

18/06-91

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

This Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building (this "Amendment") is made effective as of the 30th day of May, 2002 and constitutes an amendment to the Condominium Declaration for The Riverwalk Topaz Building (the "Initial Declaration") dated May 9, 1997, and recorded May 28, 1997 as Reception No. 623806, as amended by the First Amendment to the Condominium Declaration for The Riverwalk Topaz Building (the "First Amendment") dated May 28, 1997, and recorded September 8, 1997 as Reception No. 632395, the Second Amendment to the Condominium Declaration for The Riverwalk Topaz Building (the "Second Amendment") dated September 23, 1997, recorded October 27, 1997 as Reception No. 637492, and the Third Amendment (the "Third Amendment") dated November 26, 1997 and recorded January 12, 1998 as Reception No. 644502, as amended by the Correction of Third Amendment dated July 3, 2002 and recorded July 11, 2002 as Reception number 801252, all in the real property records of the County of Eagle, State of Colorado (the Initial Declaration and the First, Second and Third Amendments (as corrected and amended) are hereinafter collectively referred to as the "Declaration").

WITNESSETH:

WHEREAS, the Declaration created and defined certain covenants, conditions, restrictions and easements for the Riverwalk Topaz Building Condominiums; and

WHEREAS, the Owners desire to approve an amendment to the condominium map for Riverwalk Topaz Building Condominiums and to amend the Declaration in certain respects as more particularly provided herein; and

WHEREAS, pursuant to Section 3.4 (a) of the Declaration, the Declaration may be so amended after obtaining the written consent of least seventy five percent (75%) of the Condominium Unit Owners.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Definitions. Any capitalized term used herein without definition shall have the meaning ascribed to it in the Declaration.

2. Approval of Amended Map. The amended condominium map for Riverwalk Topaz Building Condominiums (the "Amended Map") identified as "Amended Final Plat Riverwalk Topaz Building Condominiums A Reconfiguration of Units O-205 and O-206", by Peak Land Consultants, Inc., Job No. _____, dated April _____, 2002 is hereby approved. In particular, the reconfiguration and redesignation of



Unit O-205 and Unit O-206 is hereby approved pursuant to Section 3.4 (a) of the Declaration. The Amended Map shall be recorded in the Office of the Clerk and Recorder of Eagle County, Colorado, and the President of the Association is hereby authorized to sign the Amended Map in order to evidence the approval of the Owners as contained herein, and each Owner executing the Amendment hereby designates the Association as its agent and attorney-in-fact for such purpose.

3. Exhibit B Amendment. Exhibit B is hereby deleted from the Declaration, and the Exhibit B attached to this Amendment is substituted in its place.

4. Governing Law. This Amendment will be governed by and interpreted in accordance with the laws of the State of Colorado.

5. Counterparts. This Amendment may be executed in counterpart copies which, when taken together, will evidence the entire agreement of the parties.

6. Conflicts Between Documents. This Amendment hereby supersedes and controls over any contrary provision contained in the Declaration. In case of conflict between the Declaration as amended hereby and the Articles and the Bylaws of the Association, the Declaration, as amended, shall control.

7. Declaration. Except as specifically set forth in this Amendment, the Declaration remains unchanged and in full force and effect. This Amendment shall hereafter be interpreted for all purposes as part of the Declaration.

IN WITNESS WHEREOF, the undersigned, representing an aggregate ownership interest of seventy-five percent (75%), or more, of the Riverwalk Topaz Building Condominium Owners have executed this Amendment on the day and year written below.

[Signatures on attached pages]



Sara J Fisher Eagle, CO

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EXHIBIT "B"

ALLOCATED INTEREST
BUILDING "K" TOPAZ

RESIDENTIAL	9,508.76
COMMERCIAL	12,706.06
GCE	<u>3,647.85</u>
TOTAL	25,862.67

RESIDENTIAL + GCE

13,156.61

<u>UNIT #</u>	<u>SQ. FOOTAGE</u>	<u>% OWNERSHIP</u>	<u>VOTES</u>
R-201	1,207.45	6%	6
R-202	1,186.15	5%	5
R-203	1,186.15	5%	5
R-204	1,174.63	5%	5
R-205	1,174.63	5%	5
R-206	1,186.15	5%	5
R-207	1,186.15	5%	5
R-208	1,207.45	6%	6

