



Kissing Camels Townhomes Homeowners Association

(A Colorado Non-Profit Corporation & Covenant Protected Community)

Clerk & Recorder – Please record these documents in the following indexes:

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FIRST AMENDMENT TO AMENDED AND RESTATED CONDOMINIUM DECLARATION FOR KISSING CAMELS TOWNHOMES

THIS FIRST AMENDMENT to the Amended and Restated Condominium Declaration for Kissing Camels Townhomes (the “Amended Declaration”) is made and entered into effective this 9TH day of MARCH 2011.

WITNESSETH:

AGE RESTRICTIONS/ALL ADULT COMMUNITY (RESCINDED)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, more than the requisite number of owners of the condominiums located within the Kissing Camels Townhomes voted at the 1989 Annual Meeting; and

WHEREAS, Article VI, section 6.10 was added to read “The Kissing Camels Townhomes is an adult community. No units shall be conveyed to or occupied by families having minor children and no minor children shall be permitted to use the general or limited common elements except on a supervised basis as casual guests of an adult owner.” And,

WHEREAS, On June 14, 1995, an amendment adding Article 6, Section 6.10 was added to the Condominium Declaration for Kissing Camels Townhomes and was recorded on June 14, 1995 in book 6665 at page 774 of the records of El Paso County, state of Colorado; and

WHEREAS, on February 14, 2008 Article IV, Section 4.1 of the Amended and Restated Declaration and

Covenants of the Kissing Camels Townhomes was amended to read “ The Condominium Project is an adult community. No Units shall be conveyed to or occupied by families having minor children, and no minor children shall be permitted to use the General or Limited Common Elements except on a supervised basis as casual guests of an adult Owner.” And,

WHEREAS, title VIII of the Civil Rights Act of 1968 (as amended by the Fair Housing Amendments Act of 1988 – the “Fair Housing Act,” 42 U.S.C. 3535(d), 3600-3620, and 54 FR 3283 dtd Jan. 23, 1989 prohibits discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions; and

WHEREAS; §100.304-306 allows communities specifically designed for persons 55 or older provided the following criteria are met on an on-going and continual basis:

- At least 80% of units must be occupied by residents age 55 or older;
- The community must publish and adhere to policies that demonstrate its intent to operate as housing for persons age 55 or older;
- The community must be able to produce verifiable documentation of the occupants of the community at least once every two years.

WHEREAS, the Condominium Homeowners Association of Kissing Camels Townhomes, Inc. has failed to fully comply with §100.304-306 of Title 24, Part 100 of the Housing for Older Persons Act of 1995; and

WHEREAS, Article VII, Section 7.2 grants to the Association “...all powers necessary and proper to manage the business and affairs of the Association, including the power to promulgate and publish rules and regulations with which each Unit Owner shall strictly comply;” and

WHEREAS, Section 4, subsection 4-2 of the Bylaws of the Condominium Homeowners of Kissing Camels Townhomes, Inc. grants to the Board of Directors “...the powers and duties necessary for the administration of the affairs of the Association and for the operation of a first-class project.” And,

WHEREAS, individuals (past and present) below the age of 55 years of age have resided from time to time within the Condominium Project; and

WHEREAS, the age restrictive language limits the ability of Unit Owners to sell and/or effectively market their Units; and

WHEREAS, it is the opinion of the Board of Directors that a community comprising of a variety of aged individuals is necessary for a more vibrant and sustainable community; and

WHEREAS, the Colorado Common Interest Ownership Act (CCIOA) C.R.S §38-33.3-217 (1)(a)(I) allows the Association to amend its Declarations and Covenants upon approval in the affirmative of 67% (32) Units.; and

WHEREAS , secret ballots were mailed to respective Unit Owners and returned to the Board of Directors (via its Managing Agent – Team Strategy Inc.); and

WHEREAS, a total of 41 ballots were received (84%) calling for the removal of the Adult Community

Language; and

WHEREAS, a total of 43 ballots (88%) were received calling for the insertion of the Household Composition language.

THEREFORE, BE IT RESOLVED, ~~the Board of Directors~~ Article IV, Section 4.11 of the 2008 Amended and Restated Declaration and Covenants of the Kissing Camels Townhomes Inc., is hereby removed and replaced with the substitute Household Composition language.

~~**Article 4.11 Adult Community.** The Condominium Project is an adult community. Units shall be conveyed to or occupied by families having minor children, and no minor children shall be permitted to use the General or Limited Common Elements except on a supervised basis as casual guests of an adult Owner.~~

4.11 HOUSEHOLD COMPOSITION. No Rule shall interfere with the freedom of Owners to determine the composition of their households, except that the Association shall have the power to require that all occupants be members of a single housekeeping unit, which shall include traditional and non-traditional family groups, unmarried couples, and unrelated persons holding title as tenants in common.

- A. Purpose: to maintain and preserve the character of the single-family housekeeping units (49 estates) within the (R-5) multi-family residentially-zoned Condominium Homeowners Association of Kissing Camels Townhomes and to reduce traffic and parking congestion, population density, noise and other disturbances conflicting with the stable, uncongested residential environment.
- B. Single-Family: one or more individuals occupying and living together as a single household unit with common access to, and common use of all facilities comprising the dwelling unit, as distinguished from a boarding or rooming house, fraternity or sorority house, club, motel and other similar uses.

MULTI-FAMILY RESIDENTIAL UNIT: A permanent building consisting of one or more individual dwelling units.

BUILDING: "Building" means the single building or structure containing the units as shown on the map (Article 1, Section 1.10).

DWELLING UNIT : One or more rooms for ownership, lease or rent, designed, occupied or intended for occupancy by one family and physically independent of any other groups or rooms or dwelling units which may be in the same structure, containing independent cooking, sanitary, and sleeping facilities.

Except as amended hereby, the Declaration shall continue in full force and effect in accordance with its previously amended terms and provisions.

IN WITNESS WHEREOF; The Association and the undersigned Officers have approved and signed this Amendment in accordance with the Association Bylaws and the Amended and Restated Condominium Declaration for Kissing Camels Townhomes Inc.

CERTIFICATION

WE, THE UNDERSIGNED Board of Director members and officers of the Condominium Homeowners Association of Kissing Camels Townhomes, Inc., having reviewed the ballots received, do hereby authorize, conform, and consent to this First Amendment of the Amended and Restated Condominium Declaration for Kissing Camels Townhomes, Inc, recorded on February 14, 2008 in the office of the El Paso County Clerk and Recorder at Reception #208017489.

Jane E. Rose-Nichols
Jane E. Rose-Nichols (President)

Margaret Froehlich
Margaret Froehlich (Vice President)

Colleen Bagley
Colleen Bagley (Secretary)

Paul Bahlinger
Paul Bahlinger (Treasurer)

Mark Nichols
Mark Nichols (At-Large)

ATTEST: I David C. Stiver, Managing Agent of the Condominium Homeowners Association of Kissing Camels Townhomes, do hereby affirm and attest that the above signatures contained within this document are true and correct to the best of my knowledge.

Signed this 9th day of March, 2011.

David C. Stiver
David C. Stiver MA



MY COMMISSION EXPIRES
01/03/2015

STATE OF COLORADO)
)SS.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 9 day of March, 2011

Joyce L. Bella