

**FIRST AMENDMENT TO THE BALLARD HOUSE SOUTH
CONDOMINIUM DECLARATION**

This FIRST AMENDMENT TO THE BALLARD HOUSE SOUTH CONDOMINIUM DECLARATION ("First Declaration Amendment") for The Ballard House South, a condominium common interest community (the "Community") is made as of this 24th day of September, 2013 by Peter M. Cunningham (the "Owner"), and is consented to and approved by the Ballard House South Homeowners' Association, Inc. (the "Association").

RECITALS

- A. The Community was created by virtue of that certain Ballard House South Condominium Map recorded in the official records of the San Miguel County, Colorado Clerk and Recorder (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2488, as amended by the First Amendment to the Condominium Map recorded in the Official Records on March 24, 2000 in Plat Book 1 at page 2703, and the Second Amendment to the Condominium Map recorded in the Official Records on October 25, 2013 in Plat Book 1 at page 4605 (collectively the "Map") and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented (collectively the "Declaration") (the Map and the Declaration may be collectively referred to herein as the "Governing Documents"), and otherwise pursuant to the Colorado Common Interest Ownership Act C.R.S. § 38-33.3-101 et seq. (the "Act").
- B. The Owner is the owner of Unit 302S and Unit 305S in the Community.
- C. The Owner has elected to combine Unit 302S and Unit 305S by removing a General Common Element wall dividing the two units in order to create Unit 302S-R, as depicted on the Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records on the same date as this First Declaration Amendment in Plat Book 1 at page 4627 ("Third Map Amendment"), to modify and add windows, to engage in other improvements as already performed (collectively the "Unit 302S-R Improvements"), and to cause the Map and the Declaration to be amended pursuant to Article 13, Section 13.06 of the Declaration.
- D. Pursuant to its authority and according to Article 3; Article 4, Section 4.05(c); Article 6, Section 6.03; Article 10; and other relevant provisions of the Declaration, the Ballard House South Homeowners' Association Inc., a Colorado non-profit corporation ("Association") acting through its Board of Directors, has approved and does hereby approve the Unit 302S-R Improvements, the Third Map Amendment, and this First Declaration Amendment.

E. According to section 6.02 of the Declaration, the percentage interests allocated to each Unit (the "Allocated Interests"), as shown on Exhibit C of the Declaration and on the Map, are calculated as follows: (a) the percentage liability for Common Expenses is calculated on the basis of square footage of each Residential Unit as a fraction or percentage of the square footage of all Units, including Parking Units, in the Community; and (b) the number of votes in the Association is calculated on the basis of square footage of each Residential Unit as a fraction or percentage of the square footage of all Residential Units in the Community.

F. According to Section 6.03 of the Declaration, when, as here, a Unit is added or the size of Unit is changed, pursuant to the Declaration and the Act, the formulas set forth above shall be used to reallocate the Allocated Interests, amend Exhibit C, and supplement the Map. The amended Exhibit C to the Declaration is attached hereto as Attachment 1.

G. The consent of the Owner's lender is attached hereto as Attachment 2. The consents required by the unit owners remaining to achieve at least 67% of the votes in the Association pursuant to Article 13, Section 13.06 of the Declaration are attached hereto as Attachment 3. The Association has determined that no consent is required by any Eligible Holders pursuant to Article 13, Section 13.06 and Article 12, Section 12.02, since no holder, insurer or guarantor of a first lien mortgage or deed of trust has delivered a written request to the Association requesting treatment as an "Eligible Holder" pursuant to Article 12, Section 12.01.

AMENDMENT

In consideration of the foregoing and pursuant to the Act, and the Declaration including but not limited to Article 3; Article 4, Section 4.05(c); Article 6, Sections 6.02 and 6.03; Article 10; and Article 13, Section 13.06, the Owner and the Association hereby amend the Declaration and supplement the Map as follows:

1.1 Definitions. Except as otherwise defined herein or on the Third Map Amendment, all defined terms used herein shall have the same meaning as ascribed to them in the Declaration.

