

**SECOND AMENDMENT TO CONDOMINIUM  
DECLARATION FOR SIMBA RUN CONDOMINIUM**

THIS SECOND AMENDMENT TO THE CONDOMINIUM DECLARATION FOR SIMBA RUN CONDOMINIUM ("Second Amendment") is made to be effective as of the date of recording.

**RECITALS**

A. The Condominium Declaration for Simba Run Condominium was recorded on January 18, 1983 in the real property records of the County of Eagle, State of Colorado, at Reception No. 248491, Book 352, Page 154 (the "Original Declaration") supplemented by that certain Supplement to Condominium Declaration for Simba Run, recorded on November 7, 1983, at Reception No. 268777, Book 372, Page 460 (the "Supplement") and amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions for Simba Run Condominium Association, recorded on March 7, 2007 at Reception No. 200706035 (the "First Amendment") in the real property records of the Clerk and Recorder of the County of Eagle, Colorado (the Original Declaration, as supplemental by the Supplement and as amended by the First Amendment, will be referred to as the "Declaration").

B. The association of homeowners created pursuant to the Declaration is known as Simba Run Condominium Association, Inc., a Colorado nonprofit corporation (the "Association").

C. The parties hereto desire to amend the Declaration on the terms and conditions hereinafter set forth.

D. The parties whose signatures are attached hereto acknowledge that each has agreed to this Second Amendment.

E. The Secretary of the Association, as certified below, certifies that such persons who have voted for and who have signed this Second Amendment constitute at least a 67% affirmative vote of the total vote of all Owners in the Association in favor of adopting this Second Amendment and that such vote and Second Amendment was duly adopted by all necessary action of the Association and the Owners. The Secretary of the Association further certifies by signing below that more than twenty (20) years has elapsed since the effective date of the Original Declaration, all as contemplated as a condition precedent to the amendment of Sections 2.5, 5.6 and 5.7.1 of the Original Declaration.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree, to amend the Declaration as follows:

1. Terms. Capitalized terms used in this Second Amendment and not otherwise defined herein shall have the same meanings as set forth in the Declaration or, if not defined

Act” shall mean the Colorado Common Interest Ownership Act,”  
C.R.S. §§ 38-33.3-101, et. seq.

2. Conflicts. In the event of a conflict between this Second Amendment and the Declaration, this Second Amendment shall control. In all other respects, the terms, conditions, and provisions of the Declaration are hereby ratified and confirmed in their entirety.

3. The following new section 7.1.9 is hereby added to the Declaration:

7.1.9 Prohibition on Creation of or Conversion of Units to Employee Housing Units.

No Unit may be made or restricted as an Employee Housing Unit, as defined in this Declaration, or as defined or referred to in the Town Code of the Town of Vail (in either instance referred to as an “Employee Housing Unit”). Any attempted creation of an Employee Housing Unit, any attempted conversion of an existing Unit into an Employee Housing Unit or any attempted limitation on use of a Unit solely for the housing of employees working within the Town of Vail or the County of Eagle, Colorado, by means of deed restriction, covenant or other method, shall be null and void *ab initio*. The Association expressly precludes deed restricted Units within the meaning of the Employee Housing Unit Deed Restriction Exchange Program of the Town of Vail [§ 12-13-5, Town Code for the Town of Vail and any amendment or replacement thereof], such that no Unit in the Condominium Project shall be deemed to qualify to be an exchange Employee Housing Unit.

4. Removal and Deletion of Restrictions on Use of Units for Employee Housing.

(a) Section 2.5 of the Declaration, entitled Employee Housing Units, is hereby revoked and deleted from the Declaration. No Units on or in the Condominium Project shall be restricted to use, occupancy or sale as Employee Housing Units under the Declaration. All Unit number designations on Exhibits “B” and “C” to the Declaration, specifically including without limitation, Exhibits “B” and “C” to the First Amendment, which previously included the letter “E” after certain of the Unit numbers shall hereafter no longer have or require an “E” in reference to any Unit in the Condominium Project. By further way of specificity, Unit 1201E shall be known as Unit 1201; Unit 2205E shall be known as Unit 2205; Unit 2207E shall be known as Unit 2207; Unit 2401E shall be known as Unit 2401; and, Unit 2402E shall be known as Unit 2402.

(b) Exhibits "B" and "C" to the Declaration, including without limitation, Exhibits "B" and "C" to the First Amendment, are deleted and replaced and superseded by Exhibits "B" and "C" attached to this Second Amendment.

