

**SIXTH AMENDMENT TO  
AMENDED AND RESTATED GENERAL DECLARATION  
FOR BEAVER CREEK  
EAGLE COUNTY, COLORADO**

This Sixth Amendment to Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado (this "Sixth Amendment") is executed this 7<sup>th</sup> day of December, 2009, by The Vail Corporation, a Colorado corporation, d/b/a Vail Associates, Inc., as Declarant and Mountain Special Member ("Declarant") and Beaver Creek Resort Company of Colorado, a Colorado non-profit corporation (the "Resort Company"), and constitutes an amendment to the Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, dated December 26, 1979, and recorded December 27, 1979 in Book 296 at Page 446 in the real property records of Eagle County, Colorado, as amended by (i) the First Amendment to Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, dated September 14, 1992, and recorded September 15, 1992 in Book 589 at Page 238 in the real property records of Eagle County, Colorado, (ii) the Second Amendment to Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, dated December 6, 1994, and recorded January 18, 1995 in Book 659 of page 552 in the real property records of Eagle County, Colorado, (iii) the Third Amendment to Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, dated December 5, 1997, and recorded January 22, 1998 at Reception No. 645127 in the real property records of Eagle County, Colorado, (iv) the Fourth Amendment to Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, dated July 9, 1998, and recorded August 24, 1998 at Reception No. 666932 in the real property records of Eagle County, Colorado, and (v) the Fifth Amendment to Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, dated November 13, 2002, and recorded November 14, 2002 at Reception No. 813796 in the real property records of Eagle County, Colorado (collectively, the "Declaration").

**RECITALS**

A. The Declaration was established by Declarant for the purpose of providing for and maintaining a pleasant and desirable environment for all persons residing, visiting, or doing business within "Beaver Creek" (as defined in the Declaration) and bestowed certain obligations upon the Resort Company in furtherance of such purpose.

B. Declarant and the Resort Company have recommended to the members of the Resort Company that Section 7.7 of the Declaration be amended to (i) add commercial vehicles, recreational vehicles, all terrain vehicles and motorcycles designed for off-road use to the list of vehicles that must be kept in an enclosed structure except when in actual use; and (ii) remove automobiles from the list of vehicles that must be kept in an enclosed structure except when in actual use; and (iii) add a definition of those "trucks" and "commercial vehicles" that must be kept in an enclosed structure except when in actual use.

C. At a meeting of the members of the Resort Company held on November 28, 2009, resolutions were passed by the "Affirmative Vote of a Majority of the Classes" (as such term is

defined in the Articles of Incorporation of the Resort Company) calling for an amendment to the Declaration and authorizing the execution of this Sixth Amendment.

**AGREEMENT**

In accordance with the provisions for an amendment to the Declaration, the Declaration is hereby amended as follows:

1. That subsection (b) of Section 7.7 of the Declaration is hereby amended to read in its entirety as follows:

“(b) Trailers, mobile homes, recreational vehicles, trucks (including pickups) that have a gross vehicle weight in excess of 10,000 pounds or a manufacturer’s rated load capacity in excess of one ton, boats, tractors, all commercial vehicles (being defined as any vehicle having a gross vehicle weight in excess of 10,000 pounds, or a manufacturer’s rated load capacity in excess of one ton, or that is licensed as a commercial vehicle, or that has displayed thereon any business logo, company sign or other business or advertising information of any type), campers (whether or not on a truck), all terrain vehicles, motorcycles designed to allow for off-road use, snow removal equipment and garden or maintenance equipment shall be kept in an enclosed structure at all times, except when in actual use; provided that all such vehicles and equipment may be parked (i) on parking lots with the prior approval of Declarant or (ii) on other areas specifically designated by the Review Board for such vehicles or equipment;”

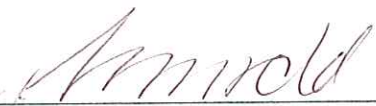
2. Except as specifically set forth in this Sixth Amendment, the Declaration remains unchanged and in full force and effect. This Sixth Amendment shall hereafter be interpreted for all purposes as part of the Declaration.

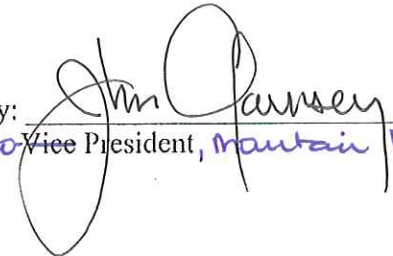
IN WITNESS WHEREOF, Declarant, as Declarant and Mountain Special Member under the Declaration, and the Resort Company have executed this Sixth Amendment as of the day and year first set forth above.

**DECLARANT and  
MOUNTAIN SPECIAL MEMBER:**

THE VAIL CORPORATION, a Colorado corporation, d/b/a VAIL ASSOCIATES, INC.

ATTEST:

  
\_\_\_\_\_  
Fiona Arnold  
Secretary

By:   
\_\_\_\_\_  
John Parney  
Vice President, Mountain Division

Approved as to Form: Vail Resorts Legal Department
By: 
Name: ORLA BANNAN
Date: 12/15/05

