



**SUPPLEMENTAL CONDOMINIUM DECLARATION
FOR
OUT RUN CONDOMINIUMS**

This Supplemental Condominium Declaration for Out Run Condominiums ("Supplemental Declaration") is executed this 26 day of October, 2010, at Gunnison, Gunnison County, Colorado by Poplar 3, LLC, a Colorado limited liability company.

Run Condominiums - Poplar Building shall be the sole responsibility of said Units 2, 3, 4, 5, 6 and 7, Poplar Building, Out Run Condominiums.

1. OUT RUN CONDOMINIUMS. The Declarant organized and platted the Out Run Condominiums by the Condominium Declaration for Out Run Condominiums recorded April 4, 1979 in Book 531 at Page 219 of the records of Gunnison County, Colorado, ("Declaration") and the Condominium Map of the Out Run Condominiums recorded April 4, 1979 at Reception No. 337677 of the records of Gunnison County, Colorado, ("Condominium Map"). On December 14, 1979, the plat of Out Run Condominiums, Cottonwood, Dogwood, and Elder Buildings was recorded at Reception No. 347074 of the records of Gunnison County, Colorado, ("CDE Condominium Map"). On September 18, 1980, the plat of Out Run Condominiums, Laurel and Juniper Buildings was recorded at Reception No. 353265 of the records of Gunnison County, Colorado ("LJ Condominium Map"). On November 25, 1981, the plat of Out Run Condominiums, Maple and Oak Buildings, was recorded at Reception No. 363989 of the records of Gunnison County, Colorado ("MO Condominium Map"). On March 29, 1989, the plat of Out Run Condominiums, Poplar Building, was recorded at Reception No. 413103 of the records of Gunnison County, Colorado ("P Condominium Map").

7. EFFECT AND INTERPRETATION. The recording of this Supplemental Declaration to the Declaration and the Amended Condominium Plat of Out Run Condominiums - Poplar Building, in the records of Gunnison County, Colorado, automatically:

7.1 Vests in each existing Unit Owner his Allocated Interest in the Common Elements.

7.2 Vests in each existing mortgagee a perfected security interest in the reallocated interest in the Common Elements of each existing Unit Owner.

7.3 The definitions used in the Declaration shall automatically be extended to encompass and refer to the Project, as expanded, or any part thereof, or the Additional Improvements, shall be added to and become a part of the Project for all purposes. All conveyances of Units after such enlargement and expansion shall be effective to transfer rights in all Common Elements as amended, whether or not any reference is made to any supplement to the Declaration or the Condominium Map. Reference to the Declaration and the Condominium Map in any instrument shall be deemed to include this Supplemental Declaration and all supplements to the Declaration, and the Supplemental Condominium Map and all supplemental or amended Condominium Maps without specific reference thereto.

3. SUPPLEMENT TO DECLARATION. The Declarant hereby makes this Supplemental Declaration to enlarge the Out Run Condominiums by adding additional condominium units located on the Real Property described in the Supplemental Declaration recorded in Book 664 at Page 935, and to reallocate the interest in the Common Elements to the current number of units as provided in the Declaration.

8. GENERAL.

4. REALLOCATION OF INTERESTS IN THE COMMON ELEMENTS. Pursuant to paragraph 42.1 of the Declaration, the Declarant hereby reallocates the interest in the Common Elements as set forth in attached Exhibit A so that the Allocated Interests in the Common Elements are apportioned according to the number of Units currently in the Project.

8.1 **Validity.** If any of the provisions of this Supplemental Declaration 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 Supplemental Declaration and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

5. SUPPLEMENT TO MAP. Concurrent with this Supplemental Declaration, Declarant has filed an "Amended Condominium Plat of Out Run Condominiums - Poplar Building", recorded October 26, 2010, at Reception No. 601577 of the records of Gunnison County, Colorado.

8.2 **Additional Provisions.** The provisions of this Supplemental Declaration shall be in addition and supplemental to the Act and to all other provisions of law.

6. SUPPLEMENT TO OUT RUN CONDOMINIUMS. Out Run Condominiums, ("the Project") is hereby enlarged by the addition of six (6) Units so that the current number of Units in Out Run Condominiums created and declared is forty-nine (49) Units as designated on the Condominium Map, CDE Condominium Map, LJ Condominium Map, MO Condominium Map and the Amended Condominium Plat of Poplar Building, together with the Allocated Interests in the Common Elements as set forth on attached Exhibit A and any Limited Common Element allocated for the use of such Units.

8.3 **Context of Words.** 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.

