

WHEN RECORDED RETURN TO:  
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03/09/2005 11:51 AM \$75.00  
Book - 9103 Pg - 3951-3954  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
JAMES R. BLAKESLEY  
2595 E 3300 S 3RD FLOOR  
SLC UT 84109  
BY: ZJM, DEPUTY - WI 4 P.

SECOND AMENDMENT TO CONDOMINIUM DECLARATION  
FOR  
MT. VERNON ESTATES CONDOMINIUMS

This SECOND AMENDMENT to the CONDOMINIUM DECLARATION FOR MT. VERNON ESTATES CONDOMINIUM, is made and executed by the MT. VERNON ESTATES HOMEOWNERS ASSOCIATION of P.O. Box 171013, Salt Lake City, Utah 84117 (hereinafter referred to as the "Association").

RECITALS

A. The Declaration of Condominium for MT. VERNON ESTATES CONDOMINIUMS was recorded in the office of the County Recorder of Salt Lake County, Utah on December 1, 1998 as Entry No. 7172786, in Book 8181, at Page 1002 of the official records (the "Declaration").

B. The First Supplement to the Condominium Declaration for MT. VERNON ESTATES CONDOMINIUMS was recorded in the Office of the County Recorder of Salt Lake County, Utah on October 19, 2001 as Entry No. 8035657 in Book 8513 at Page 6626 of the Official Records (the "First Supplement").

C. The First Supplement to the Condominium Declaration for MT. VERNON ESTATES CONDOMINIUMS was re-recorded in the Office of the County Recorder of Salt Lake County, Utah on December 4, 2001 as Entry No. 8080163 in Book 8536 at Page 1317 of the Official Records (the "Re-recorded First Supplement").

D. This document affects the real property located in Salt Lake County, Utah, described with particularity on Exhibit "A," attached hereto and incorporated herein by this reference.

E. All of the voting requirements of Article XXVII of the Declaration have been satisfied.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, the Association hereby executes this AMENDMENT to CONDOMINIUM DECLARATION FOR MT. VERNON ESTATES CONDOMINIUMS for and on behalf of all of the Unit Owners.

1. The Declaration is hereby amended to add the following new Sections:

#### ARTICLE XXXIV

#### SMOKING RESTRICTIONS

The federal Environmental Protection Agency (EPA) as determined that environmental tobacco smoke is a Group A carcinogen, in the same category as other cancer causing chemicals such as asbestos. The EPA has determined that there is no acceptable level of exposure to Class A carcinogens. The EPA has determined that exposure to environmental tobacco smoke also causes an increase in respiratory diseases and disorders among exposed persons. Environmental tobacco smoke generated in a condominium Unit or the adjacent common area may drift into other Units, exposing the occupants of those Units to tobacco smoke, and the standard construction practices are not effective in preventing this drift of tobacco smoke. For the reasons stated, smoking and environmental tobacco smoke is not allowed in the Units, Common Area or Limited Common Area, including by way of illustration but not limitation the decks (collectively, "Unauthorized Smoking Area"), except for the carport area where smoking is allowed ("Designated Smoking Area"). People smoking in the Designated Smoking Area must clean-up after themselves immediately and may not litter the area with cigarette butts, ashes or related waste. Smoking in Unauthorized Smoking Areas or failing to immediately clean-up the Designated Smoking Area shall be considered a nuisance and material violation of this Declaration. Anything to the contrary notwithstanding, the Association shall not be required to make any structural alterations to a Building or Unit to abate such a nuisance or eliminate the drifting of environmental tobacco smoke. A cause of action for a nuisance hereunder may be brought by an aggrieved Unit Owner, the Board of Trustees, Association, or Manager against: (a) the individual generating the tobacco smoke and (b) the Unit Owner who permits or fails to control the generation of tobacco smoke. In addition to those remedies set forth in Article XXV above, the Board of Trustees may issue fines or other sanctions for violations of the Declaration in accordance with its fine schedule and the procedure outlined in the rules and regulations, as they may be amended from time to time.

2. The effective date of this Amendment is the date it is recorded in the office of the County Recorder of Salt Lake County, Utah.

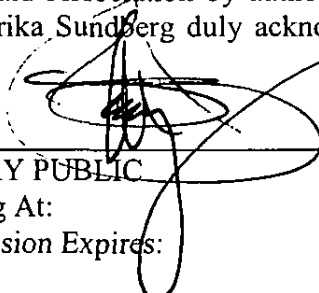
IN WITNESS WHEREOF, the Association has executed this 15 day of February, 2005.

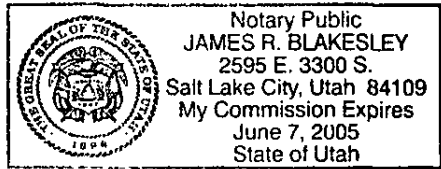
MT. VERNON ESTATES HOMEOWNERS ASSOCIATION

By: Arika Sundberg  
Name: Arika Sundberg  
Title: President

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

On the 15 day of February, 2005, personally appeared before me, Arika Sundberg, who by me being duly sworn, did say that she is the President of the MT. VERNON ESTATES HOMEOWNERS ASSOCIATION, and that the within and foregoing instrument was signed in behalf of said Association by authority of a resolution of its Management Committee, and said Arika Sundberg duly acknowledged to me that said Association executed the same.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing At:  
Commission Expires:



**EXHIBIT "A"**  
**Legal Description**

The land referred to in the foregoing document is located in Salt Lake County, Utah and described more particularly by Unit Number and Parcel Number on the attached pages.

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