(c) The provisions of this Section 4 of this Second Amendment are not intended to adversely affect any applicable law, rule, or regulation of the Town of Vail which may presently be applicable to any existing Employee Housing Unit in the Project. This Amendment only removes, revokes and deletes the Declaration covenant pertaining to restriction on use to Employee Housing.

5. Removal and Deletion of Provision Granting Use of Recreational Amenities to General Public.

Section 5.7.1 of the Declaration, which provides, *inter alia.*, that for so long as required by the Vail Zoning Ordinance for Special Development District 5 and for so long thereafter as deemed necessary or desirable by the Association the recreational amenities of the Condominium Project shall be available to the general public, is hereby deleted in its entirety. There shall be no further need or obligation imposed upon the Association pursuant to the Declaration to make any recreational facility on the Condominium Project available to use by the general public; provided, however, that nothing set forth herein shall be deemed or construed as prohibiting the Association from entering into arrangements with the general public or with private parties to permit use of one or more than one of the recreational facilities on such financial terms as the Board of Directors may reasonably determine.

6. Removal and Deletion of Provision Mandating Operation of Private Transportation Services.

Section 5.6 of the Declaration, which provides, *inter alia.*, that for so long as required by the Vail Zoning Ordinance for Special Development District 5 and for so long thereafter as deemed necessary or desirable by the Association the Association shall provide vehicles for operation of a private transportation system, is hereby deleted in its entirety. There shall be no further obligation imposed upon the Association pursuant to the Declaration to provide for the operation, scheduling, maintenance, repair or replacement of a vehicle for use in operating a private transportation system; provided, however, that nothing set forth herein shall be deemed or construed as prohibiting the Association from operating a private transportation system nor from owning, or leasing or maintaining vehicles to provide for private transportation of Owners, guests of Owners, occupants of Units and such other users as the Association, acting through the Board, may determine as necessary, convenient, useful, desirable or convenient.

7. Ratification. Except as modified by this Second Amendment, the Declaration is hereby ratified and shall remain in full force and effect.

8. Counterparts. This Second Amendment may be executed in multiple counterparts by the Owners, each such counterpart constituting one and the same document. The Secretary of the Association is authorized and empowered to attach separately executed signature pages of each of the Owners to one and the same copy of this Second Amendment for recordation purposes. Counterparts of this Second Amendment may be transmitted to the Secretary of the Association by electronic means and a counterpart copy so transmitted, displaying the signature of the Owner and displaying a notarial acknowledgment of the Owner's signature shall have the same force and effect as an original "wet signed" ink signature of the transmitting Owner and "wet signed" inked, acknowledgment of the notary public which has been personally delivered to the Secretary of the Association.

This Second Amendment shall be interpreted and construed in accordance with the laws of the State of Colorado applicable to transactions for which Colorado has the most significant relationship.

WHEREFORE, this Second Amendment is signed and acknowledged by 67%, or more (by voting percentages), of the Owners of the Association and is to be effective as of the date recorded in the records of the Clerk and Recorder of the County of Eagle, Colorado.

"OWNERS" 1102, 1510, 2313  
Owner(s) of Condominium Unit \_\_\_\_, Simba Run  
Condominium, according to the Condominium  
Declaration and Map for Simba Run Condominium  
of record, Eagle County, Colorado

By: \_\_\_\_\_  
Name (Printed): \_\_\_\_\_

By: Hildegard Husford  
Name (Printed): \_\_\_\_\_  
Hildegard Husford

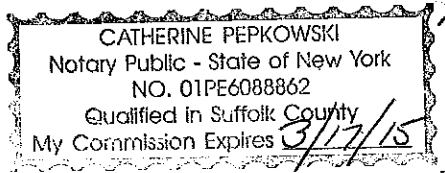
STATE OF New York )  
COUNTY OF Suffolk ) ss.

The foregoing instrument was acknowledged before me, a notary public, this 13 day of July, 2011, by Hildegard Hurford [as the \_\_\_\_\_ of \_\_\_\_\_, a [corporation/limited liability company/partnership/trust, on behalf of the entity].

