

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

This Fifth Amendment to Condominium Declaration for The Riverwalk Topaz Building (this "Fifth Amendment") is made effective as of the 15th day of December, 20 21 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, the Third Amendment to the Condominium Declaration for The Riverwalk Topaz Building (the "Third Amendment") dated November 26, 1997 and recorded January 12, 1998 as Reception No. 644502, the Correction of Third Amendment dated July 3, 2002 and recorded July 11, 2002 as Reception number 801252, and the Fourth Amendment to the Condominium Declaration for The Riverwalk Topaz Building (the "Fourth Amendment") dated May 30, 2002 and recorded September 17, 2002 as Reception No. 807415 all in the real property records of the County of Eagle, State of Colorado (the Initial Declaration and the First, Second, Third, and Fourth 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 amend the Declaration to convert the Commercial Level 2 restrooms from General Common Element to Limited Common Element – Commercial, and convert the Residential Level 2 Corridor and Stairway and the Residential Level 3 Corridor from Limited Common Element - Residential to General Common Elements as specifically provided herein; and

WHEREAS, Section 4.2(c) of the Declaration grants to The Riverwalk Topaz Building Association, a Colorado nonprofit corporation (the "Association") "the right to redesignate General Common Elements as Limited Common Elements and to reassign Limited Common Elements to the fullest extent permitted under the Act[;]" and

WHEREAS, this Fifth Amendment has been approved by Owners holding not less than seventy-five percent (75%) of the votes possible to be cast under the Declaration in accordance with Section 15.2 of the Declaration, and by at least seventy-five percent (75%) of the Mortgagees holding First Mortgages against any portion of the Property including those Mortgagees who are deemed to have approved this Fifth Amendment pursuant to section 38-33.3-217(b)(II), C.R.S., as certified by the Association herein below.

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. Redesignation of Certain Common Elements. The General Common Elements and Limited Common Elements described in this Section 2 are hereby redesignated or converted as follows and as depicted on Exhibit A attached hereto and incorporated herein.
 - a. The restrooms located on the second level of the Building and designated on the Map as Restroom G.C.E. are hereby converted to Limited Common Elements limited to and reserved for the use of Owners of the Commercial Units.
 - b. The corridor and stairway located on the second level of the Building and designated on the Map as Corridor\Stairs L.C.E. – R. and the corridor located on the third level of the Building and designated on the Map as Corridor L.C.E. – R. are hereby converted from Limited Common Elements for the use of Owners of the Residential Units to General Common Elements.
3. Presidential Authority. the President of the Association is hereby authorized to sign and certify the Owners' votes to approve this Fifth Amendment.
4. Exhibit B Amendment. Exhibit B is hereby deleted from the Declaration and the Exhibit B attached to this Fifth Amendment is substituted in its place.
5. Governing Law. This Fifth Amendment will be governed by and interpreted in accordance with the laws of the State of Colorado.
6. Counterparts. This Fifth Amendment may be executed in counterpart copies which, when taken together, will evidence the entire agreement of the parties.
7. Conflicts Between Documents. This Fifth 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.
8. Declaration. Except as specifically set forth in this Fifth Amendment, the Declaration remains unchanged and in full force and effect. This Fifth Amendment shall hereafter be interpreted for all purposes as part of the Declaration.

[signature page follows]

CERTIFICATION

The undersigned officer of The Riverwalk Topaz Building Association, a Colorado nonprofit corporation, hereby certifies that this Fifth Amendment has been approved by Owners holding not less than seventy-five percent (75%) of the votes possible to be cast under the Declaration in accordance with Section 15.2 of the Declaration, and by at least seventy-five percent (75%) of the Mortgagees holding First Mortgages against any portion of the Property including those Mortgagees who are deemed to have approved this Fifth Amendment pursuant to section 38-33.3-217(b)(II), C.R.S..

THE RIVERWALK TOPAZ
BUILDING ASSOCIATION,
a Colorado nonprofit corporation

Ken Marchetti
Ken Marchetti, President

STATE OF Colorado)
) SS.
COUNTY OF Eagle)

The foregoing instrument was acknowledged before me this 15th day of December, 2021, by Ken Marchetti as PRESIDENT of THE RIVERWALK TOPAZ BUILDING ASSOCIATION, a Colorado nonprofit corporation.

