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## FIFTH AMENDMENT TO CONDOMINIUM DECLARATION FOR MIDLAND CENTER LOT 2 CONDOMINIUMS

THIS FIFTH AMENDMENT TO CONDOMINIUM DECLARATION FOR MIDLAND CENTER LOT 2 CONDOMINIUMS (the "Fifth Amendment") made this 25th day of 40th day of 2022, (the "Effective Date") shall be effective upon recordation in accordance with the terms of the Condominium Declaration for Midland Center Lot 2 Condominium Association Inc. a Colorado nonprofit corporation (the "Association").

THIS FIFTH AMENDMENT IS A RESTATEMENT OF THE DOCUMENT INCORRECTLY TITLED "FOURTH AMENDMENT TO CONDOMINIUM DECLARATION FOR MIDLAND CENTER LOT 2 CONDOMINIUMS dated March 30, 2022 Reception Number 972835.

## RECITALS:

- A. The Association is the "Association" pursuant to the certain Condominium Declaration for Midland Center Lot 2 Condominiums recorded on March 7, 2011, at Reception No. 799749 in the real property records of Garfield County, Colorado (the "Original Declaration"), as amended by that certain First Amendment to Condominium Declaration for Midland Center Lot 2 Condominiums recorded on September 15, 2014. at Reception No. 853575 in the real property records of Garfield County, Colorado (the "First Amendment"), and by that certain Second Amendment to Condominium Declaration for Midland Center Lot 2 Condominiums recorded on August 21, 2017, at Reception No. 896394 in the real property records of Garfield County, Colorado (the "Second Amendment", and collectively with the Original Declaration, the "Declaration"), and by that certain Third Amendment to Condominium Declaration for Midland Center Lot 2 Condominiums recorded on September, at Reception No. 897315 in the real property records of Garfield County, Colorado (the "Third Amendment"). All capitalized terms used, but not defined, herein have the meanings assigned to them in the Declaration, and by that certain Fourth Amendment to Condominium Declaration for Midland Center Lot 2 Condominiums recorded on August 24, 2018, at Reception No. 910909 in the real property records of Garfield County, Colorado (the "Fourth Amendment"),
- B. The Condominium Map for the Project was recorded on March 7, 2011, at Reception No. 799750 in the real property records of Garfield County, Colorado (the "Original Condominium Map").
- C. Pursuant to Article 15.2 of the Declaration, the Declaration may be amended including without limitation amended to change the boundaries of any Unit or the Allocated Interests of a Unit, by Owners holding not less than 67% of the votes possible to be cast under the Declaration and the consent of the Owner of any Unit(s) affected by such amendment.
- **D.** The following Owners (collectively, the "Consenting Owners") have each consented to this Fifth Amendment:
  - 1) CBE Enterprises LLC, as the Owner of Unit number 03:
  - 2) JG Housing Solutions LLC, as the Owner of Unit numbers 10 and 12;
  - 3) Midland 8 LLC, as the Owner of Unit numbers 04, 05, 06, 07, and 08;

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- 4) Midland Center #14 LLC, as the Owner of Unit number 14;
- 5) Tailwaters Properties Limited, as Owner of Unit numbers 01,09,13;
- 6) Urnise Real Estate LLC, as Owner of Unit number 02;
- E. The Association, with the consent of the Consenting Owners, now desires to amend the Declaration as more particularly set forth below.

## **Amendment**

NOW, THEREFORE, the Declaration is amended as follows:

- 7.13 Working Capital Fund. The Language of this section is hereby deleted in its entirety and replaced with the following language: To provide the Association capital to cover the cost of unforeseen expenditures or to purchase any additional equipment or services, a Working Capital Fund is instituted, effective upon recordation of this Declaration in an amount equal to three months' worth of Annual Assessments per Unit, the contribution for the Working Capital Fund is due on the closing of the sale of the Unit by an Owner. Amounts contributed to the Working Capital Fund do not constitute advance payments of Annual Assessments and are nonrefundable.
- 1. No Further Amendments; Conflicts. Except as set forth above, the Declaration remains unchanged and in full force and effect in accordance with its terms. In the event of any conflict between this Fifth Amendment and the Declaration, this Fifth Amendment shall control.

  EXECUTED as of the 25th day of April 2022.

Midland Center Lot 2 Condominium Association Inc. a Colorado nonprofit corporation

By: Sarah Ha	issel, President	
STATE OF <u>Colorado</u> COUNTY OF <u>Garfield</u>	) ) ss. )	KARI CROWLEY NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20194045351 MY COMMISSION EXPIRES DECEMBER 05, 2023

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The foregoing Amendment to Condominium Declaration for the Midland Center Lot 2 Condominium Association Inc. was acknowledged before me this 25th day of \_\_\_\_\_\_\_. 2022, by Sarah Hassel, as President of the Midland Center Lot 2 Condominium Association Inc.

Notary Public

My commission Expires: 12/5/2023