TOTAL RESIDENTIAL 9,508.76 42% 42

COMMERCIAL + GCE

16,353.91

C-101	3,688.07	17%	17
C-102A	1,121.02	5%	5
C-102B	732.82	3%	3
C-103-A	1,052.97	5%	5
C-103-B	1,442.33	6%	6
0-201	715.12	3%	3
0-202	705.39	3%	3
0-203	1,015.47	5%	5
0-204	767.68	4%	4
0-205	1,069.53	5%	5
0-206	395.66	2%	2

TOTAL COMMERCIAL 12,706.06 58% 58



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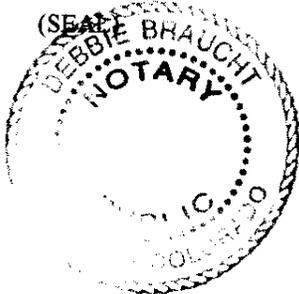
THE UNDERSIGNED OWNER of Unit R-204 (5 % ownership interest) hereby consents to the above Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building:

By: [Signature]
Name: Matthew G + Stefani G LEAR
Title: Owner
Date: 6/7/2002

STATE OF Colorado)
COUNTY OF Eagle) ss.

The foregoing instrument was acknowledged before me this 7th day of June, 2002, by Matthew G and Stefani G Lear.

My commission expires: 5-19-06



Debbie Braucht



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THE UNDERSIGNED OWNER of Unit C-101 (17 % ownership interest) hereby consents to the above Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building:

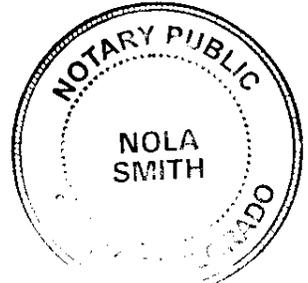
By: [Signature]
Name: WILLIAM L. WILLIAMS
Title: PRESIDENT
Date: 6-7-02

STATE OF Colorado)
COUNTY OF Eagle) ss.

The foregoing instrument was acknowledged before me this 7th day of June, 2002, by William L. Williams as President of Eagle II Swelapets, Inc.
My commission expires 11-7-04

(SEAL)

[Signature]



My Commission Expires Nov. 7, 2004



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THE UNDERSIGNED OWNER of Unit C-103B(6 % ownership interest) hereby consents to the above Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building:

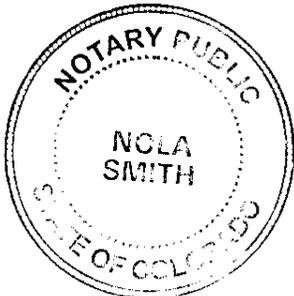
By: [Signature]
Name: WILLIAM L. WILLIAMS
Title: PRESIDENT
Date: 6-7-02

STATE OF Colorado)
COUNTY OF Eagle)ss.

The foregoing instrument was acknowledged before me this 7th day of June, 2002, by William L. Williams as President of Eagle II Developers, Inc.
My commission expires: _____

(SEAL)

Nola Smith



My Commission Expires Nov. 7, 2004



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THE UNDERSIGNED OWNER of Unit 0201 (3 % ownership interest) hereby consents to the above Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building:

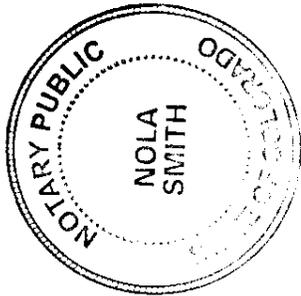
By: [Signature]
Name: WILLIAM L. WILLIAMS
Title: PRESIDENT
Date: 6-7-02

STATE OF Colorado)
COUNTY OF Eagle) ss.

