

455-412

Condominium, et al. - No. 24446, April 3, 1972

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FILED BY: MARY ANN WILSON, COUNTY CLERK, KANSAS

M. J. Smith,
RECORDSFIRST SUPPLEMENTTOCONDOMINIUM DECLARATIONFORSAN MORITZ CONDOMINIUMS

THIS SUPPLEMENT to the Condominium Declaration for San Moritz Condominiums is dated this 22 day of April, 1972, by J & B C O DEVELOPERS, INC., a Kansas corporation.

1. Purpose: The purpose of this supplement is as follows:

A. J & B C O DEVELOPERS, INC., hereafter termed "Declarant", has heretofore recorded the Condominium Declaration for San Moritz Condominiums, on the 2nd day of March, 1972, in Book 437, at Page 141 of the records of Gunnison County, Colorado, and the Amendment to Condominium Declaration for San Moritz Condominiums, on the 6th day of March, 1972, in Book 437, at Page 154 of the records of Gunnison County, Colorado.

B. Paragraph 12, Reservation to Enlarge Condominium Project of said Condominium Declaration, expressly reserves the right to expand and enlarge the condominium project by constructing additional buildings upon additional property. Such expansion and enlargement shall be accomplished by the filing for record of a supplement to said Condominium Declaration.

C. Declarant has now completed the construction of two additional buildings and other improvements on the separate real property, which property is set forth on attached Exhibit "a" and incorporated herein by reference, which property is depicted on the Condominium Map of San Moritz Condominiums, Paradise And International Buildings.

2. Declaration: Declarant does hereby publish, set forth and declare that the following terms, covenants, conditions, easements, restrictions, uses, limitations and obligations, shall be a covenant upon the land and to run with the land as covenants thereto and shall constitute benefits and burdens to the Declarant, its successors and assigns, and to all parties hereafter acquiring any interest in the subject matter property.

3. Division of Property into Condominium Units: The real property described in Exhibit "A" and the improvements constructed thereon are hereby divided into condominium units, each consisting of a fee simple interest in a unit and an undivided fee simple interest in the common elements in accordance with the attached Exhibit "B" incorporated herein by reference. Each condominium unit shall be identified on the Condominium Map by the unit number and the building name, as identified on Exhibit "B".

4. Limited Common Elements: A portion of the general common elements is reserved for the exclusive use of the owners of the respective units, and such portions are referred to as limited common elements, which are balconies or porches that are identified on the Condominium Map and which shall be for the exclusive use of the unit bearing the same number of designation.

5. Supplement to Condominium Map: The Condominium Map of San Moritz Condominiums, Paradise And International Buildings, depicting the location of each unit, both horizontally and vertically, together with the requirements of Paragraph 3 of the recorded Declaration shall be filed for record.

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6. Description of Condominium Unit: All instruments affecting the title to a condominium unit may describe the condominium unit by the unit number and building name shown on the Condominium Map of San Moritz Condominiums, Paradise And International Buildings. Such description shall be construed to describe the unit, together with the appurtenant undivided interest in the common elements and the limited common elements and to incorporate all the rights incident to ownership of the condominium unit and all limitations on such ownership as described in the Condominium Declaration.

7. Reservations: Declarant specifically reserves:

A. The right to enlarge this condominium project, as provided in Paragraph 32 of the said Condominium Declaration.

B. The right to change the location of any easement as shown on the Condominium Map of San Moritz Condominiums, Paradise And International Buildings, as may be necessary for the development of the remainder of its land.

8. General: The following provisions shall apply:

A. This First Supplement shall be in addition to and supplemental to the provisions contained in the Condominium Declaration For San Moritz Condominiums and the Amendment To Condominium Declaration For San Moritz Condominiums.

B. If any of the provisions of this instrument or any paragraph, sentence, clause, phrase or word, or the application thereof in any circumstances be invalidated, such invalidity shall not affect the validity of the remainder of this instrument, and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

C. The provisions of this instrument shall be in addition and supplemental to the Condominium Ownership Act of the State of Colorado and to all other provisions of law.

