

When recorded mail to:
Melven E. Smith, Esq.
4723 Harrison Boulevard, Suite 200
Ogden, Utah 84403

E# 1448178 BK 1842 PG2975
DONG CROFTS, WEBER COUNTY RECORDER
08-JAN-97 432 PM FEB 20 00 DEP HH
REC FOR: MELVEN.E..SMITH

AMENDMENT TO DECLARATION OF
EMERALD HILLS
CONDOMINIUMS

This Amendment is executed this 16th day of December, 1996, by THE MANAGEMENT COMMITTEE OF EMERALD HILLS CONDOMINIUM, for the purpose of amending the Declaration of Emerald Hills Condominiums.

RECITALS:

A. On October 7, 1995, the Management Committee caused a written notice setting forth the time and place of the annual meeting of Units Owners to be delivered personally or deposited in the mail, with postage prepaid, addressed to each unit owner, as his last post office address as it then appears on the records of the Management Committee.

B. Approximately 59% of units were represented personally or by proxy, which constituted a quorum for the purpose of conducting association business. During the course of the annual meeting, several proposals were brought before the association for consideration and vote.

C. The two proposals set forth below were affirmatively approved by a majority of the unit owners present in accordance with Article II, Section 3 of the Declaration.

D. Declarant heretofore filed of record a Declaration of EMERALD HILLS CONDOMINIUM on Phases 1, 2, 3, 4 and 5 as follows, to wit:

PHASE 1: Declaration: dated May 18, 1966; recorded May 18, 1966 in Book 836, Page 560 of Records as Entry Number 473451. Record of Survey Map: dated May 18, 1966, recorded May 18, 1966 in Book 15, Page 34 of Plats as Entry No. 473452.

PHASE 2: Declaration: dated January 29, 1968, recorded January 29, 1968 in Book 881, Page 394 as Entry No. 499860. Record of Survey Map: dated January 29, 1968; recorded January 29, 1968 in Book 15, Page 81 of Plats as Entry No. 499858.

PHASE 3: Declaration: dated November 4, 1969; recorded November 7, 1969 in Book 969, Page 85 as Entry No. 527726. Record of Survey Map: dated November 3, 1969; recorded November 7, 1969 in Book 16, Page 31 of Plats as Entry No. 527725.

07-153-0001-0048
07-121-0001-0028
07-141-0001-0036
07-048-0001-0033
07-049-0001-0036

PHASE 4: Declaration: dated June 22, 1971, recorded July 1, 1971 in Book 969, Page 878 as Entry No. 553328. Record of Survey Map: dated March 4, 1971, recorded July 1, 1971, in Book 16, Pages 90-94, as Entry No. 553329, and

PHASE 5: Declaration: dated March 31, 1972, recorded July 11, 1972, in Book 998, Page 540 as Entry No. 574399.

NOW, THEREFORE, be it declared:

1. The above recitals are incorporated herein by reference and made a part hereof.
2. Any reference to the Declaration in this First Amendment shall mean and include the Declarations filed on the five Phases as indicated in recital D. above.

3. Article 1, Section 1 of the Declaration is hereby amended to read as follows:

Section 1. General Responsibility. The business and property comprising EMERALD HILLS CONDOMINIUM, (present and future) shall be managed by a management committee consisting of seven (7) persons who have ownership in units in said project to be selected by the apartment owners as hereinafter provided. Such management committee shall have all the powers, duties and responsibilities as are now or may hereafter be provided by law, this Declaration and/or any amendments subsequently filed hereto; provided however, that the management committee may engage the services of a manager and fix and pay a reasonable fee or compensation therefore. Any reference to a limit on the amount of time an appointed or elected committee member may serve is hereby deleted from the Declaration or Bylaws.

4. The following section is hereby added to the Declaration:

Article XI, Section 9. Units shall be owner occupied. From and after October 20, 1995, no owner may rent his or her unit. This restriction shall not apply to units already rented as of October 20, 1995, to the Management Committee, or to any mortgagee which may rent out a unit during the pendency of a foreclosure or for a reasonable time thereafter while seeking to find a purchaser for the unit. Also, when a previously rented unit is sold, it can no longer be rented.

5. Unless specifically amended by this First Amendment or any other Amendment to the Declaration of EMERALD HILLS CONDOMINIUM, all other provisions of the various Declarations shall remain in full force and effect.