WITNESS my hand and official seal.
My commission expires: 6/23/25.

Erin McCauley
NOTARY PUBLIC

ERIN MCCAULEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20214024628
MY COMMISSION EXPIRES JUNE 23, 2025

EXHIBIT “A”

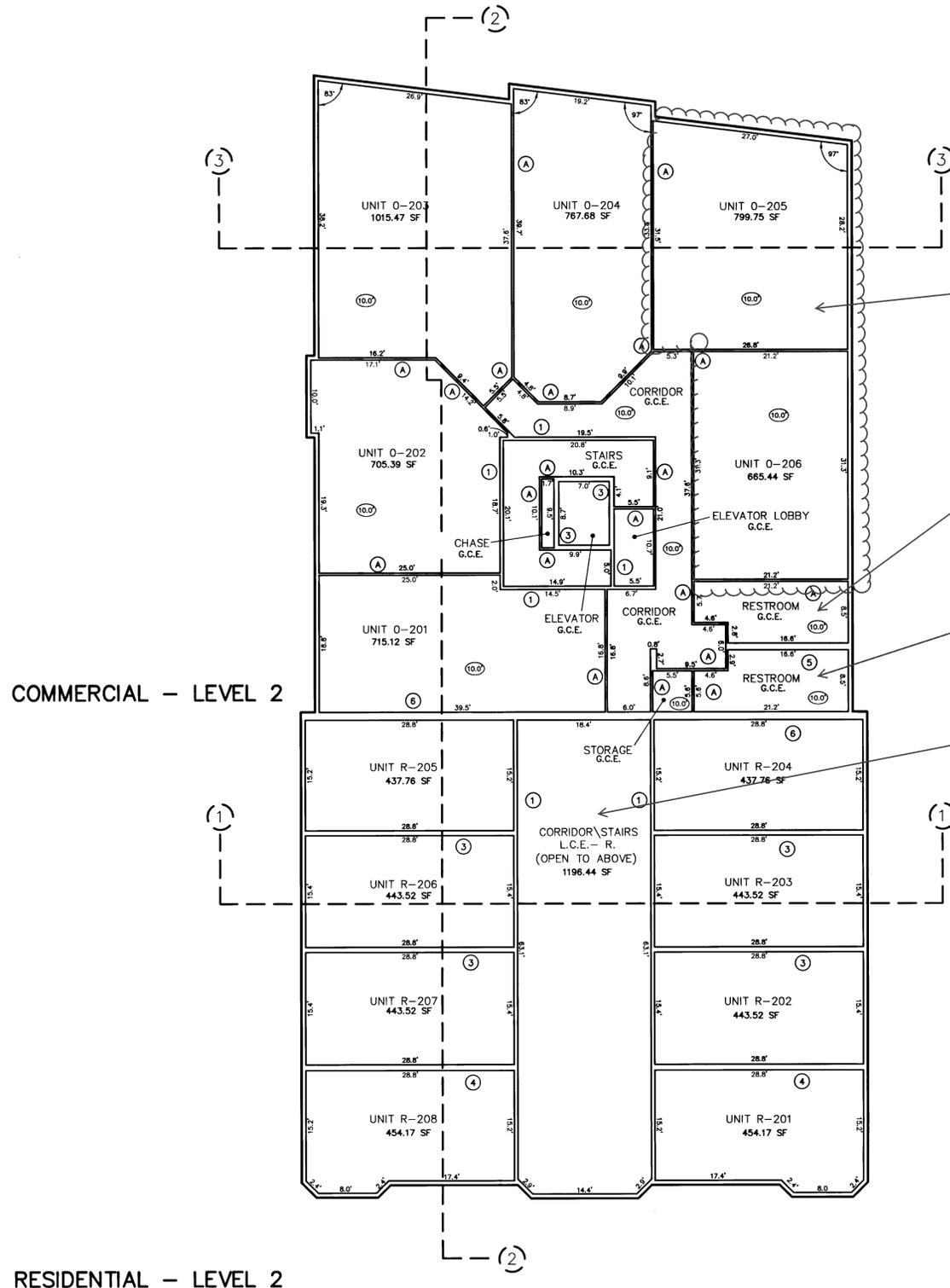
[attached]