1.2 Amendment to Map. The Map is hereby amended as set forth on the Third Map Amendment.

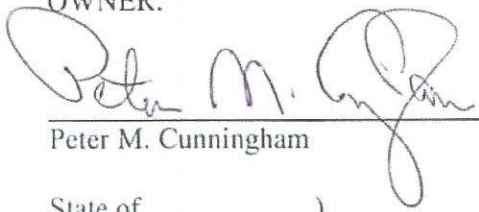
1.3 Reallocation of Allocated Interests. The Allocated Interests are hereby reallocated, and Exhibit C of the Declaration is hereby amended, restated, and supplanted as provided in Attachment 1 attached hereto, and as set forth as the amended Schedule of Interests on the Third Map Amendment.

1.4 Miscellaneous. Except as modified herein, the Declaration shall remain in full force and effect. Any determination by any court of competent jurisdiction that any provision of this First Declaration Amendment is invalid or unenforceable shall not affect

the validity and enforceability of any other provision hereof. All captions and titles are for the purpose of reference and convenience and are not intended to limit, modify or otherwise effect the provisions hereof or to be used to determine the intent or context thereof. This First Declaration Amendment may be executed in one or more counterparts.

IN WITNESS WHEREOF, the undersigned have caused this First Declaration Amendment to be executed effective as of the date first written above.

OWNER:

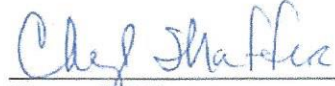


Peter M. Cunningham

State of)
)ss.
County of)

The foregoing First Declaration Amendment was acknowledged before me this 28 day of January, ~~2013~~, by Peter M. Cunningham. 2014 (as)

My commission expires: 02/05/2017
Witness my hand and official seal.



Notary Public



ASSOCIATION

ASSOCIATION:

The Ballard House South Homeowners' Association Inc., a Colorado non-profit corporation

Printed Name: FREDERICK WINSTON *F. W.*
Title: PRESIDENT

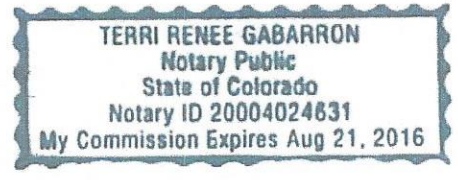
STATE OF Colorado)

COUNTY OF San Miguel) ss.

Acknowledged, subscribed and sworn to before me this 24th day of September, 2013 by Frederick Winston, as the President of The Ballard House South Homeowners' Association Inc., a Colorado non-profit corporation

Witness my hand and official seal.
TERRI RENEE GABARRON

My commission expires: 8/21/16
Notary Public



(Attachment 1 to First Declaration Amendment)

**EXHIBIT C
BALLARD HOUSE SOUTH
TABLE OF INTERESTS**

Unit Number	Designated Use	Allocated Square Footage*	Unit Square Footage	Allocated Ownership Percentage Interest	Allocated Voting Percentage
101S	Residential	815.3	660	4.86	5.83
102S	Residential	867.1	700	5.15	6.18
103S	Residential	1132.2	945	6.96	8.35
104S	Residential	605.4	469	3.45	4.14
105S	Residential	658.0	519	3.82	4.58
201S	Residential	1126.0	904	6.65	7.99
202S	Residential	1613.3	1287	9.47	11.37
203S	Residential	841.3	687	5.06	6.07
205S	Residential	1345.7	1131	8.33	9.99
207S	Residential	1323.5	1035	7.62	9.14
301S	Residential	873.2	644	4.74	5.69
302S-R	Residential	1826.9	1594	11.73	14.08
303S	Residential	976.4	746	5.49	6.59
P-1	Parking	n/a	180	1.33	n/a
P-2	Parking	n/a	148	1.09	n/a
P-3	Parking	n/a	148	1.09	n/a
P-4	Parking	n/a	151	1.11	n/a
P-5	Parking	n/a	151	1.11	n/a
P-6	Parking	n/a	148	1.09	n/a
P-7	Parking	n/a	148	1.09	n/a
P-8	Parking	n/a	148	1.09	n/a
P-9	Parking	n/a	148	1.09	n/a
P-10	Parking	n/a	151	1.11	n/a
P-11	Parking	n/a	151	1.11	n/a
P-12	Parking	n/a	148	1.09	n/a
P-13	Parking	n/a	148	1.09	n/a
P-14	Parking	n/a	148	1.09	n/a
P-15	Parking	n/a	148	1.09	n/a

*Note: Allocated Square Footage – defined as Unit Area plus a proportionate share of Common Areas allocated per floor, not including elevator shafts and vertical stairwell risers.

