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SUMMIT COUNTY
CLERK AND RECORDER

SEP 15 3 35 PM '78

ARLYS H. WARD

FIFTH SUPPLEMENT
TO
CONDOMINIUM DECLARATION
FOR
TREEHOUSE CONDOMINIUMS

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, there was recorded a Condominium Declaration for Treehouse Condominiums (the "Declaration") on May 13, 1974, under Reception No. 141305, Book 252, page 796-817, records of Summit County, Colorado, and

WHEREAS, there was recorded an Amended Condominium Declaration for Treehouse Condominiums on August 16, 1974 under Reception No. 143162, Book 255, page 460-461, records of Summit County, Colorado, and

WHEREAS, there was recorded a First Supplement to Condominium Declaration for Treehouse Condominiums on March 12, 1975 under Reception No. 147357, Book 262, page 989, records of Summit County, Colorado, and

WHEREAS, there was recorded a Second Supplement to Condominium Declaration for Treehouse Condominiums on June 20, 1975 under Reception No. 149260, Book 266, page 532, records of Summit County, Colorado, and

WHEREAS, there was recorded a Third Supplement to Condominium Declaration for Treehouse Condominiums on March 28, 1977 under Reception No. 164133, Book 291, page 213, records of Summit County, Colorado, and

WHEREAS, there was recorded a Fourth Supplement to Condominium Declaration for Treehouse Condominiums on February 21, 1978 under Reception No. 173553, Book XX, page XXXXX, records of Summit County, Colorado, and

WHEREAS, the provisions of paragraph 33 of the Declaration provide that this Condominium Project may be enlarged (by

constructing additional condominium buildings and other improvements on adjoining property), such addition to be expressed in and by a supplement to the Declaration and supplement to the Map, and

WHEREAS, an additional building and other improvements have been constructed on separate adjoining property, which property is described in the annexed Exhibit "A", which, by this reference, is made a part hereof, and

WHEREAS, by Assignment dated March 23, 1976 and recorded March 30, 1976 in Book 276, page 402, Reception No. 155467, Summit County, Colorado Records, D. J. Development Corp., a Colorado corporation, acquired all of the Declarant's rights as provided in the Declaration, and

WHEREAS, D. J. Development Corp., a Colorado Corporation, (hereinafter referred to as "Declarant"), the owner of the property described in Exhibit "A", hereby submits to the condominium project such additional improvements and real property;

NOW, THEREFORE, Declarant does hereby publish and declare that the following terms, covenants, conditions, easements, restrictions, uses, limitations, and obligations shall be deemed to run with the land, shall be a burden and a benefit to Declarant, its successors and assigns and any person or entity acquiring or owning an interest in the real property and improvements, their grantees, successors, heirs, executors, administrators, devisees, or assigns.

1. Division of Property Into Condominium Units.

(a) The real property described in Exhibit "A" and the improvements thereon are hereby divided into the fee simple estates as set forth in the attached Exhibit "B", which by this reference is made a part hereof. Each such estate shall consist of the separately designated units and the undivided interest in and to the general common elements appurtenant to each unit as set forth therein.

(b) Declarant and the unit owners shall have the right to (i) physically combine the space within one unit with the space within one or more adjoining units, or (ii) to combine a part of or combination of parts of the space within one unit with part or parts of the space within one or more adjoining units. Any such physical changes to units shall be reflected by an amendment to Exhibit "B", and the Map (one or both as may be required), which amendment shall set forth the reapportioned undivided interests of the affected units; provided, however, that no such physical changes shall be made without the written consent of the mortgagee(s) of the affected unit(s); and, provided, further, that the cost and expenses incurred for legal, architectural or engineering fees relative to preparation of such amendment shall be borne by that person requesting such physical change to the unit(s).

2. Description of Condominium Unit.

(a) Every contract for the sale of a condominium unit written prior to the filing for record of the Map or Declaration may legally describe a condominium unit by its identifying unit designation, the building symbol, followed by the name of this condominium. The location of such condominium unit shall be depicted on the Map subsequently filed for record.

