



**FIRST AMENDMENT
TO DECLARATION
FOR CRYSTAL BLUFFS TOWNHOMES AT RIVER VALLEY RANCH**

This First Amendment to Declaration for Crystal Bluffs Townhomes at River Valley Ranch (“First Amendment”) shall be effective upon recording.

RECITALS

A. On June 19, 2000, the Declaration for Crystal Bluffs Townhomes at River Valley Ranch was recorded at Reception No. 565156, in the Office of the Clerk and Recorder for Garfield County, State of Colorado (“Declaration”).

B. Pursuant to Section 1.1 of the Declaration, “Declarant is the owner of certain real property described in Phase 5a, Block ii, River Valley Ranch (commonly known as “CRYSTAL BLUFFS TOWNHOMES AT RIVER VALLEY RANCH”), Town of Carbondale, Garfield County, Colorado, according to the Final Plat thereof recorded June 19, 2000 at Reception No. 565153 in the Office of the Clerk and Recorder of Garfield County Colorado. The real property, together with all improvements now or hereafter situated thereon, are hereinafter collectively referred to as the ‘Real Estate’. Declarant intends to develop the Real Estate as a planned community under the name and style of ‘Crystal Bluffs Townhomes at River Valley Ranch’ pursuant to the provisions of the Colorado Common Interest Ownership Act, Section 38-33.3-101, et. seq. of the Colorado Revised Statutes, as it may be amended from time to time (the ‘Act’). The planned community hereby created is hereinafter referred to as the ‘Townhome Community’. The Townhome Community shall contain a maximum of eight (8) Lots, including Townhome Lots.”

C. As Declarant developed the Townhome Community, the Declarant, exercising its reserved rights contained in the Declaration, subdivided the eight (8) Lots into sixteen (16) Lots, according to the Resubdivision Plats and amended plats recorded at Reception numbers 582003, 584749, 595340, 603830, 615489, 656576, 678293, 689700, 689703, 974385 in the Office of the Clerk and Recorder of Garfield County Colorado. However, such subdivision was done without recordation of Reallocation Amendments required by the Declaration.

D. Development within the Townhome Community has been completed on all Lots, resulting in sixteen (16) Townhome Lots, which include Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, and 8B.

E. Pursuant to the terms of the Declaration and through this First Amendment, the Owners and the Association desire to amend the Declaration to address certain issues, including, without limitation, properly and equitably allocating the Allocated Interests of the Association.



F. Pursuant to Section 13.3 of the Declaration and C.R.S. § 38-33.3-217(4), an amendment that changes the Allocated Interests of a Townhome Lot requires the vote or agreement of Owners holding at least seventy-five percent (75%) of the votes in the Association.

G. All Owners are aware of the provisions of the Declaration allowing for amendment, by virtue of the record notice of the Declaration, by acts and disclosures, newsletters or notices of the Association and by other means.

H. The amendments within this First Amendment have been prepared and determined by the Association and the Owners that have approved this First Amendment to be reasonable and not burdensome.

I. Pursuant to Section 13.3 of the Declaration and C.R.S. § 38-33.3-217(4), at least seventy-five percent (75%) of the Owners have approved this First Amendment.

NOW, THEREFORE, the Declaration is replaced and amended as follows:

1. The final sentence of Section 1.1 of the Declaration shall be amended to read as follows:

The Townhome Community shall contain a maximum of sixteen (16) Lots, including Townhome Lots.

2. Section 2.1 of the Declaration shall be amended in its entirety to read as follows:

2.1 Allocated Interests. “Allocated Interests” means the Common Expenses liability and the votes in the Association allocated to each Townhome Lot and Condominium Unit, which interests are allocated as follows:

(a) The Common Expenses liability for each Lot is a percentage calculated by dividing the gross livable area square feet of said Lot into the total gross livable area square feet of all the Lots (including Townhome Lots) in in the Townhome Community, rounded to the nearest hundredth. The gross livable area square feet shall of each Lot shall be determined using the statistics provided by the Garfield County Assessor for gross livable area square feet.

(b) One (1) vote in the Association is allocated to each Lot in the Townhome Community.

(c) Only to the extent required by applicable law, interest in the Common Elements shall be allocated on the same percentage basis described in Section 2.1(a).



