

**SECOND SUPPLEMENT TO CONDOMINIUM DECLARATION  
FOR WESTHAVEN CONDOMINIUMS**

This Second Supplement to Condominium Declaration for WestHaven Condominiums (this "Supplement"), is executed this 3rd day of November, 1994, by Blatt & Swineford Partnership, a Colorado general partnership ("Declarant"), as follows:

1. Facts and Purposes. The following facts and purposes apply to this Supplement:

1.1 WestHaven Condominiums (the "Condominium Project") was declared and established by the filing for record of the Condominium Map bearing Reception No. 444146 (the "Condominium Map") and the Condominium Declaration in Book 727 at page 827 (the "Condominium Declaration"), of the records of Gunnison County, Colorado.

1.2 Paragraph 39, Reservation to Enlarge of the Condominium Declaration reserves the right to expand and enlarge the Condominium Project by constructing additional units upon additional real property, by the filing for record of a supplement to the Condominium Declaration and a supplement to the Condominium Map.

1.3 Declarant has now completed the construction of additional units on a portion of such additional real property, and Declarant wishes to declare and establish such additional units and real property as a part of the Condominium Project.

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 shall run with the land as covenants thereon and shall constitute benefits and burdens to Declarant, its successors and assigns, and to all parties hereafter acquiring any interest in the subject real property.

3. Division of Property Into Condominium Units. The real property described on Exhibit A attached hereto and incorporated herein by reference and the improvements constructed thereon are hereby divided into four (4) condominium units, designated as units 294, 296, 298 and 300, each consisting of a fee simple interest in a condominium unit and an undivided fee simple interest in the common elements appurtenant thereto. Pursuant to paragraph 39.3 of the Condominium Declaration, the undivided fractional ownership interest in common elements appurtenant to each condominium unit in the Condominium Project shall be as set forth on Exhibit B attached hereto and incorporated herein by reference.

4. Supplemental Condominium Map. The Condominium Map of WestHaven Condominiums, Phase II, bearing Reception No. 456060 of the records of Gunnison County, Colorado (the "Supplemental Condominium Map"), sets forth the unit designation of each condominium unit and all other information required by paragraph 5 of the Condominium Declaration.

5. Reservation to Enlarge. As of the filing of this Supplement and the Supplemental Condominium Map, a portion of Lot 5, Block 120, Guerrieri Addition to the Town of West Gunnison, City of Gunnison, Gunnison County, Colorado constitutes General Common Elements of the Project. Included within the reservation to enlarge under paragraph 39 of the Condominium Declaration are the right of Declarant to utilize a portion of Lot 5 as Supplemental Property for the construction of Additional Improvements, and the right of Declarant to designate a portion of Lot 9 as additional Units or Limited Common Elements by the filing of a supplemental Condominium Map. Any portion of Lot 5 so designated as additional Units or Limited Common Elements shall cease to constitute General Common Elements upon the filing of the supplemental Condominium Map, without any consent of or notice to any Owner or Mortgage holder.

Notwithstanding paragraph 39.2.1 of the Condominium Declaration, Declarant may not withdraw Lot 5 (or any portion thereof) from the Condominium Declaration, and Declarant may not utilize Lot 5 (or any portion thereof) for the construction of Additional Improvements unless such Additional Improvements are to constitute a part of WestHaven Condominiums.

6. Description of Condominium Unit. Every instrument affecting the title to a condominium unit set forth on the Supplemental Condominium Map may describe the condominium unit as follows:

Unit \_\_\_\_\_, WestHaven Condominiums, according to the Condominium Map of WestHaven Condominiums, Phase II, bearing Reception No. 456060 and the First Supplement to Condominium Declaration pertaining thereto in Book 755 at page 264 of the records of Gunnison County, Colorado,

City of Gunnison,  
County of Gunnison,  
State of Colorado.

Such method of description shall be sufficient for all purposes to sell, convey, transfer and encumber or otherwise affect the condominium unit, the undivided interest in the common elements appurtenant to the condominium unit, and all other appurtenant properties and property rights, and incorporates all of the rights, duties, limitations and burdens incident to ownership of a condominium unit as described in the Condominium Declaration.

7. General. The following provisions shall apply hereunder:

7.1 This Supplement shall be in addition to and supplemental to the provisions contained in the Condominium Declaration.

7.2 If any of the provisions of this instrument or any paragraph, sentence, clause, phrase or word, or the application thereof in any circumstances shall 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.

7.3 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,

7.4 Capitalized terms used but not defined herein shall have the meanings ascribed thereto in the Condominium Declaration.

IN WITNESS WHEREOF, the parties have executed this Supplement the date first above written

BLATT & SWINEFORD PARTNERSHIP,  
a Colorado general partnership

By: Blatt Drywall, Inc., a Colorado  
corporation, General Partner

By: /s/ Lawrence L. Blatt, President

By: TDS Investment Co., a Colorado  
corporation, General Partner

By: /s/ Thomas D. Swineford, President

STATE OF COLORADO

ss.

County of Gunnison

The foregoing instrument was acknowledged before me this 3rd day of November, 1994, by Lawrence L. Blatt as President of Blatt Drywall, Inc., a Colorado corporation, and Thomas D. Swineford as President of TDS Investment Co., a Colorado corporation, as General Partners of Blatt & Swineford Partnership, a Colorado general partnership.

Witness my hand and official seal.

My commission expires: August 29, 1995

/s/ Colette A. Perusek  
Notary Public

EXHIBIT A

Lots 5 through 8, both inclusive, and the North 12.5 feet of Lot 9, Block 120,  
GUERRIERI ADDITION TO THE TOWN OF WEST GUNNISON, according to the  
recorded plat thereof,

City of Gunnison,  
County of Gunnison,  
State of Colorado

EXHIBIT B

<u>Unit No.</u>	<u>Undivided Fractional Ownership Interest in Common Elements</u>
294	1/12
296	1/12
298	1/12
300	1/12
302	1/12
304	1/12
306	1/12
308	1/12
310	1/12
312	1/12
314	1/12
316	1/12