ATTACHMENT 2 – FIRST DECLARATION AMENDMENT
(Security Interest Holder's Consent)

Security Interest Holder's Consent

The undersigned, beneficiary of that certain Deed of Trust dated October 12, 2012 and recorded on October 15, 2012 at Reception No. 425147 in the Office of the Clerk and Recorder of San Miguel County, Colorado (the "Official Records") as the same may be assigned, amended or supplemented from time to time (the "Security Instrument"), for itself and its successors and assigns, approves that certain First Amendment to the Ballard House South Condominium Declaration recorded in the official records at Reception No. 431597 (the "First Declaration Amendment") and that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 1 at Page 4627, Reception No. 431596 as the same may be amended (the "Third Map Amendment") that, among other things, depicts the combination of Unit 302S and Unit 305S to create Unit 302S-R, amends the Schedule of Interests, and otherwise affects the property encumbered by the Security Instrument, and agrees that no foreclosure or other enforcement of any remedy pursuant to the Security Instrument or otherwise shall impair, invalidate, supersede, or otherwise affect the Third Map Amendment and the First Declaration Amendment.

VECTRA BANK COLORADO, NA

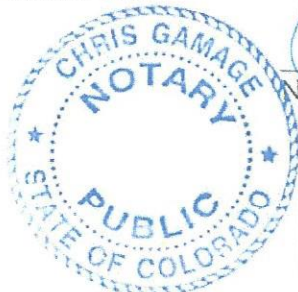
By: Patricia Cook [Name]
[Title] Patricia Cook
Credit Administrator
Vectra Bank

State of)
)ss.
County of)

The foregoing instrument was acknowledged before me this 27th day of January 2013 by Patricia Cook, as Credit Administrator, of Vectra Bank, NA.

My commission expires: My commission expires 12/31/2015

Witness my hand and official seal.



[Signature]
Notary Public

ATTACHMENT 3 – FIRST DECLARATION AMENDMENT
(Remaining Unit Owners' Consents)

Unit Owner's Consent

The undersigned Owner of Condominium Unit/Unit(s) 1015, 2055, 3015, P1, P8, P9, P10, P-12, P-13, Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2488, as amended or supplemented, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 1 at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597.

UNIT OWNER:

Telluride Global Development, LLC, a Colorado limited liability company

By: [Signature] as AIF Date: 7-24-13
Stephanie L. Fanos, as attorney-in-fact for Garry Au Yeung, Director, E Global Development Limited, a British Virgin Islands corporation, Manager of Telluride Global Development, LLC, a Colorado limited liability company

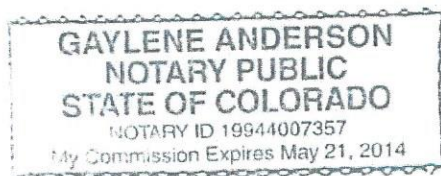
STATE OF COLORADO)
) ss
COUNTY OF SAN MIGUEL)

Acknowledged, subscribed and sworn to before me this 24 day of July 2013 by Stephanie L. Fanos, Stephanie L. Fanos, as attorney-in-fact for Garry Au Yeung, Director, E Global Development Limited, a British Virgin Islands corporation, Manager of Telluride Global Development, LLC, a Colorado limited liability company.

Witness my hand and official seal.

[Signature]
Notary

My commission expires: 05-21-14



Unit Owner's Consent

The undersigned, RALPH STELLMACHER Owner of Condominium Unit/Unit(s) 102, Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2488, as amended or supplemented, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book L at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597.