The Allocated Interests for the Townhome Community are specifically set forth on Exhibit A attached hereto and made a part hereof by this reference, as said Exhibit A may be amended from time to time.

3. Section 7.5(a) of the Declaration shall be amended in its entirety to read as follows:

(a) In the event of any conflict or inconsistency between the provisions of this Section 7.5 and the Bylaws, the provisions of the Bylaws shall govern and control and the Declaration shall automatically be amended, but only to the extent necessary to conform to the conflicting provisions hereof with the provisions of the Bylaws.

4. Section 13.3 of the Declaration shall be amended in its entirety to read as follows:

13.3 Amendment of Declaration and Plat. This Declaration and the Plat (including any Resubdivision Plat) may be amended pursuant to Section 38-33.3-217 of the Act. The Act provides that the Declaration may be amended by the Association in certain defined circumstances. Otherwise, this Declaration (including the Plat) may be amended only by the vote or agreement of Lot Owners holding at least sixty-seven percent (67%) of the votes in the Association. Furthermore, Section 38-33.3-217(4) of the Act provides that except to the extent expressly permitted or required by other provisions of the Act (e.g., permitted Declarant and Association amendments), no amendment may (i) increase the number of Lots, or (ii) change the boundaries of any Lot or the Allocated Interests of a Lot in the absence of a vote or agreement of Lot Owners holding at least sixty-seven percent (67%) of the votes in the Association. No consent of any mortgage or trust deed holder shall be required to accomplish any such amendments.

To the extent that any amendment to this Declaration conflicts with the provisions of the Master Declaration because the amendment is less restrictive than the provisions of the Master Declaration (as they apply to the Townhome Community), the provisions of the Master Declaration shall continue to govern and control. If the amendment is more restrictive, the amendment shall control.

An amendment to this Declaration shall be in the form of a “First (or Second, etc.) Amendment to Declaration and Plat”, and shall be duly executed by the President and Secretary of the Association and recorded in the Office of the Clerk and Recorder of Garfield County. All amendments to this Declaration shall be indexed in the Grantee’s index in the names of the Townhome Community and the Association, and in the Grantor’s index in the name of each person executing the amendment.



5. Exhibit A to the Declaration is hereby amended, replaced, and superseded in its entirety as follows:

EXHIBIT A
Allocated Interests
River Valley Ranch (The Crystal Bluffs Townhomes)


The Common Expenses liability and votes in the Association allocated to each Lot (including Townhome Lot) shall be as follows:

Exhibit A

Lot No.	Unit Number	Gross Livable Area SF	% Share of Common Expenses Liability	Votes In Association
1A	1252	2689	7.17564178%	1
1B	1250	2689	7.17564178%	1
2A	1254	2689	7.17564178%	1
2B	1256	2689	7.17564178%	1
3A	1260	2689	7.17564178%	1
3B	1258	2689	7.17564178%	1
4A	1262	2310	6.16427390%	1
4B	1264	2270	6.05753322%	1
5A	1266	1900	5.07018199%	1
5B	1268	1900	5.07018199%	1
6A	1270	2310	6.16427390%	1
6B	1272	2270	6.05753322%	1
7A	1274	2310	6.16427390%	1
7B	1276	2270	6.05753322%	1
8A	1278	1900	5.07018199%	1
8B	1280	1900	5.07018199%	1
Totals		37474	100%	16

IN WITNESS WHEREOF, the undersigned, being the president and the secretary of The Crystal Bluffs Townhome Association, hereby certify that pursuant to Section 13.3 of the Declaration and the Colorado Common Interest Ownership Act, C.R.S. §38-33.3-217(4), at least seventy-five percent (75%) of the Owners have approved this Declaration.

The Crystal Bluffs Townhome Association

By: 
PEGGY BEELER, President



Reception#: 989852
09/22/2023 01:40:02 PM Jacklyn K. Harmon
6 of 6 Rec Fee: \$38.00 Doc Fee: 0.00 GARFIELD COUNTY CO

Witness my hand and official seal.

My commission expires: 12/5/23

KARI CROWLEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194045351
MY COMMISSION EXPIRES DECEMBER 05, 2023

Notary Public