Witness my hand and official seal,  
My commission expires: 3/17/15

Catherine Pepkowski  
Notary Public

[SEAL OF NOTARY PUBLIC]



**EXHIBIT "B"**  
**TO THE SECOND AMENDMENT TO CONDOMINIUM DECLARATION**  
**FOR SIMBA RUN CONDOMINIUM**

UNIT NUMBER	PERCENTAGE INTEREST IN THE COMMON ELEMENTS
1102	1.07
1104	1.07
1106	1.15
1200	1.25
1202	1.25
1201	.60
1204	1.25
1205	1.10
1206	1.07
1207	1.07
1208	1.07
1209	1.15
1210	1.07
1212	1.07
1214	1.07
1300	1.30
1401	1.07
1402	1.07
1403	1.10
1404	1.07
1405	1.07
1406	1.07
1407	1.00
1408	1.07
1409	1.07
1410	1.07
1411	1.10
1412	1.07
1413	1.07
1414	1.07
1415	1.10
1416	1.07
1417	1.07
1419	1.10
1421	1.40
1423	1.07
1425	1.10
1427	1.07
1429	1.10

**EXHIBIT "B" (CONT'D)**  
**THE SECOND AMENDMENT TO CONDOMINIUM DECLARATION**  
**FOR SIMBA RUN CONDOMINIUM**

UNIT NUMBER	PERCENTAGE INTEREST IN THE COMMON ELEMENTS
1501	1.07
1502	1.07
1503	1.07
1504	1.07
1505	1.07
1506	1.07
1507	1.07
1508	1.07
1509	1.07
1510	1.07
1511	1.07
1512	1.07
1513	1.07
1514	1.07
1515	1.07
1517	1.07
1519	1.07
1521	1.07
1523	1.07
1525	1.07
1527	1.07
2201	1.10
2202	1.07
2203	1.10
2204	1.07
2205	.73
2206	1.07
2207	.60
2208	1.25
2301	1.07
2302	1.07
2303	1.07
2304	1.07
2305	1.07
2306	1.07
2307	1.07
2308	1.07
2309	1.07
2310	1.07
2311	1.07
2313	1.07

**EXHIBIT "B" (CONT'D)**  
**THE SECOND AMENDMENT TO CONDOMINIUM DECLARATION**  
**FOR SIMBA RUN CONDOMINIUM**

UNIT NUMBER	PERCENTAGE INTEREST IN THE COMMON ELEMENTS
2315	1.07
2317	1.07
2401	.60
2402	.60
2501	1.07
2502	1.07
2503	1.07
2504	1.07
2505	1.07
2506	1.07
2507	1.07
2508	1.07
2509	1.07
2511	1.07



**EXHIBIT "C"**  
**THE SECOND AMENDMENT TO CONDOMINIUM DECLARATION**  
**FOR SIMBA RUN CONDOMINIUM**

UNIT NUMBER	PERCENTAGE OF RESPONSIBILITY INTEREST
1102	1.07
1104	1.07
1106	1.15
1200	1.25
1202	1.25
1201	.60
1204	1.25
1205	1.10
1206	1.07
1207	1.07
1208	1.07
1209	1.15
1210	1.07
1212	1.07
1214	1.07
1300	1.30
1401	1.07
1402	1.07
1403	1.10
1404	1.07
1405	1.07
1406	1.07
1407	1.00
1408	1.07
1409	1.07
1410	1.07
1411	1.10
1412	1.07
1413	1.07
1414	1.07
1415	1.10
1416	1.07
1417	1.07
1419	1.10
1421	1.40
1423	1.07
1425	1.10
1427	1.07
1429	1.10

**EXHIBIT "C" (CONT'D)**  
**THE SECOND AMENDMENT TO CONDOMINIUM DECLARATION**  
**FOR SIMBA RUN CONDOMINIUM**

UNIT NUMBER	PERCENTAGE OF RESPONSIBILITY INTEREST
1501	1.07
1502	1.07
1503	1.07
1504	1.07
1505	1.07
1506	1.07
1507	1.07
1508	1.07
1509	1.07
1510	1.07
1511	1.07
1512	1.07
1513	1.07
1514	1.07
1515	1.07
1517	1.07
1519	1.07
1521	1.07
1523	1.07
1525	1.07
1527	1.07
2201	1.10
2202	1.07
2203	1.10
2204	1.07
2205	.73
2206	1.07
2207	.60
2208	1.25
2301	1.07
2302	1.07
2303	1.07
2304	1.07
2305	1.07
2306	1.07
2307	1.07
2308	1.07
2309	1.07
2310	1.07
2311	1.07
2313	1.07

**EXHIBIT "C" (CONT'D)**  
**THE SECOND AMENDMENT TO CONDOMINIUM DECLARATION**  
**FOR SIMBA RUN CONDOMINIUM**

UNIT NUMBER	PERCENTAGE OF RESPONSIBILITY INTEREST
2315	1.07
2317	1.07
2401	.60
2402	.60
2501	1.07
2502	1.07
2503	1.07
2504	1.07
2505	1.07
2506	1.07
2507	1.07
2508	1.07
2509	1.07
2511	1.07

