

**38-33.3-217. Amendment of declaration.** (1) (a) Except in cases of amendments that may be executed by a declarant under section 38-33.3-205 (4) and (5), 38-33.3-208 (3), 38-33.3-209 (6), 38-33.3-210, or 38-33.3-222, by an association under section 38-33.3-107, 38-33.3-206 (4), 38-33.3-208 (2), 38-33.3-212, 38-33.3-213, or 38-33.3-218 (11) and (12), or by the district court for any county that includes all or any portion of a common interest community under subsection (7) of this section, and except as limited by subsection (4) of this section, the declaration, including the plats and maps, may be amended only by THE AFFIRMATIVE vote or agreement of unit owners of units to which more than fifty percent of the votes in the association are allocated or any larger percentage, NOT TO EXCEED SIXTY-SEVEN PERCENT, THAT the declaration specifies. ANY PROVISION IN THE DECLARATION THAT PURPORTS TO SPECIFY A PERCENTAGE LARGER THAN SIXTY-SEVEN PERCENT IS HEREBY DECLARED VOID AS CONTRARY TO PUBLIC POLICY, AND UNTIL AMENDED, SUCH PROVISION SHALL BE DEEMED TO SPECIFY A PERCENTAGE OF SIXTY-SEVEN PERCENT. The declaration may specify a smaller percentage THAN A SIMPLE MAJORITY only if all of the units are restricted exclusively to nonresidential use.

(b) IF THE DECLARATION REQUIRES FIRST MORTGAGEES TO APPROVE OR CONSENT TO AMENDMENTS, THE ASSOCIATION SHALL SEND A DATED, WRITTEN NOTICE AND A COPY OF ANY PROPOSED AMENDMENT BY CERTIFIED MAIL TO EACH FIRST MORTGAGEE AT ITS MOST RECENT ADDRESS AS SHOWN ON THE RECORDED DEED OF TRUST OR RECORDED ASSIGNMENT THEREOF. IN ADDITION, THE ASSOCIATION SHALL CAUSE THE DATED NOTICE, TOGETHER WITH INFORMATION ON HOW TO OBTAIN A COPY OF THE PROPOSED AMENDMENT, TO BE PRINTED IN FULL AT LEAST TWICE, ON SEPARATE OCCASIONS AT LEAST ONE WEEK APART, IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE COMMON INTEREST COMMUNITY IS LOCATED. A FIRST MORTGAGEE THAT DOES NOT DELIVER TO THE ASSOCIATION A NEGATIVE RESPONSE WITHIN SIXTY DAYS AFTER THE DATE OF THE NOTICE SHALL BE DEEMED TO HAVE APPROVED THE PROPOSED AMENDMENT.

**SECTION 9.** Part 2 of article 33.3 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**38-33.3-221.5. Withdrawal from merged common interest community.** (1) A COMMON INTEREST COMMUNITY THAT WAS MERGED OR CONSOLIDATED WITH ANOTHER COMMON INTEREST COMMUNITY, OR IS PARTY TO AN AGREEMENT TO DO SO PURSUANT TO SECTION 38-33.3-221,