RIVERWALK TOPAZ BUILDING CONDOMINIUMS

LOT 7, RIVERWALK AT EDWARDS - PHASE 5

EAGLE COUNTY, COLORADO

YB Hot 5



Unit O-205 and O-206 were revised by the Fourth Amendment to Condominium Declaration for Riverwalk Topaz Building recorded at reception number R807415 in the real property records of the County of Eagle, State of Colorado (the "Fourth Amendment"). This Fifth Amendment to Condominium Declaration or the Riverwalk Topaz Building does not change the boundaries of any Unit or the configuration of Unit O-205 or Unit O-206 as set forth in the Fourth Amendment

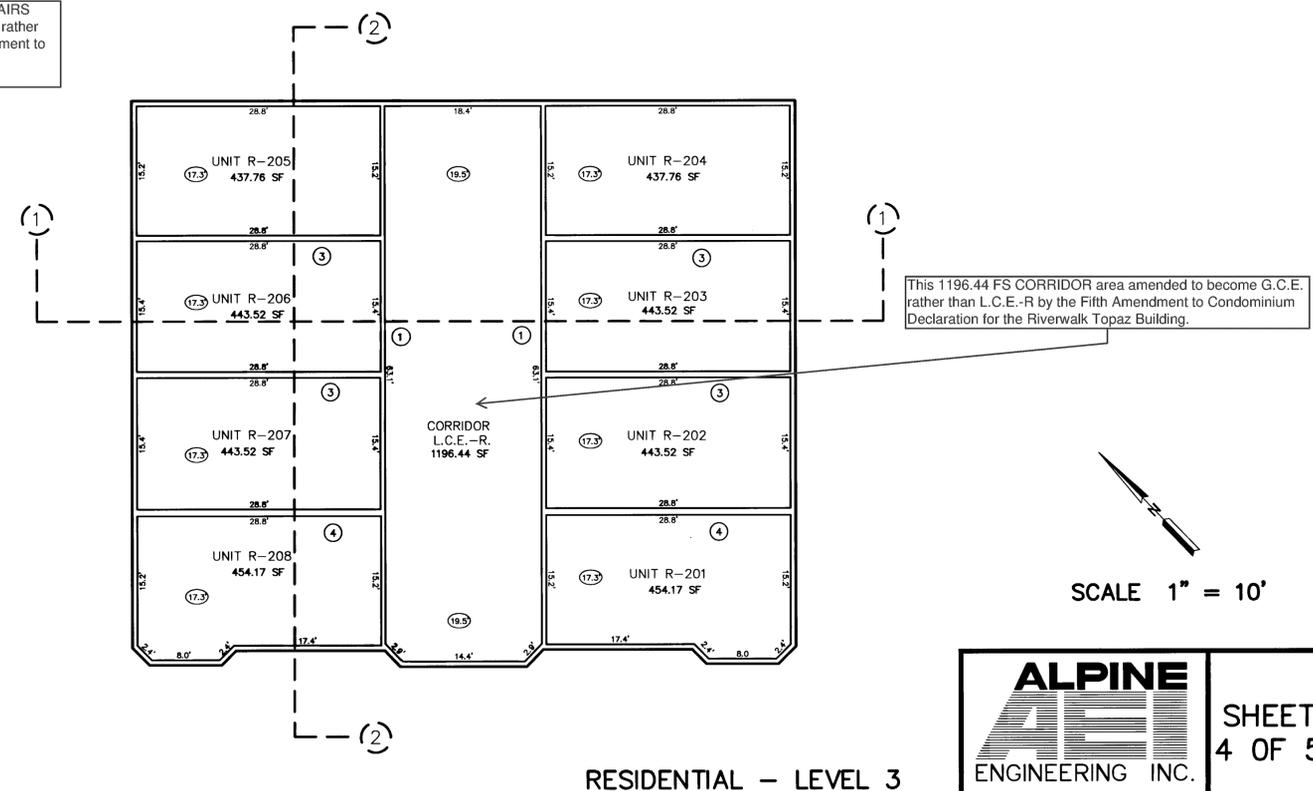
This 167.32 SF RESTROOM area amended to become L.C.E.-C rather than G.C.E. by the Fifth Amendment to Condominium Declaration for the Riverwalk Topaz Building.

