

**AMENDMENT  
TO  
AMENDED AND RESTATED CONDOMINIUM DECLARATION  
FOR  
BLAZING SADDLES CENTER**

THIS AMENDMENT to the Amended and Restated Condominium Declaration for Blazing Saddles Center (“Amendment”), is made on the date hereinafter set forth and is effective upon recording.

**RECITALS**

A. Blazing Saddles Center condominium common interest community was formed by the recording of the Condominium Declaration for Blazing Saddles Center in the office of the Clerk and Recorder in Summit County, Colorado, on January 3, 1978, at Reception No. 172131; which was replaced by the Amended and Restated Condominium Declaration for Blazing Saddles Center, recorded on May 11, 2016, at Reception No. 1110811 in the office of the Clerk and Recorder of Summit County, Colorado (the “Declaration”), and subjected all property described therein to the to the terms and conditions of the Declaration.

B. Given the configuration and construction of the Blazing Saddles Center building, it is not uncommon for cigarette, tobacco, or marijuana smoke to migrate from the Units where the smoking is taking place into the Common Elements or adjacent Units.

C. The migration of cigarette, tobacco or marijuana smoke from the Units into the Common Elements or other Units can make it difficult for residents to fully use and enjoy the other Units and Common Elements and for Owners to sell their Units.

D. The migration of cigarette, tobacco or marijuana smoke from Units into the Common Elements or other Units, can have detrimental health implications and a negative impact on the use and enjoyment of the Common Elements and Units by Owners of the Units and their tenants, guests, licensees, invitees, and any other individual visiting Blazing Saddles Center.

E. Since the migration of cigarette, tobacco and marijuana smoke into the Common Elements or other Units can have detrimental health implications and a negative impact on the Owners of the other Units and their tenants, guests, licensees, and invitees, the Board of Directors believes it is in the best interests of Blazing Saddles Center Association (“Association”) to make the building smoke free.

F. Pursuant to Section 17.2 of the Declaration, Owners to whom at least sixty-seven percent (67%) of ownership interests in the Common Elements are allocated.

NOW THEREFORE, the Declaration is hereby amended by adding the following Section 4.10 to the Declaration:

Section 4.10 Smoke Free Project. The smoking of cigarettes, tobacco products, marijuana, or any other substance is prohibited in the Units, on Limited Common Elements appurtenant to Units, and on the Common Elements, except that the smoking of cigarettes and tobacco products is permissible on the Common Elements in locations clearly marked and designated as “Smoking Areas”, if any. This smoking prohibition shall apply to Owners of Units, tenants, guests, licensees, invitees, and any other individual visiting the Association for any purpose whatsoever.

4.10.1 “Smoking” means the use of any device that, when activated, emits a vapor, fume, aerosol, or smoke and can be used to deliver nicotine or any other substance to the person inhaling from the device, e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, inhalant delivery systems and similar devices, cigarettes, tobacco products, marijuana or any other substance.

4.10.2 Notwithstanding the said prohibition against smoking, the Board of Directors, in its sole discretion, may designate (or remove from designation), from time to time, one or more outdoor areas for smoking, provided the smoking area(s) shall not cause or allow secondhand smoke to drift into indoor Common Elements, Limited Common Elements, or individual Units.

4.10.3 While this restriction is intended to render the Project smoke free, the Association is not a guarantor of a smoke-free environment hereunder. The Association, through its Board of Directors, shall have the right, but not the obligation, to enforce this restriction if the Board determines, in its sole discretion, that it is appropriate to do so in any individual case or circumstance. If the Board determines to take any such action, then in addition to its other rights and remedies under applicable enforcement policies, the Declaration, rules or regulations, at law, and in equity, the Association shall be entitled to recover its costs and expenses, including all attorneys’ fees and court costs, incurred in enforcing this restriction.

4.10.4 If the Board of Directors determines, in its sole discretion and for any reason, not to pursue enforcement of this restriction in any individual case or circumstance, any Owner may bring his or her own separate action to enforce this restriction against any other Owner who violates (or whose Unit occupant, agent, tenant, invitee, licensee, guest, visitor, or family member violates) this provision. If an Owner who brings such an action succeeds in establishing that the other Owner has violated this restriction, the Owner bringing such action shall be entitled to recover their costs and expenses, including reasonable attorneys’ fees and court costs, incurred in such action from the other Owner.

4.10.5 No Owner, occupant, agent, tenant, invitee, licensee, guest, visitor, family member, or other person shall be entitled to recover from the Association or Board of Directors any attorneys’ fees, court costs, or other costs or expenses incurred in any action brought by, or against, the Association or Board of Directors under or pursuant to this restriction, including, without limitation, any action to enforce this restriction or any action for failure to enforce this restriction, regardless of whether or not any such Owner, occupant, agent, tenant, invitee, licensee, guest, visitor, family member, or other person prevails in such action.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned, who certifies that this Amendment received the requisite approval.

Blazing Saddles Center Association,  
a Colorado Nonprofit Corporation

By: \_\_\_\_\_  
President

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_            )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_, by \_\_\_\_\_, as President of Blazing Saddles Center Association, a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public