

Return to: 875 Bonner Way  
Salt Lake City, Utah  
84108

3843163

SECOND AMENDMENT TO ENABLING DECLARATION  
FOR CANYON CREST CONDOMINIUM PROJECT

3843163

This Amendment to the Enabling Declaration of August 26, 1965, and the first Amendment to said Declaration of April 4, 1967, authorized by vote of over 65% of the Canyon Crest Project ownership at the Annual Meeting of the Owners on March 14, 1983, provides for changes as follows:

a) Record changes in the undivided interest ownership in the common and limited common areas and facilities as summarized hereafter and as shown either in Revised Appendix "A" attached hereto, or in the April 25, 1983, revision of survey map, sheets 2, 3, 4, and 5, or both.

b) Record changes in the Declaration and in the Bylaws relating to election of the Management Committee (staggered 2-year terms for 5 members), to the use of units (only residential use), and to the person to receive service of any process (President of the Management Committee), all as detailed hereafter.

c) Record changes in the Bylaws relating to acceptability of tenants (procedures and time limitations for accepting or rejecting proposed occupants), and providing remedies for non-payment of common expense (charge interest and other costs on past due accounts), as authorized by vote of over 65% of the ownership at the Annual Meeting of the Owners on March 9, 1981, all as detailed hereafter.

1. On December 6, 1982, the Canyon Crest Owners Association purchased Unit No. 113 (1.744% of the undivided ownership), consisting of car stalls, surface parking spaces, and storage lockers, as listed on page four, revised Exhibit "A", 1967 Amendment to the Enabling Declaration. The property was deeded to the Owners Association, subject to certain leases, exchanges, and other agreements. Ownership of certain of Unit 113's car stalls and storage lockers, as well as of certain of the Project's other lockers, was subsequently transferred to individual Unit Owners and made a part of apartment ownership as reflected on the April 25, 1983, amended record of survey map, attached hereto and made a part of this Second Amendment. Unit 113's surface parking spaces have been consolidated into the Project's existing guest parking area. Entryways appurtenant to units 110 and 112 have been consolidated into those units.

2. Certain of the Project's car stalls not included in Unit 113 also have been exchanged by Unit Owners. Transferred car stalls have been deleted from and acquired car stalls have been added to individual apartment unit ownership. The April 25, 1983, amended record of survey map reflects these changes, as does also Revised Appendix "A".

Re-Record for the purpose of correcting the ownership interest of Unit 114, the ownership interest of the Canyon Crest Owners Association, and deletion of parking stall C-57 from the Owners Association's holdings.

REC'D ON [unclear] FILE  
APR 19 3 19 PM '83  
Canyon Crest  
875 Bonner Way  
Salt Lake City, Utah  
84108  
[unclear]  
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BOOK 5483 PAGE 2987

BOOK 5490 PAGE 1027

3. Canyon Crest Owners Association (CCOA) has a fee title interest in the retained car stalls and storage lockers shown on page 5 of the attached Exhibit "A" with the right to use, assign, rent, or sell any of its car stalls or storage lockers, to any Unit Owner and only to Unit Owners.

4. Six car stalls and one locker, as listed on page 5 of Exhibit "A" are separately held by Canyon Crest Limited (CCL), a Utah limited partnership, the Owner of units 109-112. That Unit Owner, and all other Unit Owners have a fee title interest in their Unit's car stalls and storage lockers, as shown in attached Exhibit "A", with the right to use, assign, rent, or sell such car stalls and storage lockers to any Unit Owner, and only to Unit Owners.

5. Article III of the Bylaws, titled "Number of Committee and Selection of Members", is changed to read as follows:

"The Committee shall be composed of five members. Committee Members shall be elected at the Annual Meeting in March of each year, for staggered two-year terms. In 1984 three Members shall be elected for one-year terms and two Members for two-year terms. Thereafter, three Members shall be elected for two-year terms in odd-numbered years, and two Members for two-year terms in even-numbered years."

6. Section 2, "Use of Units", Article XXV, on "use and Occupancy", of the Bylaws is changed to prohibit the use of any unit for commercial purposes, by deleting the phrase in lines 2 and 3 that read "(except units 108, 109, 110, 111, 112, 113, and 114, which may be used for commercial purposes)".

7. The definition of "Unit" in Paragraph 7, Section I, Definitions of the Enabling Declaration, is changed to delete the phrase "or to one of the commercial units", from the second line of the paragraph.