(b) Every contract, deed, lease, mortgage, trust deed, will or other instrument may legally describe a condominium unit ~~by its identifying unit designation, the building symbol, followed~~ by the name of this condominium, with further reference to the Map and Declaration filed for record. Every such description shall be good and sufficient for all purposes to sell, convey, transfer, encumber or otherwise affect not only the unit, but also the general common elements and the limited elements appurtenant thereto. Each such description shall be construed to include a perpetual non-exclusive easement for ingress and egress to and from an owner's unit to and from the public road and use of the limited common elements appurtenant to his unit.

(c) The reference to the Map and Declaration in any instrument shall be deemed to include any supplements or amendments to the Map or Declaration without specific reference thereto.

3. Supplement to Condominium Map.

The supplement to the Map depicting the location of each unit, both horizontally and vertically, together with the engineering and other data as provided by the provisions of paragraph 4 of the recorded Declaration shall not be filed for record until the building has been substantially completed in order to permit the location, both horizontally and vertically of the units.

4. Reservations.

Declarant reserves the right to enlarge this condominium project as is provided in paragraph 33 of the Condominium Declaration for Treehouse Condominiums:

5. Acceptance of Provisions of All Documents.

A conveyance or encumbrance of a condominium unit shall be deemed to include the acceptance or all the provisions of the Declaration and amendments thereto, the First Supplement thereto, the Second Supplement thereto, the Third Supplement thereto, the Fourth Supplement thereto, this Fifth Supplement thereto, and the Articles of Incorporation and Association By-Laws and Rules and Regulations, and shall be binding upon each grantee or encumbrancer without the necessity of inclusion of such an expressed provision in the instrument of conveyance or encumbrance.

6. Adoption by Reference.

Except as otherwise provided in this Supplement, all of the terms, covenants, conditions, easements, restrictions, uses, reservations, limitations, and obligations set forth in said Declaration for Treehouse Condominiums are, by this reference, adopted and incorporated and made a part hereof as though fully set forth herein. The word "Declaration" as therein used shall be applicable to this Supplement. Title to and ownership of each condominium unit is expressly subject to the provisions and reservations contained herein and in the Declaration.

7. General.

(a) If any of the provisions of this Supplement or any paragraph, sentence, clause, phrase or word or the application thereof in any circumstances be invalidated, such invalidity shall

not affect the validity of the remainder of this Supplement and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

(b) "Declarant" as used herein means the named Declarant, its successors and assigns.

(c) The provisions of this Supplement shall be in addition to and supplemental to said Declaration and to the Condominium Ownership Act of the State of Colorado and to all other provisions of law.

(d) That whenever used herein, unless the context shall otherwise provide, the singular shall include the plural, the plural, the singular, and the use of any gender shall include all genders.

(e) Paragraph titles are for the convenience of reference and are not intended to limit, enlarge, or change the meaning of the contents of the various paragraphs.

IN WITNESS WHEREOF, Declarant has duly executed this Supplement this 15th day of September, 1978.

D. J. DEVELOPMENT CORP.
a Colorado corporation.

By David T. Watts
David T. Watts, President



STATE OF COLORADO)
)
COUNTY OF Summit)

ss.

The foregoing instrument was acknowledged before me this 15th day of September, 1978, by David T. Watts as President of D.J. DEVELOPMENT CORP., a Colorado corporation.

WITNESS my hand and official seal.