UNIT OWNER:

RALPH STELLMACHER *Ralph Stellmacher*

By: [Name] NA
[Title(if applicable)] NA

State of Colorado)
)ss.
County of Douglas)

The foregoing instrument was acknowledged before me this 22 day of August 2013 by Ralph Stellmacher as OWNER of UNIT 102

My commission expires: 01-27-2014
Witness my hand and official seal.

JANICE L DUVALL
NOTARY PUBLIC
STATE OF COLORADO

MY COMMISSION EXPIRES 01/27/14

Janice L Duvall
Notary Public

Unit Owner's Consent

The undersigned, Roberta Stellmacher Owner of Condominium Unit/Unit(s) 102, Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2488, as amended or supplemented, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 1 at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597.

UNIT OWNER:

Roberta Stellmacher

By: [Name] NA
[Title(if applicable)] NA

State of Colorado)
)ss.
County of Douglas)

The foregoing instrument was acknowledged before me this 22 day of August 2013 by Roberta Stellmacher, as owner, of UNIT 102.

My commission expires: 01-27-2014
Witness my hand and official seal.

JANICE L DUVALL
NOTARY PUBLIC
STATE OF COLORADO

MY COMMISSION EXPIRES 01/27/14

Janice L Duvall
Notary Public

Unit Owner's Consent

The undersigned, Elaine C. Dillingham Owner of Condominium Unit/Unit(s) 1045, Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2488, as amended or supplemented, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 1 at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597.

UNIT OWNER:

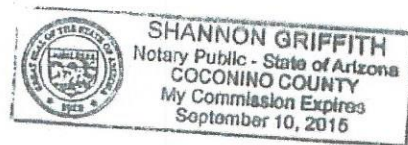
Elaine Dillingham
By: [Name] Elaine Dillingham
[Title(if applicable)] owner 1045

State of Arizona)
)ss.
County of Cocoonis)

The foregoing instrument was acknowledged before me this 22nd day of July 2013 by Elaine Dillingham, as owner, of 1045.

My commission expires: 9-10-2015
Witness my hand and official seal.

[Signature]
Notary Public



Unit Owner's Consent

The undersigned, Thomas Randy Dillingham Owner of Condominium Unit/Unit(s) 1045, Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2488, as amended or supplemented, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 1 at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597.

UNIT OWNER:

Thomas Randy Dillingham
By: [Name] Thomas Randy Dillingham
[Title(if applicable)] _____

State of _____)
)ss.
County of _____)

The foregoing instrument was acknowledged before me this 19 day of July 2013 by THOMAS RANDY DILLINGHAM, as OWNER, of BALLARD HOUSE SOUTH UNIT # 1045.

My commission expires: NOV 9, 2016
Witness my hand and official seal.

John Kistler
Notary Public



Unit Owner's Consent

The undersigned, Mark Puckett Owner of Condominium Unit/Unit(s) 203, Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2488, as amended or supplemented, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 1 at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597.

UNIT OWNER:

[Signature]

By: [Name] Mark Puckett
[Title(if applicable)] _____

State of New Mexico

County of Bernalillo ss.

The foregoing instrument was acknowledged before me this 19 day of July 2013 by Mark Puckett, as _____ of _____.

My commission expires: 10/07/14
Witness my hand and official seal.

[Signature]
Notary Public



Unit Owner's Consent

The undersigned, Sarah Whitlock Owner of Condominium Unit/Unit(s) 203, Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2488, as amended or supplemented, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 1 at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597.

UNIT OWNER:



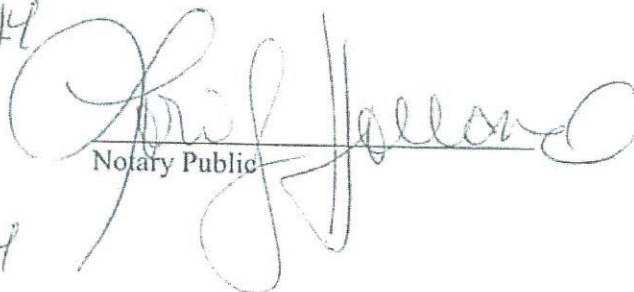
By: [Name] Sarah Whitlock
[Title(if applicable)] _____

State of New Mexico

County of Bernalillo ss.