8. Paragraph 5, Section III, Covenants, Conditions, and Restrictions, of the Enabling Declaration, is changed to read in its entirety:

"The condominium Project is intended and restricted to use for individual housing purposes".

9. Paragraph 6, Section III, Covenants, Conditions, and Restrictions, of the Enabling Declaration, is changed to read in its entirety:

"The person to receive service of any process which may be authorized by law or under the provisions of this Declaration or under the provisions of the Act, is the President, Management Committee, Canyon Crest Owners Association, 875 Donner Way, Salt Lake City, Utah, 84108".

10. Article V, Section 7 of the Bylaws is changed to read in its entirety as follows:

Article V, Section 7: Acceptability of Tenants. The Committee shall have prerogative to either accept and approve or reject and disapprove all occupants or proposed occupants of the Project. The term "occupant" includes renter, leasee, sub-renter, subleasee, and person or persons who plan to join in occupancy with person or persons previously approved by the Committee. This section does not apply to short term guests of an occupant. The owner or owners of each unit in the Project shall notify the Committee in writing of the name of any proposed occupants of a unit at least ten days prior to the proposed date of occupancy. The Committee shall have three days from and after the receipt by it of such notice in which to accept and approve or reject and disapprove said proposed occupant. Failure on the part of the Committee to give notice to said owner or owners of the rejection and disapproval of proposed occupant within the aforesaid three-day period shall operate as a waiver of the Committee's right to reject and disapprove such proposed occupant. In the event the Committee gives notice as above provided of the rejection and disapproval of the proposed occupant and gives its reason therefor that said proposed occupant is not desirable, the rejection and disapproval shall be final. However, in the event the Committee rejects and disapproves a proposed occupant and gives no reason therefor, the owner or owners concerned shall have the right to have said rejection and disapproval reviewed by the remaining owners at a special meeting of the owners which shall be called at the request of such owners by the President or Vice President of the Committee pursuant to the provisions of these Bylaws. Upon receiving such request, the President or Vice President, as the case may be, shall call a special meeting of the owners and shall give such notice of said meeting as shall be required to insure that the same shall be held within reasonable time after the receipt of such request. Unless owners representing fifty-one percent or more of the undivided ownership interest in the Project's common and limited common areas and facilities vote at said meeting in favor of reversing the Committee's rejection and disapproval, the Committee's decision shall be and remain final.

11. Section 3, Article XVII of the Bylaws is changed to read in its entirety as follows:

Section 3, Article XVII: Remedies for Non-Payment of Common Expense.

Should any owner fail to pay his share of the common expenses at the time the same become due, the Management Committee shall be and is hereby authorized and empowered for and on behalf of the owners to enforce any right or remedy authorized by the Act, the Declaration, these Bylaws, the Management Agreement, or any other instrument respecting such pay, right or remedy including assessments of maximum legal rate of monthly interest on unpaid amounts thirty days after due, together with attorney fees and other costs incurred. Delinquent amounts will be posted fifteen days after due date.

CANYON CREST CONDOMINIUM PROJECT  
MANAGEMENT COMMITTEE

By Joe B. Rosenbaum  
Joe B. Rosenbaum, President

By Marjorie B. Tyler  
Marjorie B. Tyler, Secretary

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

On the 20<sup>th</sup> day of June, 1983, personally appeared before me, Joe B. Rosenbaum and Marjorie B. Tyler, who being by me duly sworn, did say that they were the President and Secretary, respectively, of the Management Committee of the Canyon Crest Condominium Project, acting as agent of the Owners of said Project, and that the foregoing instrument was signed in behalf of said Committee by authority of its Bylaws, and they duly acknowledged to me that said Committee executed the same.

John Baker  
Notary Public  
Residing in Salt Lake City, Utah

My Commission Expires:

5/19/87



BOOK 5490 PAGE 1030

BOOK 5483 PAGE 2990

APPROVAL BY CITY

Salt Lake City Corporation does hereby give final approval to the Second Amendment to the Canyon Crest Condominium Project and to the revised Record of Survey Map recorded concurrently therewith.