My commission expires: May 6, 1979
Carolyn M. Anderson
Notary Public

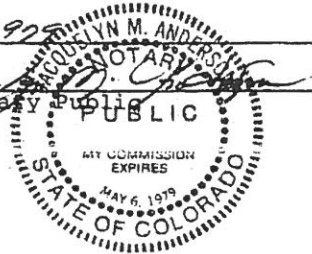


EXHIBIT "A"
SURVEYOR'S CERTIFICATE

I, RICHARD A. BACKLUND, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS CONDOMINIUM MAP FOR PHASE 6 TREEHOUSE CONDOMINIUMS, SHOWING THE SURVEY WITH BUILDING LOCATIONS AND IMPROVEMENTS, UNIT DESIGNATIONS, DIMENSIONS AND ELEVATIONS, ALL OBTAINED AFTER SUBSTANTIAL COMPLETION, ACCURATELY DEPICTS THE LAYOUT, MEASUREMENTS AND LOCATIONS OF ALL IMPROVEMENTS KNOWN AS "PHASE 6 TREEHOUSE CONDOMINIUMS" BEING A PORTION OF LOTS 10 AND 11 OF WILDERNEST FILING NO. 2, A SUBDIVISION AS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERN-MOST COMMON CORNER OF SAID LOTS 10 AND 11, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY OF RYAN GULCH ROAD, A 60 FOOT WIDE RIGHT-OF-WAY IN SAID WILDERNEST FILING NO. 2, THENCE 62.82 FEET ALONG THE ARC OF A CURVE TO THE LEFT, ALONG THE SOUTHERLY LINE OF SAID LOT 10, SAID CURVE HAVING A CENTRAL ANGLE OF $25^{\circ}21'26''$, A RADIUS OF 141.94 FEET, AND A CHORD WHICH BEARS $S 83^{\circ}46'57'' E$ 62.31 FEET DISTANT; THENCE $N 06^{\circ}27'40'' W$ A DISTANCE OF 316.66 FEET; THENCE $N 60^{\circ}53'12'' E$ A DISTANCE OF 186.41 FEET TO A POINT OF INTERSECTION WITH THE NORTHWESTERLY LINE OF PHASE 3 OF TREEHOUSE CONDOMINIUMS, AS FILED FOR RECORD IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER; THENCE $N 31^{\circ}22'51'' E$ ALONG SAID NORTHWESTERLY LINE OF PHASE 3 OF TREEHOUSE CONDOMINIUMS A DISTANCE OF 48.40 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF AMENDED TREEHOUSE CONDOMINIUMS AS FILED FOR RECORD IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER; THENCE ALONG SAID SOUTH LINE OF AMENDED TREEHOUSE CONDOMINIUMS FOR THE FOLLOWING TWO COURSES:

- 1) $N 47^{\circ}31'50'' W$ A DISTANCE OF 64.00 FEET;
- 2) $N 50^{\circ}54'00'' W$ A DISTANCE OF 250.00 FEET TO THE NORTHEAST CORNER OF PHASE 2 OF TREEHOUSE CONDOMINIUMS, AS FILED FOR RECORD IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER;

THENCE ALONG THE BOUNDARY LINE OF SAID PHASE 2 OF TREEHOUSE CONDOMINIUMS FOR THE FOLLOWING TWO COURSES:

- 1) DUE SOUTH A DISTANCE OF 160.00 FEET;
- 2) DUE WEST A DISTANCE OF 50.00 FEET;

THENCE $S 13^{\circ}10'53'' E$ A DISTANCE OF 119.28 FEET; THENCE $S 36^{\circ}11'38'' W$ A DISTANCE OF 272.24 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 11; THENCE EASTERLY ALONG SAID SOUTH LINE OF LOT 11 FOR THE FOLLOWING THREE COURSES:

- 1) 43.65 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF $02^{\circ}12'37''$, A RADIUS OF 1131.46 FEET AND A CHORD WHICH BEARS $S 54^{\circ}54'40'' E$ 43.64 FEET DISTANT;
- 2) $S 53^{\circ}48'22'' E$ A DISTANCE OF 169.57 FEET;
- 3) 42.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF $17^{\circ}18'03''$ AND A RADIUS OF 141.94 FEET TO THE POINT OF BEGINNING CONTAINING 2.464 ACRES, MORE OR LESS.

SEPTEMBER 15, 1978
DATE

Richard A. Backlund
10847
RICHARD A. BACKLUND
REGISTERED LAND SURVEYOR
STATE OF COLORADO

EXHIBIT "B"

<u>Unit</u>	<u>Building</u>	<u>Appurtenant Undivided Interest in General Common Elements</u>
G1	F	1/264
G2	F	1/264
G3	F	1/264
101	F	1/264
102	F	1/264
103	F	1/264
104	F	1/264
105	F	1/264
106	F	1/264
107	F	1/264
108	F	1/264
201	F	1/264
202	F	1/264
203	F	1/264
204	F	1/264
205	F	1/264
206	F	1/264
207	F	1/264
208	F	1/264
301	F	1/264
302	F	1/264
303	F	1/264
304	F	1/264
305	F	1/264
306	F	1/264
307	F	1/264
308	F	1/264