

**LIMITED AMENDMENT TO THE
CONDOMINIUM DECLARATION FOR EVERGREEN CONDOMINIUMS**

THIS LIMITED AMENDMENT to the Condominium Declaration for Evergreen Condominiums (the "Limited Amendment"), is made on the date hereinafter set forth by Evergreen Condominiums Association (the "Association"), and is effective upon recording.

RECITALS

A. On December 27, 1979, Partridge-Garland Associates, an Oklahoma partnership (the "Declarant"), submitted the real property described in Exhibit A, to that certain Condominium Declaration for Evergreen Condominiums (the "Declaration") recorded in the real property records of Gunnison County, Colorado at Reception No. 347463.

B. Given the configuration and construction of the Evergreen Condominiums, it is not uncommon for cigarette, tobacco and marijuana smoke to migrate from the Condominium Units where the smoking is taking place into adjacent Condominium Units and the Common Elements.

C. Cigarette, tobacco and marijuana smoke migrating from Condominium Units into the Condominium Units and Common Elements can make it difficult for Owners to sell their Condominium Units.

D. The migration of cigarette, tobacco or marijuana smoke into the Condominium Units of non-smokers can have health implications and a detrimental effect on the use and enjoyment by such residents and Owners of their Condominium Units.

E. Since the migration of cigarette, tobacco and marijuana smoke into the Common Elements or adjacent Condominium Units can have health implications and a detrimental impact on the Owners of Condominiums Units and residents of the Association, the Board of Directors believes it is in the best interests of the Association to make the Association a smoke free Condominium Community.

F. Pursuant to Section 21 of the Declaration, Owners representing an aggregate ownership interest of seventy-five percent (75%) or more of the general common elements, and all of the holders of any recorded first mortgage covering or affecting any or all units, must consent and agree to this Limited Amendment.

G. Pursuant to C.R.S. § 38-33.3-217(1)(a)(I), any provision in a declaration that purports to specify a percentage larger than sixty-seven percent (67%) to amend a declaration is void as contrary to public policy and is deemed to specify a percentage of sixty-seven percent (67%).

H. Owners representing an aggregate ownership interest of sixty-seven percent (67%) or more of the general common elements, and all of the holders of any recorded first mortgage covering or affecting any or all units, have consented and agreed to this Limited Amendment.

NOW, THEREFORE:

1. The Declaration is hereby amended by adding the following Section 49 to the Declaration:

49. SMOKE FREE CONDOMINIUM COMMUNITY

The smoking of cigarettes, tobacco products, marijuana or any other substance is prohibited in the Condominium Units, on Limited Common Elements appurtenant to Units and on the Common Elements, except that the smoking of cigarettes and tobacco products is permissible on the Common Elements in locations clearly marked and designated as "Smoking Areas." This smoking prohibition shall apply to Owners of Condominium Units, residents, tenants, guests, licensees, invitees, and any other individual visiting the Association for any purpose whatsoever.

Owners of Condominium Units on the date this Limited Amendment is recorded may submit an application to the Board of Directors to request an exemption from the prohibition on smoking set forth in this Section 49. The Board of Directors, in its sole discretion, shall review and make a determination on whether to approve applications for an exemption. Unless otherwise determined by the Board, applications for an exemption will be denied if the Association has received complaints from other Owners or residents that smoke has migrated from the Unit, or Limited Common Elements appurtenant to the Unit, for which the exemption is being requested into adjacent Condominium Units or the Common Elements.

In the event an exemption is granted by the Board of Directors to the Owner of a Unit, that exemption will terminate immediately upon any of the following events occurring: (1) the Owner transfers ownership of or conveys the Unit; (2) the smoking individual who benefitted from the exemption moves out of the Unit; or (3) after notice and an opportunity for a hearing, the Board determines that smoke has migrated from the Unit, or Limited Common Elements appurtenant to the Unit, causing a nuisance in adjacent Units or on the Common Elements.

2. This Limited Amendment is limited to the addition of Section 49 and is effective upon recording. All other covenants, restrictions, and conditions contained in the Declaration remain in full force and effect unless otherwise amended by a separate amendment.
3. All challenges to the validity of this Limited Amendment must be made within one (1) year after the date of recording of this document. The covenants and restrictions of the Declaration shall run with and bind the property in perpetuity.

IN WITNESS WHEREOF, this Limited Amendment is executed by the undersigned, who certify that Owners representing an aggregate ownership interest of sixty-seven percent (67%) or more of the general common elements, and all of the holders of any recorded first mortgage covering or affecting any or all units, have consented and agreed to this Limited Amendment, as evidenced by the records of the Association.

EVERGREEN CONDOMINIUMS ASSOCIATION, a Colorado non-profit corporation

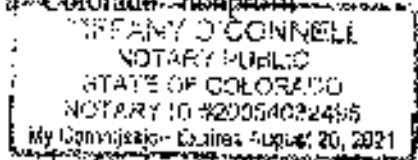
By: [Signature]
President

By: [Signature]
Secretary

STATE OF COLORADO)
) ss.
COUNTY OF Gunnison)

The foregoing was acknowledged before me this 29th day of February 2019, by James L. Henderson as President of Evergreen Condominiums Association, a Colorado non-profit corporation.

Witness my hand and official seal.
My commission expires: 2/20/21

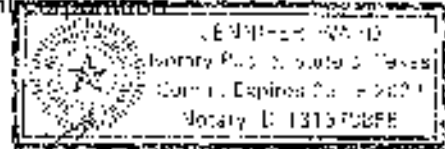


[Signature]
Notary Public

STATE OF TEXAS)
) ss.
COUNTY OF DALLAS)

The foregoing was acknowledged before me this 7th day of February, 2019, by John M. Bosworth as Secretary of Evergreen Condominiums Association, a Colorado non-profit corporation.

Witness my hand and official seal.
My commission expires: 5-18-2022



[Signature]
Notary Public