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January 29, 2015

Sid Schultz, President  
Las Vistas Owners Association, Inc.  
c/o Vail Management Company  
P.O. Box 6130  
Avon CO 81620

Re: Las Vistas at Singletree

Dear Sid:

The purpose of this letter is to set forth the maintenance responsibilities of the owners of the Townhouses and Condominium Units at Las Vistas. It should be kept in mind that there are different considerations for the Townhouses on the one hand and the Condominiums on the other hand. The owners of the Townhouses own a portion of a building and the land on which it sits. The owner of a Condominium Unit, on the other hand, owns only the air space within the Unit. This letter will therefore discuss the two forms of ownership separately.

Townhouses.

Section 8.6 of the Declaration of Covenants, Conditions, Restrictions and Easements of Las Vistas at Singletree ("the Declaration") provides as follows:

"Each Unit Owner shall be responsible for maintaining all portions of his Unit other than the Party Walls (except for interior decoration and cleaning, for which the Unit Owner is responsible), Exterior Maintenance Area, and Limited Common Elements appurtenant to each Unit; provided, however, the Unit Owner shall also be responsible for maintaining in a clean and orderly condition, including snow removal, any balcony, patio, or deck area of his Unit. Each Unit Owner shall be responsible for repair or replacement of broken window panes. . . ."

"Exterior Maintenance Area" is defined by Section 1.IR of the Declaration to include the exterior of any Townhouse, excluding window panes. "Limited Common Elements" is defined by Section 1.IX of the Declaration, as amended by the Second Amendment, as "the portion of the Common Elements allocated to the exclusive use of one or more but fewer than all of the Units." "Common Elements" is defined by Section 1.II of the Declaration as the real estate other than the Townhouses.

Those definitions, when read into Section 8.6, establish that each Townhouse Unit Owner is responsible for the maintenance of the interior of his or her Townhouse Unit, including walls, flooring, carpeting, ceilings, appliances, cabinets and other fixtures and improvements. Each Unit Owner is also responsible for maintaining in a clean and orderly condition the balconies, patios and decks, including snow removal. Pursuant to Section 8.4A of the Declaration, however, the Association is responsible for the repair or replacement of the exterior of all Townhouses, including decks and porches (that cost being assessed to the Owner using the deck or porch pursuant to Section 8.4C).

#### Condominiums.

The Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Las Vistas at Singletree ("the Second Amendment") governs the maintenance of the Condominiums. As discussed above, the Owner of a Condominium Unit owns only the airspace of the Condominium. The question is what is included as part of the airspace.

Section E(1) of Article I of the Second Amendment provides that:

"all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, and finished flooring and any other materials constituting any part of the finished surfaces thereof are a part of the Condominium Unit, and all other portions of the walls, floors, or ceilings are a part of the Condominium Common Elements."

The language quoted above establishes that each Condominium Unit owner is responsible for the maintenance of the interior of his or her Unit, including interior partitions, wall coverings, floor coverings, carpeting, appliances, cabinets and other fixtures and improvements within the Unit. However, a Condominium Unit owner has no responsibility for the maintenance of balconies, patios and decks (although the cost of maintenance of those improvements by the Association is assessed to the Owner using the balcony, patio or deck by Section B of Article V of the Second Amendment).

#### Conclusion.

As was stated at the outset, the key to an understanding of Owner responsibilities is an understanding of the difference between Townhouse ownership and Condominium ownership. The Owner of a Townhouse owns the entire building and therefore has personal and direct responsibility for maintenance of the entire building except the party walls and the building exterior including balconies, patios and decks or porches. The Owner of a Condominium, on the other hand, owns only the air space of the condominium and therefore has personal and direct responsibility for only what is within the Condominium Unit, including wall and floor coverings.

At the same time, Owners of both the Townhouses and the Condominium Units have responsibility for payment of assessments by the Association for maintenance and repair of Limited Common Elements benefitting their Units (generally speaking, the building exteriors

including balconies, patios and decks or porches). Finally, Owners of both the Townhouses and the Condominium Units have responsibility, along with all the Las Vistas Owners, for payment of assessments by the Association for repair and maintenance of the Common Elements of the entire project, such as the internal road system and landscaping.

Yours very truly,

MOUNTAIN LAW GROUP, LLC

A handwritten signature in black ink, appearing to read "JW Dunn", is written over the printed name.

John W. Dunn

JWD:ipse