D. That whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the day and year first above written.



James P. Hancock
Secretary

J A B C DEVELOPERS, INC.,
a Texas corporation

[Signature]
President

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STATE OF COLORADO)
) SS
County of Gunnison)

The foregoing instrument was acknowledged before me
this 26th day of June, 1973, by James J. BYRAN, as President
and Linda A. Harper _____ as Secretary of JABCO
DEVELOPERS, INC.

My commission expires: ~~March 6, 1977~~

Witness my hand and official seal.



James J. Byran
Notary Public

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EXHIBIT "A"TOFIRST SUPPLEMENTTOCONDOMINIUM DECLARATIONFORSAN MORITZ CONDOMINIUMS

The following described real property situated in
Gunnison County, Colorado:

A tract of land located in the Northeast Quarter
(NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 26,
Township 11 South, Range 86 West, 6th Principal Meridian
described as follows:

Commencing at a point from whence the East $\frac{1}{2}$
Corner (Brass cap) of said Section 26 bears North
80°25.5' East 224.4 feet; thence South 35°14.4'
West 80.0 feet to the point of beginning of the
tract herein described; thence South 35°14.4' West
111.7 feet; thence North 65°12.3' West 211.0 feet
more or less to a point which is South 37°25' West
from the southeasterly corner of a tract of land
described in Book 379 at Page 333 of the Records
of Gunnison County, Colorado. (The tract of land
described in Book 379 at Page 333 being located with
respect to the on-the-ground location of the easterly
line of Nutter Hill Road and by disregarding the record
size as called for in said Book 379 at Page 333);
thence North 37°25' East 207.4 feet to said southeasterly
corner; thence continuing North 37°25' East along
the easterly boundary of said tract described in
Book 379 at Page 333 a distance of 21.0 feet; thence
along a curve to the right whose radius is 106 feet
and whose long chord bears North 73°00' East 116.38
feet, an arc distance of 124.21 feet to the northeasterly
corner of said tract described in Book 379 at Page 333;
thence South 84°10.1' East 143.75 feet more or less
to the point of beginning containing 1.717 acres more
or less.

(Directions are based on a Government Record Direction of North
2°24' West between brass caps located at the East Quarter Corner
and the Northeast Corner of Section 26, Township 11 South, Range
86 West, 6th Principal Meridian.)

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EXHIBIT "B"
TO
FIRST SUPPLEMENT
TO
CONDOMINIUM DECLARATION
FOR
SAN MORITZ CONDOMINIUMS

<u>Unit Number</u>	<u>Building</u>	<u>Apartment Undivided Interest (Fractional)</u>
101	Paradise	One-twenty-fourth (1/24)
102	Paradise	One-twenty-fourth (1/24)
103	Paradise	One-twenty-fourth (1/24)
104	Paradise	One-twenty-fourth (1/24)
201	Paradise	One-twenty-fourth (1/24)
202	Paradise	One-twenty-fourth (1/24)
303	Paradise	One-twenty-fourth (1/24)
304	Paradise	One-twenty-fourth (1/24)
401	Paradise	One-twenty-fourth (1/24)
402	Paradise	One-twenty-fourth (1/24)
303	Paradise	One-twenty-fourth (1/24)
304	Paradise	One-twenty-fourth (1/24)
101	International	One-twenty-fourth (1/24)
102	International	One-twenty-fourth (1/24)
103	International	One-twenty-fourth (1/24)
104	International	One-twenty-fourth (1/24)
201	International	One-twenty-fourth (1/24)
202	International	One-twenty-fourth (1/24)
203	International	One-twenty-fourth (1/24)
204	International	One-twenty-fourth (1/24)
301	International	One-twenty-fourth (1/24)
302	International	One-twenty-fourth (1/24)
303	International	One-twenty-fourth (1/24)
304	International	One-twenty-fourth (1/24)