

## TIMBERLINE CONDOMINIUMS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, TENDERFOOT DEVELOPMENT CORPORATION, a Colorado corporation, hereinafter called "Declarant", is the owner of the following described real property (hereinafter called the "Subject Land"):

Lot Nine, Block D, New Town of Dillon, County of Summit, State of Colorado, according to the plat thereof on file in the office of the Clerk and Recorder of Summit County, Colorado;

and

WHEREAS, Declarant has constructed a three-story building containing eighteen (18) separately designated apartment units and related common elements with respect to which Declarant desires to create condominium ownership of separate real property estates in the Subject Land and improvements thereon pursuant to the Condominium Ownership Act of the State of Colorado; and

WHEREAS, such condominium ownership shall include the ownership in fee simple of separate real property estates consisting of the area or space contained in an apartment unit, together with the fixtures and improvements related thereto as hereinafter defined, and the co-ownership by the individual and separate owners of all the apartment units in the building, as tenants in common, of the common elements as hereinafter defined.

NOW, THEREFORE, Declarant does hereby publish and declare that the following terms, covenants, conditions, easements, restrictions, uses, limitations and obligations shall be deemed to run with the land, shall be a burden and a benefit to Declarant, its successors and assigns and any person acquiring or owning an interest in the real property and improvements, their grantees, successors, heirs, executors, administrators, devisees or assigns.

#### ARTICLE 1

##### Definitions

Unless the context shall expressly provide otherwise, the following terms when used in this Declaration shall have the meanings set forth in this Article 1:

1.1. "Apartment" or "apartment unit" means an individual air space unit which is contained within the unfinished perimeter walls, floors, ceilings, windows and doors of the air space unit in the building as shown and designated as an apartment or apartment unit on the Condominium Map, together with all interior non-supporting walls, fixtures and improvements therein contained, and those installations within an air space unit for electricity, gas, water and heating including, but not limited to, pipes, wires, ducts, cables, conduits, public utility lines, equipment, tanks, pumps, motors, fans and compressors which serve only the individual apartment unit and do not serve any other apartment unit, commencing at that point at which such installations enter the apartment unit; provided that apartment or apartment unit shall not include any of the foundations, roof, columns, girders, beams, or other structural components of the building as shown on the Condominium Map within an individual air space unit, the perimeter walls, floors, ceilings, windows or doors enclosing an air space unit or any other common element as hereinafter defined.

1.2. "Condominium unit" means an apartment unit together with the interest in the common elements appurtenant to such unit.

1.3. "Owner" or "condominium owner" means a person, firms, corporation, partnership, association or other legal entity, or any combination thereof, who own(s) one or more condominium units.

1.4. "Common elements" mean general common elements and limited common elements.

1.5. "General common elements" mean:

1.5.1. the Subject Land;

1.5.2. the foundations, roof, columns, girders, beams, or other structural components of the building; exterior walls; perimeter walls, floors, ceilings, windows and exterior doors of an individual air space unit; flues; roofs; stairs; stairways; stair wells; fire escapes; the balconies on the North side of the building shown as a common element on the Condominium Map; entrances; exits; exterior walkways; yards; gardens; electrical facilities, pipes, wires, ducts, cables, conduits and public utility lines, motors, fans and compressors and any and all other portions of the condominium project which are not contained within an apartment and owned entirely by the owner or owners of such apartment or which are not limited common elements under this Declaration; except that general common elements shall not include any portion of the building, fixtures and improvements contained within an apartment, owned entirely by the owner or owners of said apartment, and subject to the sole maintenance responsibility of such owner or owners as provided in this Declaration;

1.5.3. installations of utility facilities, including equipment related thereto, which are for use in connection with other general common elements or which serve more than one apartment;

1.5.4. all apparatus, equipment and installations existing for common use in connection with the building;

1.5.5. such enclosed air spaces in the building which are not included within any individual air space unit;