Dated Aug. 9, 1983

SALT LAKE CITY CORPORATION

By John L. Wilh  
MAYOR

ATTEST:

Kathryn Marshall  
RECORDER

BOOK 5490 PAGE 1031

BOOK 5483 PAGE 2991

EXHIBIT "A"  
 SECOND AMENDMENT TO ENABLING DECLARATION  
 FOR CANYON CREST CONDOMINIUM PROJECT  
 REVISED APRIL 25, 1983

Floor And Unit No.	Approx. Sq. Ft.	Related Limited Common Areas		Percent Ownership April, 1983	General Description		
		Car Stall Number	Locker Number		No. Of Rooms	No. Bed Rooms	No. Bath Rooms
<u>1st Floor</u>							
101	725	C-57	--	0.453	3	1	1
102	300	C-34	--	0.205	1	Studio	1
103	300	B-25	--	0.205	1	Studio	1
104	300	B-11	--	0.205	1	Studio	1
105	300	B-66	--	0.205	1	Studio	1
106	300	--	--	0.191	1	Studio	1
107	300	A-64	--	0.205	1	Studio	1
108	400	B-62	--	0.248	1	Studio	1
109	400	A-34	--	0.248	1		
110	965	A-35	--	0.578	3	1	1/2
111	1,120	A-36	C-101-11	0.675	3	2	2
112	200	--	--	0.117	1		
114	1,265	C-54	--	0.754	5	2	2
<u>2nd Floor</u>							
201	1,875	B-21	C-106-2	1.142	6	3	2
		B-22					
202	1,300	B-77	--	0.804	5	2	2
		B-78					
203	1,300	B-59	--	0.790	5	2	2
204	1,300	A-30	--	0.790	5	2	2
205	1,300	A-55	A-107-12	0.812	5	2	2
		A-56	C-101-38				
206	1,875	B-23	--	1.125	6	3	2
207	750	B-24	--	0.468	3	1	1
208	775	A-3	--	0.482	3	1	1
209	775	A-50	A-104-8	0.505	3	1	1
		B-64	C-101-30				
			C-101-31				
210	750	B-16	--	0.468	3	1	1
<u>3rd Floor</u>							
301	1,875	B-8	B-101-2	1.142	6	3	2
		B-18					
302	1,300	B-51	--	0.790	5	2	2
303	1,300	B-19	--	0.804	5	2	2
		B-53					
304	1,300	B-54	--	0.790	5	2	2
305	1,300	A-16	A-107-10	0.810	5	2	2
		B-56	A-107-11				
306	1,875	B-37	C-101-16	1.148	6	3	2
		B-38	C-101-17				
			C-101-23				
307	750	C-12	--	0.468	3	1	1
308	775	C-11	--	0.482	3	1	1
309	775	A-66	--	0.482	3	1	1
310	750	A-23	--	0.468	3	1	1

BOOK 5490 PAGE 1032

BOOK 5483 PAGE 2992

REVISED EXHIBIT "A" (Continued), April 25, 1983

Floor And Unit No.	Approx. Sq. Ft.	Related Limited Common Areas		Percent Ownership April, 1983	General Description		
		Car Stall Number	Locker Number		No. Of Rooms	No. Bed Rooms	No. Bath Rooms
<u>4th Floor</u>							
401	1,875	B-13	--	1.139	6	3	2
		B-55					
402	1,300	B-42	--	0.790	5	2	2
403	1,300	B-68	B-104-5	0.810	5	2	2
		B-69	B-104-7				
404	1,300	A-13	--	0.790	5	2	2
405	1,300	B-71	C-101-32	0.793	5	2	2
406	1,875	B-15	--	1.125	6	3	2
407	750	A-24	--	0.468	3	1	1
408	775	A-12	--	0.482	3	1	1
409	775	B-57	--	0.482	3	1	1
410	750	A-60	--	0.468	3	1	1
<u>5th Floor</u>							
501	1,875	B-9	B-104-12	1.128	6	3	2
502	1,300	A-47	--	0.790	5	2	2
503	1,300	A-62	--	0.790	5	2	2
504	1,300	B-41	--	0.790	5	2	2
505	1,300	A-43	A-107-9	0.812	5	2	2
		A-44	B-106-1				
506	1,875	A-19	A-111-1	1.131	6	3	2
507	750	A-20	--	0.468	3	1	1
508	775	C-38	C-104-7	0.502	3	1	1
		C-39	C-104-8				
509	775	B-58	--	0.482	3	1	1
510	750	A-9	--	0.468	3	1	1
<u>6th Floor</u>							
601	1,875	B-39	--	1.139	6	3	2
		B-40					
602	1,300	C-29	--	0.790	5	2	2
603	1,300	B-44	C-101-14	0.810	5	2	2
		B-52	C-101-20				
604	1,300	B-60	B-104-10	0.807	5	2	2
		B-61					
605	1,300	B-5	--	0.804	5	2	2
		B-6					
606	1,875	B-43	--	1.139	6	3	2
		C-28					
607	750	A-65	--	0.468	3	1	1
608	775	C-1	C-101-13	0.485	3	1	1
609	775	C-53	--	0.482	3	1	1
610	750	C-56	--	0.468	3	1	1
<u>7th Floor</u>							
701	1,875	B-1	C-101-12	1.142	6	3	2
		B-2					
702	1,300	A-45	A-106-1	0.810	5	2	2
		A-46	A-106-2				

