

June 17, 2019

Dear Owner:

Attached is a copy of the recently approved Sixth Amendment to the Bylaws for Birch at Streamside Condominium Association.

If you have questions, please contact me by email at [david.mcdaniel@vacationclub.com](mailto:david.mcdaniel@vacationclub.com).

Sincerely,

*David McDaniel*

General Manager

Marriott's Streamside at Vail

# Amendment to the Bylaws for Birch at Streamside Condominium Association

This Amendment (“Amendment”) to the Bylaws of Birch at Streamside Condominium Association (“Bylaws”) is effective May 16, 2015 (“Effective Date”).

## Recitals:

A. The Birch at Streamside Condominium Association (“Association”) desires to amend its Bylaws currently in effect as set forth below.

B. The Bylaws may be amended as allowed for in Article IX, Section 1 of the Bylaws. Article IX, Section 1 of the Bylaws provides:

*“These Bylaws may be amended in the following manner:*

*(a) Notice of the subject matter of the proposed amendment shall be included in the notice of the meeting at which a proposed amendment is to be considered.*

*(b) A resolution adopting a proposed amendment may be proposed either by the Board of Managers or by the Unit Agents. Managers and Unit Agents not present in person or by proxy at the meeting considering such amendment may express their approval in writing, providing such approval is delivered to the Secretary at or prior to the meeting. Except as elsewhere provided, such approval must be by at least 66-2/3% of the membership of the Board of Managers and by not less than 66-2/3% of the votes of the Unit Agents. A resolution adopting a proposed amendment may be adopted, without the approval of the Board of Managers, by at least 75% of the votes of the Unit Agents.*

*(c) No amendment shall discriminate against any Time-Span Owner or against any unit or class or group of units unless the Owners so affected shall consent. No amendment shall change any unit nor a Time-Span Estate nor the share in the Common Element appurtenant to it, nor increase the owner's share of the common expenses, nor change the voting rights of the members, unless the record owners of the unit concerned and all record owners of liens thereon shall join in the execution of the amendment.*

*(d) A copy of each amendment shall be certified by the President and Secretary of the Association as having been duly adopted.”*

C. The requirements of the Bylaws for amendment of the Bylaws have been complied with.

D. The provisions set forth in this Amendment supersede and replace any conflicting provisions set forth in the existing Bylaws.

Now therefore, the Bylaws of the Association are amended as follows:

1. Amendment to Article XI, titled “Miscellaneous,” adding Section 2 titled “Electronic Communications.” Section 11.2 is added providing as follows:

Electronic Communications.

a. Records and Signatures.

Whenever the governing documents require that a document, record or instrument be "written" or "in writing," the requirement is deemed satisfied by an electronic record to the extent permissible under applicable laws.

Whenever the governing documents require a signature on a document, record or instrument, an electronic signature satisfies that requirement only if:

- (i) the electronic signature is easily recognizable as an electronic signature which is capable of verification, under the sole control of the signatory, and attached to the electronic record in such a way that the electronic record cannot be modified without invalidating the signature; or
- (ii) the Board of Managers, and/or the Managing Agent, reasonably believes that the signatory affixed the electronic signature with the intent to sign the electronic record, and that the electronic record has not been modified since the signature was affixed.

b. Verification and Liability for Falsification.

The Board of Managers, and/or the Managing Agent, may require reasonable verification of any electronic signature, document, record or instrument.

Absent or pending verification, the Board of Managers, and/or the Managing Agent, may refuse to accept any electronic signature or electronic record that, in the Board of Managers', and/or the Managing Agent's, sole discretion, is not clearly authentic.

Neither the Board of Managers, the Managing Agent, nor the Association will be liable to any Member or any other person for accepting or acting in reliance upon an electronic signature or electronic record that the Board of Managers, the Managing Agent or the Association reasonably believes to be authentic, or rejecting any such item which the Board of Managers, the Managing Agent or the Association reasonably believes not to be authentic.

Any Member or person who negligently, recklessly or intentionally submits any falsified electronic record or unauthorized electronic signature will fully indemnify the Board of Managers, the Managing Agent and the Association for actual damages, reasonable attorney fees actually incurred and expenses incurred as a result of such acts.

c. Definitions for this Section. The following terms are defined for this Section and as otherwise applicable to the Bylaws:

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record, as set forth in Colorado's Uniform Electronic Transactions Act, as may be amended from time to time.

“Electronic record” means a record created, generated, sent, communicated, received, or stored by electronic means, as set forth in Colorado’s Uniform Electronic Transactions Act, as may be amended from time to time.

“Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

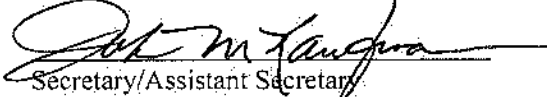
2. Effect of this Amendment. This Amendment is effective and binding upon all members, past, present and future, and their successors and assigns, until otherwise amended or rescinded by future amendment of the Bylaws.
3. Superseding and Replacing parts of the Bylaws. The provisions of this Amendment supersede and replace any contrary provisions in the Bylaws.
4. Ratification of the Bylaws. Except as otherwise modified by this Amendment, the Bylaws remain unchanged and in full force and effect.

## **Certificate of Adoption of Amendment to Amended and Restated Bylaws of Birch at Streamside Condominium Association**

The undersigned certify that they are the duly elected and acting officers as indicated below of the Birch at Streamside Condominium Association (the “Association”) and that on May 18, 2019, this Amendment was approved by at least 66-2/3% of the membership of the Board of Managers and by not less than 66-2/3% of the votes of the Unit Agents, all in accordance with the procedures for amendment set forth in Article IX, Section 1 of the Bylaws.

By:   
Name: \_\_\_\_\_  
Title: President

ATTEST:

  
Secretary/Assistant Secretary