6.1 **Maintenance of Elevator.** All costs of maintaining, repairing and/or replacing the elevator shown and designated as a Limited Common Element for Units 2, 3, 4, 5, 6 and 7, on the Amended Condominium Plat of Out

8.4 **Applicable Law.** This Supplemental Declaration is filed in the records of Gunnison County, Colorado and it is agreed that the exclusive proper jurisdiction and venue of any action pertaining to the interpretation or enforcement of this Second Supplemental Declaration shall be in the District Court of Gunnison County, Colorado.

8.5 **Attorney Fees.** It is agreed that if any action is brought in a court of law by a party to this Supplemental Declaration as to the enforcement, interpretation or construction of this Supplemental Declaration or any document provided for herein, the prevailing party in such action shall be awarded reasonable attorney fees as well as all costs incurred in the prosecution or defense of such action.

9. **BINDING AGREEMENT.** It is understood and agreed that this Supplemental Declaration shall be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Condominium Declaration the date first above written.

POPLAR 3, LLC, a Colorado limited liability company

By: Jerry Vobronik
Jerry Vobronik, Member and Manager

STATE OF COLORADO)
) ss.
County of Gunnison)

The foregoing Supplemental Condominium Declaration has been acknowledged before me this 22nd day of October, 2010, by Jerry Vobronik as Member and Manager of Poplar 3, LLC, a Colorado limited liability company.

Witness by hand and official seal
My commission expires: 1/25/2014

Jessie Lindros
Notary Public

CONSENT TO SUPPLEMENTAL DECLARATION

Out Run Condominiums Homeowners Association, a Colorado nonprofit corporation

By: Dusty Demerson
Dusty Demerson, President
Gordon E. Demerson Jr

STATE OF COLORADO)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before on this the 25 day of October, 2010 by Dusty Demerson as President of Out Run Condominiums Homeowners Association, a Colorado nonprofit corporation.

Witness by hand and official seal
My commission expires: _____

JILL S. LINDROS
NOTARY PUBLIC
STATE OF COLORADO

MY COMMISSION EXPIRES 1/28/2013
Jessie Lindros
Notary Public

S Dominguez Gunnison County, CO 601578
10/26/2010 01:44 PM Pg: 2 of 4
134 R: \$26.00 D: \$0.00

EXHIBIT A

OUT RUN CONDOMINIUMS

PHASE I - ASPEN AND BIRCH BUILDINGS

<u>ASPEN BUILDING:</u>	<u>CUBIC FEET OF AIR SPACE</u>		<u>% OF TOTAL</u>
UNIT 1		9502.86	1.79%
UNIT 2		11909.00	2.24%
UNIT 3	9540.16		
HEATED L.C.E.	3911.96	13452.12	2.53%
UNIT 4		11931.38	2.25%

<u>BIRCH BUILDING:</u>	<u>CUBIC FEET OF AIR SPACE</u>		<u>% OF TOTAL</u>
UNIT 1		9539.04	1.80%
UNIT 2		11892.75	2.24%
UNIT 3		9510.18	1.79%
UNIT 4		11950.90	2.25%
UNIT 5		7484.40	1.41%

PHASE II - COTTONWOOD, DOGWOOD, AND ELDER BUILDINGS

<u>COTTONWOOD BUILDING:</u>	<u>CUBIC FEET OF AIR SPACE</u>		<u>% OF TOTAL</u>
UNIT 1		9567.10	
20% OF HEATED L.C.E. (RECREATIONAL)	821.58	10388.68	1.96%
UNIT 2	11903.15		
20% OF HEATED L.C.E. (RECREATIONAL)	821.58	12724.73	2.40%
UNIT 3	9540.16		
20% OF HEATED L.C.E. (RECREATIONAL)	821.58	10361.74	1.95%
UNIT 4	11903.15		
20% OF HEATED L.C.E. (RECREATIONAL)	821.58	12724.73	2.40%
UNIT 5	4080.90		
20% OF HEATED L.C.E. (RECREATIONAL)	821.58	4902.48	0.92%

<u>DOGWOOD BUILDING:</u>	<u>CUBIC FEET OF AIR SPACE</u>		<u>% OF TOTAL</u>
UNIT 1		9513.22	
20% OF HEATED L.C.E. (RECREATIONAL)	711.54	10224.76	1.93%
UNIT 2	11874.90		
20% OF HEATED L.C.E. (RECREATIONAL)	711.54	12586.44	2.37%
UNIT 3	9567.10		
20% OF HEATED L.C.E. (RECREATIONAL)	711.54	10278.64	1.94%
UNIT 4	11955.34		
20% OF HEATED L.C.E. (RECREATIONAL)	711.54	12666.88	2.39%
UNIT 5	3846.80		
20% OF HEATED L.C.E. (RECREATIONAL)	711.54	4558.34	0.86%

