

District Court, Jefferson County, Colorado 100 Jefferson County Parkway, Golden, Colorado, 80401 Telephone Number: (303) 271-6149	DATE FILED: December 8, 2021 10:03 AM CASE NUMBER: 2021CV31168
<p>In re: THE PETITION TO AMEND AND RESTATE THE CONDOMINIUM DECLARATION FOR FOREST PARK ESTATES</p> <p>THE FOREST PARK ESTATES CONDOMINIUM ASSOCIATION, INC., a Colorado nonprofit corporation,</p> <p>PETITIONER.</p>	<p>▲Court Use Only ▲</p>
	<p>Case No: 2021CV31168</p> <p>Division: 8</p>
<p align="center">ORDER re: PETITION TO AMEND AND RESTATE THE CONDOMINIUM DECLARATION FOR FOREST PARK ESTATES PURSUANT TO C.R.S. SECION 38-33.3-217 (7)</p>	

THE COURT has reviewed the file, considered the statements of counsel and reviewed the applicable statutes and makes the following Findings and Orders:

1. Michael Capra ("Declarant") prepared and recorded the Condominium Declaration for Forest Park Estates in the records of the office of the Clerk and Recorder of Jefferson County, Colorado on August 31, 1978, at Reception No. 78080087, which was revised by the Amendment to Condominium Declaration For Forest Park Estates recorded with the Jefferson County Clerk and Recorder's office on November 10, 1997, at Reception No. F0506300 (collectively, "Original Declaration").
2. Petitioner, The Forest Park Estates Condominium Association, Inc. (the "Association") desires to amend and restate all provisions of the Original Declaration, as amended and supplemented, by virtue of an Amended and Restated Condominium Declaration for Forest

Park Estates ("Declaration" or "Proposed Amendment"), and intends, upon the recording of this Declaration, that all prior recorded declarations, amendments and supplements thereto be superseded and replaced by this Declaration.

3. The purposes of the Proposed Amendment are to remove unreasonable restrictions on the community, remove developer "boilerplate" language that is no longer applicable to the Community, remove provisions that do not allow the Association to efficiently operate the community or deal with community concerns, remove provisions that do not comply with current state law, add provisions that provide the proper tools for the Association to effectively solve problems, add provisions to provide the Association with sufficient power to create and successfully enforce Rules and Regulations, and add provisions that reflect beneficial state law provisions.

4. The purpose of the Association, as provided in the Declaration, is to preserve the value and desirability of the Community and the Units and to further the interests of the residents of the Community and Members of the Association.

5. The Original Declaration provides for and allows for this Proposed Amendment in Section 19, which provides in pertinent part as follows:

This Declaration shall not be amended unless the Owners representing an aggregate ownership of at least seventy-five percent 75% of the common elements and at least seventy-five percent (75%) of the holders of recorded first mortgagees or deeds of trust consent and agree to such amendment ... provided, however, that the undivided interests in the common elements appurtenant to each Unit. . . shall have a permanent character and shall not be altered without the consent of all the Unit Owners and all of the first mortgagees. . . Further provided that the provisions of Section 38 of this Declaration shall not be amended or modified without the written consent of the Owners of Unit 15.

6. Pursuant to C.R.S. Section 38-33.3-217, the owner approval requirement is automatically lowered to owners representing 67% of the common elements.

7. The Proposed Amendment has been prepared and determined by the Association to be reasonable and not burdensome. The Proposed Amendment does not alter the undivided unit Owner's interests in the common elements appurtenant to each unit and does not alter the character of the community.

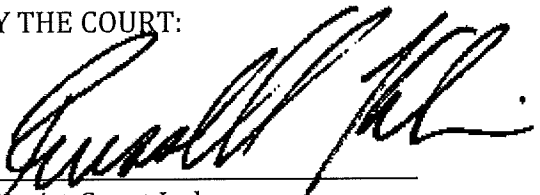
8. All Owners are aware of the provisions of the Original Declaration allowing for amendment, by virtue of the record notice of the Original Declaration, by acts and disclosures, newsletters or notices of the Association and by other means.

9. The Association has twice sent notice of the Proposed Amendment to all unit Owners that are entitled by the declaration to vote on the Proposed Amendment or are required for approval of the Proposed Amendment by any means allowed pursuant to the provisions regarding notice to members in sections 7-121-402 and 7-127-104, C.R.S., of the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S.
10. The Association has discussed the Proposed Amendment during at least one meeting of the Association.
11. Unit Owners of units to which are allocated more than fifty percent of the number of consents, approvals, or votes of the Association that would be required to adopt the Proposed Amendment pursuant to the Original Declaration have voted in favor of the Proposed Amendment. There are 15 unit Owners entitled to vote and 14 unit Owners voted to adopt the Proposed Amendment. The Owner of Unit 15 has consented to the Proposed Amendment in writing.
12. The Association provided the opportunity for first mortgage holders to vote on the approval of the Proposed Amendments, however only 4 of the 14 first mortgage holders responded. Of the first mortgage holders that did respond, there were no negative votes.
13. Notice of the hearing on this matter was given by the Association in accordance with the requirements of C.R.S. 38-33.3-217 (7)(D)(I).
14. The Association has complied with all requirements of C.R.S. Section 38-33.3-217(7).
15. No more than thirty-three percent of the Unit owners entitled by the Original Declaration to vote on the Proposed Amendment have filed written objections to the Proposed Amendment with the Court prior to the hearing on the matter.
18. Neither the federal housing administration nor the veterans administration is entitled to approve the Proposed Amendment.
19. The Declarant has not filed any written objections to the Proposed Amendment with the Court prior to the hearing on the matter.
20. No more than thirty-three percent of lenders that hold security interests in one or more units and that are entitled by the Original Declaration to vote on the Proposed Amendment have filed written objections to the Proposed Amendment with the Court prior to the hearing on the matter.
21. The Proposed Amendment would neither terminate the Original Declaration nor change the allocated interests of the unit owners as specified in the declaration.

WHEREFORE, the Court grants the Association's Petition and approves the Proposed Amendment. The Association shall record the Amended and Restated Condominium Declaration for Forest Park Estates in each county that includes all or any portion of the common interest community. Once recorded, the Amended and Restated Condominium Declaration for Forest Park Estates shall have the same legal effect as if it were adopted pursuant to any requirements set forth in the Original Declaration.

Dated this 8th day of December, 2021.

BY THE COURT:



District Court Judge