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November 8, 2016

VIA EMAIL (joshs@redmountaincm.com)
Villamont Condominium Association Owners

Re: Limited Common Elements – Declaratory Judgment from Summit County District Court Case No. 84-CV-438

Dear Villamont Owners,

As you may be aware, our firm has represented Villamont Condominium Association ("Villamont") for many years. I recently met with Josh Shramo, with Red Mountain Community Management, to discuss a number of current items regarding the management of Villamont. We discussed a declaratory judgment action that our firm brought on behalf of Villamont by filing a complaint in Summit County District Court back in 1984 to determine the definition of the term "limited common elements" as set forth in Villamont's condominium. Since more than 30 years have gone by since the court issued this judgment, attached hereto as Appendix A, it appears that an update regarding its continuing legitimacy and impact on Villamont may be necessary.

Judge Terry Ruckriegle issued an order on June 6, 1985, declaring the following:

> The Court adjudges that, except as otherwise specifically designated on the condominium plats for Villamont at Dillon Condominiums, the term "limited common elements" be defined as comprising all portions of an individual building enclosed within the exterior surface of the building envelope, including underground utility lines and other underground facilities on the interior of a downward projection of the exterior surface of the foundation; and also including the building's roofs, exterior siding, windows, doors, foundations, framing, crawl spaces, basements, attics, and other portions of the building, but excluding portions of the building which comprise or are included within individual condominium units; thus clarifying the language of the condominium declarations for Villamont at Dillon Condominiums with regard to the definition of limited common elements

and the responsibility for up-keep, repairs, and replacements of such limited common elements.

The definition of "limited common elements" in the Declaration, specifically states:

(1)(e) "Limited common elements: means the part of the general common elements assigned for the exclusive or non-exclusive use and enjoyment of the owner or owners of one or more, but less than all, condominium units.

What all of this means, in laymen's terms, was explained in a letter from David Drawbert, an associate with our firm in 1985, attached hereto as Appendix B, which is still accurate and applicable. It is important that the Owners understand the unit owners in a particular building are financially responsible for the maintenance, upkeep, repairs, and replacements of limited common elements needed by that particular building.[1] The association as a whole, however, still has the authority and duty to mandate needed repairs to limited common elements, but the owners within a particular building will be assessed for such repairs to the limited common elements effecting that particular building, such as the roof for example. It is my understanding that Villamont has been operating under this common understanding since before the court's order was entered, so this is not a new interpretation. The only way this scenario could be changed would be through an amendment to the Declaration either changing the definition of limited common element or changing the way assessments are allocated.

Thank you for providing the opportunity for us to address these concerns. If you wish to discuss any of these items, feel free to call my office directly at 970.453.2909 or email me at rgregory@westbrown.com at your convenience.

Best regards,

Robert N. Gregory, Esq.

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[1] The calculation for allocating the proportionate cost of special assessments for limited common element repair is found in Article 7(c) of the Declaration.