REVISED EXHIBIT "A" (Continued), April 25, 1983

Floor And Unit No.	Approx. Sq. Ft.	Related Limited Common Areas		Percent Ownership April, 1983	General Description		
		Car Stall Number	Locker Number		No. Of Rooms	No. Bed Rooms	No. Bath Rooms
<u>7th Floor (Cont'd.)</u>							
703	1,300	A-25 A-26	A-104-1 A-104-2 A-104-3 A-107-6 A-110-1	0.819	5	2	2
704	1,300	A-7 A-8	- -	0.804	5	2	2
705	1,300	C-30	C-101-22	0.793	5	2	2
706	1,875	B-3	- -	1.125	6	3	2
707	750	C-35	- -	0.468	3	1	1
708	775	C-37	- -	0.482	3	1	1
709	775	A-58 A-59	B-103-1	0.499	3	1	1
710	750	C-24	- -	0.468	3	1	1
<u>8th Floor</u>							
801	2,625	B-50	B-104-9	1.128	6	3	2
802	1,300	C-4	- -	0.790	5	2	2
803	1,300	A-42 A-49	- -	0.804	5	2	2
804	1,300	A-10	- -	0.790	5	2	2
805	1,300	C-55	- -	0.790	5	2	2
806	1,875	B-47 B-48	- -	1.139	6	3	2
807	750	A-4	- -	0.468	3	1	1
808	775	B-70	- -	0.482	3	1	1
809	775	B-26	- -	0.482	3	1	1
810	750	B-49	- -	0.468	3	1	1
<u>9th Floor</u>							
901	1,875	B-7	- -	1.125	6	3	2
902	1,300	A-1	- -	0.790	5	2	2
903	1,300	A-31 A-48	A-106-3	0.807	5	2	2
904	1,300	A-14 A-15	A-101-2	0.807	5	2	2
905	1,300	A-2	- -	0.790	5	2	2
906	1,875	C-21 C-22	C-101-2	1.142	6	3	2
907	750	C-14	- -	0.468	3	1	1
908	775	A-61	- -	0.482	3	1	1
909	775	A-57	- -	0.482	3	1	1
910	750	B-63	- -	0.468	3	1	1
<u>10th Floor</u>							
1001	1,875	C-32	- -	1.125	6	3	2
1002	1,300	A-27 A-40	A-107-2	0.807	5	2	2
1003	1,300	A-33 B-67	B-104-2	0.807	5	2	2