<u>ELDER BUILDING:</u>	<u>CUBIC FEET OF AIR SPACE</u>		<u>% OF TOTAL</u>
UNIT 1		9583.54	
20% OF HEATED L.C.E. (RECREATIONAL)	1871.78	11455.32	2.16%
UNIT 2	11910.64		
20% OF HEATED L.C.E. (RECREATIONAL)	1871.78	13782.42	2.60%
UNIT 3	9556.60		
20% OF HEATED L.C.E. (RECREATIONAL)	1871.78	11428.38	2.15%
UNIT 4	11910.61		
20% OF HEATED L.C.E. (RECREATIONAL)	1871.78	13782.39	2.60%

PHASE III - JUNIPER AND LAUREL BUILDINGS

<u>JUNIPER BUILDING:</u>	<u>CUBIC FEET OF AIR SPACE</u>		<u>% OF TOTAL</u>
UNIT 1		9587.66	
20% OF HEATED L.C.E. (RECREATIONAL)	647.28	10234.94	1.93%
UNIT 2	12048.89		
20% OF HEATED L.C.E. (RECREATIONAL)	647.28	12696.17	2.39%
UNIT 3	9574.91		



20% OF HEATED L.C.E. (RECREATIONAL)	647.28	10222.19	1.93%
UNIT 4	12008.39		
20% OF HEATED L.C.E. (RECREATIONAL)	647.28	12655.67	2.38%
UNIT 5	3998.52		
20% OF HEATED L.C.E. (RECREATIONAL)	647.28	4645.80	0.88%

LAUREL BUILDING:

CUBIC FEET OF AIR SPACE

% OF TOTAL

UNIT 1	9580.63		
20% OF HEATED L.C.E. (RECREATIONAL)	647.65	10228.28	1.93%
UNIT 2	12057.07		
20% OF HEATED L.C.E. (RECREATIONAL)	647.65	12704.72	2.39%
UNIT 3	9572.52		
20% OF HEATED L.C.E. (RECREATIONAL)	647.65	10220.17	1.93%
UNIT 4	12079.26		
20% OF HEATED L.C.E. (RECREATIONAL)	647.65	12726.91	2.40%
UNIT 5	4021.62		
20% OF HEATED L.C.E. (RECREATIONAL)	647.65	4669.27	0.88%

PHASE III - MAPLE AND OAK BUILDINGS

MAPLE BUILDING:

CUBIC FEET OF AIR SPACE

% OF TOTAL

UNIT 1	9785.38		
20% OF HEATED L.C.E. (RECREATIONAL)	656.42	10441.80	1.97%
UNIT 2	12383.79		
20% OF HEATED L.C.E. (RECREATIONAL)	656.42	13040.21	2.46%
UNIT 3	9775.52		
20% OF HEATED L.C.E. (RECREATIONAL)	656.42	10431.94	1.96%
UNIT 4	12380.14		
20% OF HEATED L.C.E. (RECREATIONAL)	656.42	13036.56	2.46%
UNIT 5	4057.63		
20% OF HEATED L.C.E. (RECREATIONAL)	656.42	4714.05	0.89%

OAK BUILDING:

CUBIC FEET OF AIR SPACE

% OF TOTAL

UNIT 1	9785.11		
20% OF HEATED L.C.E. (RECREATIONAL)	858.40	10643.51	2.00%
UNIT 2	12390.50		
20% OF HEATED L.C.E. (RECREATIONAL)	858.40	13248.90	2.50%
UNIT 3	9791.03		
20% OF HEATED L.C.E. (RECREATIONAL)	858.40	10649.43	2.01%
UNIT 4	12395.01		
20% OF HEATED L.C.E. (RECREATIONAL)	858.40	13253.41	2.50%

PHASE III - POPLAR BUILDING

POPLAR BUILDING:

CUBIC FEET OF AIR SPACE

% OF TOTAL

UNIT 1	7984.00		
HEATED L.C.E.	0.00	7984.00	1.50%
UNIT 2	11502.40		
HEATED L.C.E.	92.48	11594.88	2.18%
UNIT 3	11566.10		
HEATED L.C.E.	111.96	11678.06	2.20%
UNIT 4	11493.30		
HEATED L.C.E.	0.00	11493.30	2.16%
UNIT 5	11547.90		
HEATED L.C.E.	0.00	11547.90	2.18%
UNIT 6	13362.24		
HEATED L.C.E.	0.00	13362.24	2.52%
UNIT 7	13389.54		
HEATED L.C.E.	118.01	13507.55	2.54%

TOTAL

530670.42

100.00%

Note: All volumes except Poplar Building are reprinted from Book 664, Page 934 of the records of County of Gunnison, State of Colorado.