The foregoing instrument was acknowledged before me this 19th day of July 2013 by SARAH SARAH WHITLOCK, as _____ of _____.

My commission expires: 10/07/14
Witness my hand and official seal.


Notary Public



OFFICIAL SEAL
LORI J. HOLLAND
NOTARY PUBLIC STATE OF NEW MEXICO
My commission expires: 10/07/14

Unit Owner's Consent

The undersigned, Owner of Condominium Unit 207, Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 19, 1999 in Plat Book 1 at page 2488, as amended by the First Amendment to the Condominium Map recorded March 24, 2000 in Plat Book 1 at page 2703, and the Second Amendment to the Condominium Map recorded in the Official Records in Plat Book 1 at page 4605, Reception No. 430449, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 1 at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597.

UNIT OWNER:

Peko, LLC, a Colorado limited liability company

By Thomas David Friesen
Thomas David Friesen, manager

State of Colorado)
)ss.
County of San Miguel

The foregoing instrument was acknowledged before me this 21st day of July, 2013 by Thomas David Friesen, member, Peko, LLC, a Colorado limited liability company.

My commission expires: 8/21/16
Witness my hand and official seal.

Terry Renee Gabarron
Notary Public
TERRY/RENEE GABARRON
Notary Public
State of Colorado
Notary ID 20004024631
My Commission Expires Aug 21, 2016

Unit Owner's Consent

The undersigned, PURCHASERS MARY LEE AND WILSON ^{FREDERICK HOLLAND} Owner of Condominium Unit/Unit(s) 3055, Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2488, as amended or supplemented, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 7 at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597.

UNIT OWNER:

Fred Holland

By: [Name] FREDERICK HOLLAND WILSON
[Title(if applicable)] _____

State of _____)
)ss.
County of _____)

The foregoing instrument was acknowledged before me this 16 day of July 2013 by Fredrick Holland Wilson, as _____ of _____.

My commission expires: 01/28/2016
Witness my hand and official seal.

Debra Quintana
Notary Public

Debra Quintana
Notary Public
State of Colorado
My Commission Expires 01/28/2016

NOTICE TO THE PUBLIC

By: Mary Lee Pinkerton

Address: Ballard House South

City: San Miguel

State: Colorado

Zip: 81052

Notary Public for the State of Colorado

My Commission Expires: 05/31/16

Witness my hand and official seal.

KATHY L. ADELMAN
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID # 20044011248
 MY COMMISSION EXPIRES MAY 31, 2016

Kathy L. Adelman
 Notary Public

First Declara...pdf (36.3 KB)

Unit Owner's Consent

The undersigned, Mary Lee Pinkerton Owner of Condominium Unit/Unit(s) 3035 Ballard House South, according to the Condominium Map recorded in the official records of the Clerk and Recorder, San Miguel County, Colorado (the "Official Records") on January 14, 1999 in Plat Book 1 at page 2438, as amended or supplemented, and as defined and described in the Condominium Declaration recorded January 14, 1999 under reception number 323680, as amended or supplemented, does hereby consent to and approve that certain Third Amendment to the Condominium Map for Ballard House South recorded in the Official Records at Plat Book 1 at Page 4627, Reception No. 431596, and that certain First Amendment to the Ballard House South Condominium Declaration recorded in the Official Records at Reception No. 431597

UNIT OWNER:

Mary Lee Pinkerton
 By: [Name] PINKERTON, MARY LEE
 [Title (if applicable)] _____

State of _____)
) ss.
 County of _____)

The foregoing instrument was acknowledged before me this 29 day of July, 2013 by _____, AS _____ of _____.

My commission expires: 05/31/16
 Witness my hand and official seal.

KATHY L. ADELMAN
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID # 20044011248
 MY COMMISSION EXPIRES MAY 31, 2016

Kathy L. Adelman
 Notary Public

