

\* *For readability purposes and electronic distribution, this document has been transcribed from the original Second Replacement of the Condominium Declarations for Silver Queen West at Wilderndest recorded in the records of the Clerk and Recorder of Summit County, Colorado on August 28, 1974, Book 255, Page 720 and the First Supplement to the Replacement Condominium Map filed September 3, 1974 under Reception No. 143533.*

FIRST SUPPLEMENT  
TO  
SECOND REPLACEMENT OF THE  
CONDOMINIUM DECLARATIONS  
FOR  
SILVER QUEEN WEST AT WILDERNEST  
(A Condominium)

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, Alp-West II, a Limited Partnership (hereinafter called "Declarant) has caused to be recorded a Second Replacement of the Condominium Declaration for Silver Queen West at Wilderndest in Book 250 at page 223-250 of the records of the Clerk and Recorder of Summit Count, Colorado; and

WHEREAS, in section 33 of said Declaration, Declarant for itself, its successors and assigns expressly reserved the right to enlarge the Silver Queen West at Wilderndest Condominium Project by submitting additional real property and improvements; and

WHEREAS, Alp-West III, a Limited Partnership) thereafter called "Alp-West III" is a successor and assign of Declarant; and

WHEREAS, Alp-West III has completed the construction of the two (2) additional buildings and other improvements on a separate tract of real property situated in the County of Summit, State of Colorado, which property is described on Exhibit "A", attached hereto and incorporated by reference herein, and is depicted on the first supplement to the Replacement Condominium Map for silver Queen West at Wilderndest Condominiums, and

WHEREAS, Alp-West III wishes to submit to this Condominium Project the real property and improvements described on Exhibit "A".

NOW, THEREFORE, Alp-West III does hereby publish and declare that the following terms and conditions, covenants, easements, restrictions, uses, limitations and obligations shall be deemed to use with the land which shall be a burden benefit to the Declarant, its successors and assigns and any person 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: The real property described on Exhibit "A" including the improvements thereon is hereby divided into sixty four (64) fee simple estates as met forth on Exhibit "B", which is attached hereto and incorporated by reference herein. Each such estate shall consist of the separately designated units and the undivided interest in and to the common elements appurtenant to each unit as set forth on Exhibit "B".
2. Limited Common Elements: A portion of the common elements is reserved for the exclusive use of the owners of the respective units and such areas are referred to as "limited common elements". Any balcony, patio or deck, which is or are accessible from, associated with and adjoin

a unit shall, without further reference thereto, be used in connection with such unit to the exclusion of the use thereof by the other owners of the common elements, except by invitation. Similarly, one vehicular parking space within one or more parking structures to be built in the future shall be assigned to a unit and shall at the time of assignment become a limited common element appurtenant to such unit

3. Supplement to Condominium Map: The supplement to the Condominium Map depicting the location of each unit, both horizontally and vertically, together with such other information as is required by the provisions of Section 5 of the Second Replacement of the Condominium Declaration for Silver Queen West at Wilderndest shall be recorded prior to the first conveyance of units in Buildings C and D in order to permit the location, both horizontally and vertically of said units. Such Map shall be termed " First Supplement to the Replacement Condominium Map of Silver Queen West at Wilderndest Condominiums". A er the First Supplement to the Condominium Map and the First Supplement to the Second Replacement of the Condominium Declaration for Silver Queen West at Wilderndest have been filed for record in the office of the Clerk and Recorder of the County of Summit, every contract, deed, lease, mortgage, trust deed, will or other instrument may legally describe a condominium unit as follows:

Condominium Unit No.\_\_\_\_\_, Building\_\_\_\_, SILVER QUEEN WEST AT WILDERNEST, in accordance with the Second Replacement of the Condominium Declaration, recorded on \_\_\_\_\_, 1974, in Book \_\_\_\_\_ Page\_\_\_\_\_, and the First Supplement to the Second Replacement of the Condominium Declaration, recorded on \_\_\_\_\_, 1974, in Book \_\_\_\_\_ at Page\_\_\_\_\_, and the First Supplement to the Replacement Condominium Map recoded on \_\_\_\_\_, 1974, in Book \_\_\_\_\_ at Page \_\_\_\_\_, Summit County records.

Each 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 appurtenant limited common elements, appurtenant undivided interest in the common elements and all other appurtenant property and property rights and incorporate all of the rights and burdens incident to the ownership of a condominium unit and all the limitations thereon as described in the Second Replacement of the Condominium Declaration for Silver Queen West at Wilderndest, First Supplement thereto, Replacement Condominium Map of Silver Queen West at Wilderndest Condominiums and First Supplement to the Condominium Map. Each such description shall be construed to include a non-exclusive easement for ingress and egress to and from an owner's unit and use of all the limited common elements appurtenant to said unit as well as all the general common elements.