BOOK 5490 PAGE 1034

BOOK 5483 PAGE 8994



REVISED EXHIBIT "A" (Continued), April 25, 1983

Floor And Unit No.	Approx. Sq. Ft.	Related Limited Common Areas		Percent Ownership April, 1983	General Description		
		Car Stall Number	Locker Number		No. Of Rooms	No. Bed Rooms	No. Bath Rooms
<u>10th Floor (Cont'd.)</u>							
1004	1,300	B-17	- -	0.790	5	2	2
1005	1,300	A-54	A-108-1 A-108-2	0.796	5	2	2
1006	1,875	B-33	- -	1.125	6	3	2
1007	750	B-34	- -	0.468	3	1	1
1008	775	B-20	- -	0.482	3	1	1
1009	775	A-17	- -	0.482	3	1	1
1010	750	C-33	- -	0.468	3	1	1
<u>11th Floor</u>							
1101	1,875	C-5	C-101-9 C-101-10	1.131	6	3	2
1102	1,300	A-5 A-6	- -	0.804	5	2	2
1103	1,960	C-9 C-10	C-104-2 C-104-4 C-104-5 C-104-6	1.217	6	3	2
1105	1,940	C-15 C-16 C-50	A-104-4 C-107 C-108	1.218	6	3	2
1106	1,875	A-39 A-41	A-104-9 A-104-10	1.145	6	3	2
1107	750	B-72	- -	0.468	3	1	1
1108	775	A-11	- -	0.482	3	1	1
1109	775	B-27	- -	0.482	3	1	1
1110	750	C-6	- -	0.468	3	1	1
<u>12th Floor</u>							
1201	1,875	A-22	A-104-6	1.128	6	3	2
1202	1,300	B-12	- -	0.790	5	3	2
1203	1,960	C-7 C-8	C-101-4 C-101-5	1.211	6	3	2
1205	1,960	C-27	- -	1.179	6	3	2
1206	1,875	A-32	- -	1.125	6	3	2
1207	750	A-18	A-107-8	0.471	3	1	1
1208	775	C-23	- -	0.482	3	1	1
1209	775	A-63	- -	0.482	3	1	1
1210	750	B-65	- -	0.468	3	1	1
<u>14th Floor</u>							
1401	1,875	A-51 C-25 C-26	A-105-1	1.156	6	3	2
1402	1,300	A-52 A-53	A-109-1	0.807	5	2	2
1403	1,960	C-2 C-3	C-106-1	1.210	6	3	2

REVISED EXHIBIT "A" (Continued), April 25, 1983

Floor And Unit No.	Approx. Sq. Ft.	Related Limited Common Areas		Percent Ownership April, 1983	General Description		
		Car Stall Number	Locker Number		No. Of Rooms	No. Bed Rooms	No. Bath Rooms
1405	1,940	B-45 B-46	C-104-9 C-104-10 C-101-11 C-101-35	1.204	6	3	2
1406	1,875	A-37	A-113	1.131	6	3	2
1407	750	A-38	- -	0.468	3	1	1
1408	775	A-21	- -	0.482	3	1	1
1409	775	C-13	C-102-1	0.485	3	1	1
1410	750	C-51	- -	0.468	3	1	1
<u>15th Floor</u>							
1501	2,625	B-31 B-32	B-103-4	1.596	6	2	2
1502	2,625	B-29 B-30	B-108	1.596	6	3	2
1504	2,625	C-19 C-20	C-105-1 C-105-2 C-105-3	1.602	6	3	2
1505	2,625	C-17 C-18	C-105-4	1.596	6	3	2

CANYON CREST OWNERS ASSOCIATION (CCOA), Car Stalls and Storage Lockers, Project Ownership . . . . 0.734 Percent.

CAR STALLS:

A-28, A-29, A-67; B-4, B-10, B-14, B-28, B-73, B-74, B-75, B-76; C-31, C-36, C-40, C-43, C-44, C-45, C-48, C-49, C-52, C-58, C-59, C-60, C-61, C-62.

STORAGE LOCKERS:

A-101-1, A-104-5, A-104-7, A-107-1, A-107-3, A-107-4, A-107-5, A-107-7, A-109-2.  
B-101-1, B-103-2, B-103-3, B-104-1, B-104-3, B-104-4, B-104-6, B-104-8, B-104-11, B-105-1.  
C-101-1, C-101-3, C-101-6, C-101-7, C-101-8, C-101-15, C-101-18, C-101-19, C-101-21, C-101-24, C-101-25, C-101-26, C-101-27, C-101-28, C-101-29, C-101-33, C-101-34, C-101-36, C-101-37, C-102-2, C-104-1, C-104-3, C-104-12.

Lobby Locker

CANYON CREST LIMITED (CCL), Owner of Units 109-112, separate Car Stalls and Lockers, Project Ownership . . . . . 0.093 Percent.

CAR STALLS:

B-35, B-36, C-41, C-42, C-46, C-47, each at 0.014 Percent of Ownership.

STORAGE LOCKERS:

B-102 at 0.009 Percent of Ownership.

BOOK 5490 PAGE 1036

BOOK 5485 PAGE 2996

SEP 13 1983

RECORDED  
INDEXED  
SEP 13 11 15 AM '83  
KATIE L. JARVIS  
RECORDER  
COUNTY CLERK  
CLERK  
82-50  
Canyon Crest Owners  
Associations  
P. Brown  
S. Brown