This 166.86 SF RESTROOM area amended to become L.C.E.-C rather than G.C.E. by the Fifth Amendment to Condominium Declaration for the Riverwalk Topaz Building.

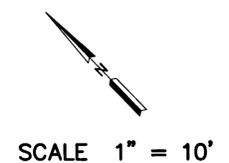
This 1196.44 SF CORRIDOR/STAIRS area amended to become G.C.E. rather than L.C.E.-R by the Fifth Amendment to Condominium Declaration for the Riverwalk Topaz Building.

- EXTERIOR WALL
- UNIT WALL
- - - CEILING BREAK
- - - SECTION
- Ⓜ CEILING HEIGHT
- G.C.E. GENERAL COMMON ELEMENT
- L.C.E. - R. LIMITED COMMON ELEMENT - RESIDENTIAL
- FOR MORE VERTICAL INFORMATION, REFER TO SHEET 5.
- L.C.E. - C LIMITED COMMON ELEMENT - COMMERCIAL

- WALL THICKNESSES
- Ⓐ 0.3' WALL
 - Ⓚ 0.4' WALL
 - Ⓛ 0.5' WALL
 - Ⓜ 0.6' WALL
 - Ⓝ 0.7' WALL
 - Ⓞ 0.8' WALL
 - Ⓟ 0.9' WALL
 - Ⓠ 1.1' WALL



This 1196.44 FS CORRIDOR area amended to become G.C.E. rather than L.C.E.-R by the Fifth Amendment to Condominium Declaration for the Riverwalk Topaz Building.



COMMERCIAL - LEVEL 2

RESIDENTIAL - LEVEL 2

RESIDENTIAL - LEVEL 3

ALPINE
AEI
ENGINEERING INC.

EDWARDS BUSINESS CENTER • P.O. BOX 97
EDWARDS, COLORADO 81632
• 303.926-3373 • FAX 926-3390 •

SHEET
4 OF 5

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EXHIBIT "B"

**ALLOCATED INTEREST
BUILDING "K" TOPAZ**

RESIDENTIAL	7,115.88
COMMERCIAL	<u>12,706.06</u>
TOTAL RESIDENTIAL AND COMMERCIAL	<u>19,821.94</u>

RESIDENTIAL	SQUARE FOOTAGE	PERCENT OWNERSHIP	VOTES
UNIT #			
R-201	908.34	4.58%	4.58%
R-202	887.04	4.48%	4.48%
R-203	887.04	4.48%	4.48%
R-204	875.52	4.42%	4.42%
R-205	875.52	4.42%	4.42%
R-206	887.04	4.48%	4.48%
R-207	887.04	4.48%	4.48%
R-208	908.34	4.58%	4.58%
TOTAL RESIDENTIAL	<u>7,115.88</u>	<u>35.90%</u>	<u>35.90%</u>
 COMMERCIAL			
C-101	3,688.07	18.61%	18.61%
C-102-A	1,121.02	5.66%	5.66%
C-102-B	732.82	3.70%	3.70%
C-103-A	1,052.97	5.31%	5.31%
C-103-B	1,442.33	7.28%	7.28%
O-201	715.12	3.61%	3.61%
O-202	705.39	3.56%	3.56%
O-203	1,015.47	5.12%	5.12%
O-204	767.68	3.87%	3.87%
O-205	1,069.53	5.40%	5.40%
O-206	395.66	2.00%	2.00%
TOTAL COMMERCIAL	<u>12,706.06</u>	<u>64.10%</u>	<u>64.10%</u>
 Total	<u><u>19,821.94</u></u>	<u><u>100.00%</u></u>	<u><u>100.00%</u></u>