6. This First Amendment to the Declaration of EMERALD HILLS CONDOMINIUM and all the provisions hereof shall constitute covenants to run with the land or equitable servitudes, as the case may be, and shall be binding upon and shall inure to the benefit of all present unit owners, and all parties who hereafter acquire any interest in a unit described in Exhibit "A" attached hereto, in the project, and their respective grantees, transferees, heirs, devisees, personal representatives, successors and assigns. Each unit owner or occupant of a unit shall comply with, and all interests in all units shall be subject to, the terms of this First Amendment to the Declaration of EMERALD HILLS CONDOMINIUM. By acquiring any interest in a unit or in the project, the party acquiring such interest consents to, and agrees to be bound by, each and every provision of this First Amendment of the Declaration of EMERALD HILLS CONDOMINIUM.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the year and date first written above.

EMERALD HILLS CONDOMINIUM
ASSOCIATION, an unincorporated
Association, by and through its Management
Committee:

David A. Kaiser

David A. Kaiser

C. Bervard Smith

C. Bervard Smith

Sharon Jensen

Sharon Jensen

Douglas Williamson

Douglas Williamson

Robert Scovel

Robert Scovel

Wes Carlson

Wes Carlson

Lisa Bailey

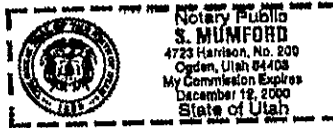
Lisa Bailey

STATE OF UTAH)
 : ss
COUNTY OF WEBER)

On the 23rd day of December, 1996, personally appeared
before me DOUGLAS WILLIAMSEN, the signer of the within instrument who acknowledged
to me that (s)he executed the same.

S. Mumford
NOTARY PUBLIC

Residing At: Ogden, ut
My Commission Expires:
12-12-2000



STATE OF UTAH)
 : ss
COUNTY OF WEBER)

On the 16th day of December, 1996, personally appeared
before me ROBERT SCOVEL, the signer of the within instrument who acknowledged to me that
(s)he executed the same.

Karol J. Phipps
NOTARY PUBLIC

Residing At: Ogden Utah
My Commission Expires: 4-15-99



STATE OF UTAH)
 : ss
COUNTY OF WEBER)

On the 18 day of December, 1996, personally appeared
before me WES CARLSON, the signer of the within instrument who acknowledged to me that
(s)he executed the same.

Karol J. Phipps
NOTARY PUBLIC

Residing At: Ogden, utah
My Commission Expires: 4-15-99



STATE OF UTAH)
 : SS
COUNTY OF WEBER)

On the 20th day of December, 1996, personally appeared before me DAVID A. KAISER, the signer of the within instrument who acknowledged to me that (s)he executed the same.

Karol J. Phipps
NOTARY PUBLIC

Residing At: Ogden, Utah
My Commission Expires: 4-15-99

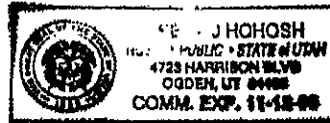


STATE OF UTAH)
 : SS
COUNTY OF WEBER)

On the 23rd day of December, 1998, personally appeared before me C. BERVARD SMITH, the signer of the within instrument who acknowledged to me that (s)he executed the same.

Debra J. Hohosh
NOTARY PUBLIC

Residing At: Ogden, UT
My Commission Expires: 11-12-99

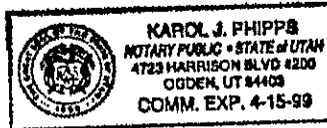


STATE OF UTAH)
 : SS
COUNTY OF WEBER)

On the 16th day of January, 1997, personally appeared before me SHARON JENSEN, the signer of the within instrument who acknowledged to me that (s)he executed the same.

Karol J. Phipps
NOTARY PUBLIC

Residing At: Ogden, Utah
My Commission Expires: 4-15-99



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E# 1449178 BK1842 PG2979

STATE OF UTAH)
 : ss
COUNTY OF WEBER)

On the 18th day of December, 199 6, personally appeared before me LISA BAILEY, the signer of the within instrument who acknowledged to me that (s)he executed the same.

Karol J. Phipps

NOTARY PUBLIC

Residing At: *Ogden, Utah*
My Commission Expires: *4-15-99*



EXHIBIT "A"

All of Units 1 through 180, EMERALD HILLS CONDOMINIUM, together with the percentage of undivided interest pertaining to each unit in the common areas and facilities.