4. Easements: Each owner shall have the non-exclusive right and easement together with all other owners to use all the general common elements, open spaces, recreational facilities, grass and landscaping areas and all the other areas in the project which are not herein specifically designated to the use of less than all the owners. This easement shall be irrevocable and shall be for the purposes of ingress and egress, recreational and social use and shall apply to all of the property, hereinbefore and hereinafter committed to this Condominium project.

5. Reservations: Declarant reserves the right to enlarge this Condominium Project as provided in Section 33 (a) through (e) of the Second Replacement of the Condominium Declaration for Silver Queen West at Wilderdest.
6. Notwithstanding the provisions set forth in Section 20 of the Second Replacement of the Condominium Declaration for Silver Queen West at Wilderdest Alp-West III shall only be obligated to pay fifty percent (50%) of the amount of assessments for the common expenses imposed by the Board of directors or Managing Agent of the Association to meet the common expenses.
7. General:
  - a. The provisions contained in this First Supplement to the Second Replacement of the Condominium Declaration for Silver Queen West at Wilderdest shall be in addition and supplemental to the provisions contained in the recorded Second Replacement of the Condominium Declaration for Silver Queen West at Wilderdest. All provisions of the Second Replacement of the Condominium Declaration for Silver Queen West at Wilderdest, except those specifically modified herein, shall be applicable to the real property described on Exhibit "A" and incorporated herein by reference in this First Supplement.
  - b. If any of the provisions of this instrument or any paragraph, sentence, clause, phrase or word, on the application thereof in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of this Declaration, and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstance shall not be affected thereby.
  - c. The provisions of this instrument shall be in addition and supplemental to the Condominium Ownership Act of the State of Colorado and to all other provisions of law.
  - d. That whenever used herein, unless the content shall otherwise provide, the singular number shall include the plural, the plural, the singular and the use of any gender shall include all genders.

IN WITNESS THEREOF: Declarant by its corporate officers has duly executed this Supplement to the Declaration this 26th day of August A.D., 1974.

STATE OF COLORADO             )  
   ) ss  
City and County of                 )

The foregoing instrument was acknowledged before me, A Notary Public, this 26th day of August, A.D., 1974 by: N.F. Anthony Seibert.

My commission expires: November 20, 1977

EXHIBIT A

A parcel of land being a portion of Lot 4, WILDERNEST FILING NO. 2, a Subdivision Plat filed for record in the office of the Clerk and Recorder, Summit County, Colorado, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 4, also being a point on the Easterly right-of-way line of Ryan Gulch road a 60-foot wide road in said Wilderdest Filing No. 2; thence N 16°52' 30" W along said Easterly right-of-way line a distance of 231.80 feet; thence N 29°22'00" E a distance of 349.28 feet; thence N 85°40'04" E a distance of 200.00 feet to the Easterly boundary line of said Lot 4; thence S 04°19'56" E along said Easterly boundary line a distance of 420.00 feet; thence S 29°40'47" W along the Southeasterly boundary line of said Lot 4 a distance of 120.00 feet; thence S 86°12'35" W ALONG THE Southerly boundary line of said Lot 4 a distance of 276.34 feet to the point of beginning.

## EXHIBIT B

The real property described in Exhibit A and improvements thereon are hereby divided into the following fee simple estates, to wit:

- (a) Sixty-four (64) fee simple estates consisting of sixty-four (64) separately designated units, each such unit being identified by a number on the Map.
- (b) The remaining portion of the entire premises referred to as the common elements which shall be held (in fee simple) in common by the owners, each such undivided interest being appurtenant to one of the sixty-four (64) units. Declarant does hereby establish each undivided interest in the common elements appurtenant to each of the units as follows:

Unit Number	Appurtenant Undivided Interest (percentage)
C-01	1.09
C-02	0.81
C-03	0.81
C-04	0.81
C-05	0.81
C-06	0.81
C-07	0.81
C-08	0.81
C-09	0.81
C-010	0.81
C-011	1.09
C-101	1.43
C-102	1.88
C-103	1.88
C-104	1.88
C-105	1.88
C-106	1.88
C-107	1.43
C-201	1.43
C-202	1.88
C-203	1.88
C-204	1.88
C-205	1.88
C-206	1.88
C-207	1.43
C-301	2.13
C-302	2.35
C-303	2.35
C-304	2.35
C-305	2.35
C-306	2.35
C-307	2.13
D-01	1.09
D-02	0.81
D-03	0.81
D-04	0.81
D-05	0.81
D-06	0.81
D-07	0.81
D-08	0.81
D-09	0.81
D-010	0.81
D-011	1.09

Unit Number	Appurtenant Undivided Interest (percentage)
D-101	1.43
D-102	1.88
D-103	1.88
D-104	1.88
D-105	1.88
D-106	1.88
D-107	1.43
D-201	1.43
D-202	1.88
D-203	1.88
D-204	1.88
D-205	1.88
D-206	1.88
D-207	1.43
D-301	2.13
D-302	2.35
D-303	2.35
D-304	2.35
D-305	2.35
D-306	2.35
D-307	2.13