

**FIRST AMENDMENT
TO THE
CONDOMINIUM DECLARATION
FOR
THE RIVERWALK TOPAZ BUILDING**

WHEREAS, Eagle II Developers, Inc., a Colorado corporation (the "Declarant"), recorded the Condominium Declaration For The Riverwalk Topaz Building on May 28, 1997 in Book 727 at Page 843 of the records of the County Clerk and Recorder of Eagle County, State of Colorado (the "Declaration"); and

WHEREAS, the Declarant, as a technical amendment to the Declaration as allowed under Section 15.2, has determined that a particular provision as contained therein is confusing and in need of correction, and with this First Amendment will correct such deficiency.

NOW, THEREFORE, the Declaration is amended as follows:

1. Section 3.4(b) of the Declaration is amended and replaced in its entirety as follows:

"(b) Combination of a Condominium Unit. Each Owner shall have the right to physically combine adjacent Units and to construct such improvements and alter as much of the Common Elements as is necessary for this purpose, provided that the same is done in conformity with all local building codes, governmental laws, ordinances, rules and regulations appurtenant thereto, and the cost of any such alteration is borne exclusively by the Owner causing such alteration. If one or more Units are combined, such Units may thereafter be separated physically only if restored to their original configuration as shown on the Map. The physical combination or separation of previously combined Units shall not alter the legal description of the Units, which shall retain their status as separate Units. Upon the combination of one or more Units by alteration or removal of a common wall, floor or ceiling, the perimeter boundary of such Units shall be the center line of such previously existing wall, floor or ceiling. Upon the physical separation of one or more previously combined Units by the addition of closure of a common wall, floor or ceiling, the perimeter boundary of such Units shall be the unfinished wall, floor or ceiling. No amendment of the Map shall be required to effect the combination or separation of Units in accordance with this Section 3.4. Notwithstanding, no combinations of Condominium Units shall take place without the prior written consent of at least seventy-five percent (75%) of the Owners."

Except as herein specified, all provisions, restrictions, covenants, and conditions contained in the Declaration shall remain in full force and effect; provided that in the event the provisions of this First Amendment shall in any way conflict with said Declaration, the provisions of this First Amendment shall control.

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