The foregoing instrument was acknowledged before me this 7th day of June, 2002, by William L. Williams as President of Eagle II Developers, Inc.
My commission expires: _____

(SEAL)

Nola Smith



My Commission Expires Nov. 7, 2004



Sara J Fisher Eagle, CO

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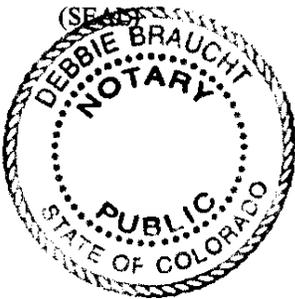
THE UNDERSIGNED OWNER of Unit 0-203 (5 % ownership interest) hereby consents to the above Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building:

By: K Marchetti Jackie Marchetti
Name: Kenneth J. Marchetti + Jacqueline W. Marchetti
Title: Owner
Date: 6/7/02

STATE OF Colorado)
COUNTY OF Eagle))ss.

The foregoing instrument was acknowledged before me this 7th day of June, 2002, by Kenneth J and Jacqueline W Marchetti
My commission expires: 5-19-06

Debbie Braucht



Sara J Fisher Eagle, CO

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THE UNDERSIGNED OWNER of Unit 0-204(4) % ownership interest) hereby consents to the above Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building:

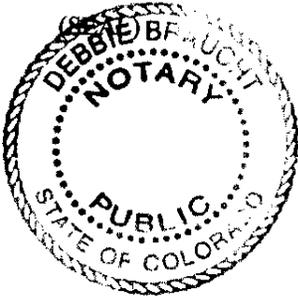
By: K Marchetti & J Marchetti
Name: Kenneth J. Marchetti & Jacqueline W. Marchetti
Title: Owner
Date: 6/7/02

STATE OF Colorado)
COUNTY OF Eagle) ss.

The foregoing instrument was acknowledged before me this 7th day of June, 2002, by Kenneth J and Jacqueline W Marchetti

My commission expires: 5-19-06

Debbie Brauch



Sara J Fisher Eagle, CO

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R 91.00

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THE UNDERSIGNED OWNER of Unit 0.205 (4 % ownership interest) hereby consents to the above Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building:

By: *William L. Williams*
Name: WILLIAM L. WILLIAMS
Title: PRESIDENT
Date: 6-7-02

STATE OF Colorado)
COUNTY OF Eagle)ss.

The foregoing instrument was acknowledged before me this 7th day of June, 2002, by William L. Williams as President of Eagle II Switzers, Inc.
My commission expires: _____

(SEAL)

Nola Smith



My Commission Expires Nov. 7, 2004



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Sara J Fisher Eagle, CO

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D 0.00

THE UNDERSIGNED OWNER of Unit 0-206 (3 % ownership interest) hereby consents to the above Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building:

By: [Signature]
Name: WILLIAM L. WILLIAMS
Title: PRESIDENT
Date: 6-7-02

STATE OF Colorado)
COUNTY OF Eagle)ss.

The foregoing instrument was acknowledged before me this 7th day of June, 2002, by William L. Williams as President of Eagle II Developers, Inc.
My commission expires: _____

(SEAL)

[Signature]



My Commission Expires Nov 7, 2004



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Sara J Fisher Eagle, CO

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R 91.00

D 0.00

THE UNDERSIGNED OWNER of Unit R-208 (6 % ownership interest) hereby consents to the above Fourth Amendment to Condominium Declaration for The Riverwalk Topaz Building:

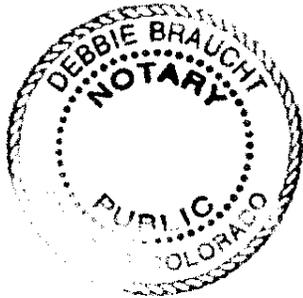
By: Brian M. Storz
Name: BRIAN M. STORTZUM
Title: owner
Date: 8-1-02

STATE OF Colorado)
COUNTY OF Eagle)ss.

The foregoing instrument was acknowledged before me this 1st day of August, 2002, by Brian M. Stortzum.

My commission expires: 5-19-06

(SEAL)



Debbie Braucht



Sara J Fisher Eagle, CO

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R 91.00

D 0.00

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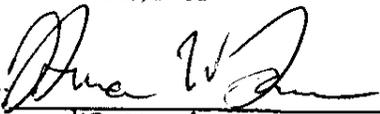
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Joinder of lienor

The undersigned holder of the deed of trust recorded December 10, 2001 at Reception No. 779023, hereby subordinates its interest to this amended Condominium Declaration.

Amcore Bank, N.A.

By: 
Name: BRUCE W. LAMMERS
Title: Executive Vice President



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