEASTERLY LINE OF SAID MODORUM UNIT FIVE SUBDIVISION OF PARCEL 1 TO THE TRIE POINT OF REGIMBING.

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CONSENT

Mariani Financial Co., a California limited partnership, as fee title owner of the Phase IIC Property, hereby consents, effective as of December 20, 1983, to the submission of the Phase IIC Property to the Condominium Declaration.

MARIANI FINANCIAL CO., a California limited partnership

STATE OF CALFORNIA

COUNTY OF Saula Clara

This instrument is acknowledged before me this 22nd. day of <u>February</u>, 1984, by David W. Mariani as General Partner of Mariani Financial Co., a California limited partnership.

WITNESS my hand and official seal

My commission expires: