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PARR BROWN GEE & LOVELESS
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Parr Brown Gee & Loveless
Attn: Robert A. McConnell, Esq.
101 South 200 East, Suite 700
Salt Lake City, UT 84111

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**FOURTH AMENDMENT
TO
DECLARATION OF CONDOMINIUM
FOR CRESCENT HEIGHTS CONDOMINIUMS**

This Fourth Amendment to Declaration of Condominium for Crescent Heights Condominiums ("Amendment") is entered into this 29th day of June, 2014, by **Crescent Heights, L.L.C.**, a Utah limited liability company ("Declarant") and **Crescent Heights Condominium Association, Inc.**, a Utah nonprofit corporation ("Association"). Capitalized terms used herein shall have the meaning given such terms in the Declaration, as that term is defined below, unless otherwise stated herein.

RECITALS

A. Whereas Declarant executed that certain Declaration of Condominium for Crescent Heights Condominiums, dated August 12, 1999, and recorded on September 1, 1999, as Entry No. 7457332 in Book 8306 at Pages 6253-6327 in the official records of Salt Lake County, Utah (as amended and supplemented, the "Declaration").

B. Whereas Declarant, LW Properties, Ltd., and Bonnie Jean H. Shoemaker executed that certain First Amendment to Declaration of Condominium for Crescent Heights Condominiums, dated September 24, 1999, and recorded on October 4, 1999, as Entry No. 7481525 in Book 8313 at Pages 8429-8434 in the official records of Salt Lake County, Utah.

C. Whereas Declarant and the Association executed that certain Second Amendment to Declaration of Condominium for Crescent Heights Condominiums, dated September 24, 1999, and recorded on August 16, 2001, as Entry No. 7976811 in Book 8490 at Pages 225-237 in the official records of Salt Lake County, Utah.

D. Whereas Declarant executed that certain Supplement Concerning Convertible Land to Declaration of Condominium for Crescent Heights Condominiums (Convertible Land Area #5), dated December 2004, and recorded on January 21, 2005, as Entry No. 9280051 in Book 9086 at Pages 2253-2275 in the official records of Salt Lake County, Utah.

E. Whereas Declarant and the Association executed that certain Third Amendment to Declaration of Condominium for Crescent Heights Condominiums, dated June 14, 2006, and recorded on August 17, 2006, as Entry No. 9815865 in Book 9337 at Pages 6295-6303 in the official records of Salt Lake County, Utah.

F. Whereas Declarant executed that certain Supplement Concerning Convertible Land to Declaration of Condominium for Crescent Heights Condominiums (Convertible Land Area #1), dated June 14, 2006, and recorded on October 13, 2006, as Entry No. 9875412 in Book 9365 at Pages 741-753 in the official records of Salt Lake County, Utah.

G. Whereas Declarant executed that certain Supplement to Declaration of Condominium for Crescent Heights Condominiums (Convertible Land Area #2), dated February 19, 2008, and recorded on February 19, 2008, as Entry No. 10350416 in Book 9571 at Pages 2563-2569 in the official records of Salt Lake County, Utah.

H. Whereas the Declaration subjects the real property legally described on Exhibit A to this Amendment to the provisions of the Act.

I. Whereas Section 18.03 of the Declaration provides that the Declaration may be amended by the Owners at any time by a vote of at least sixty-seven percent (67%) of the votes allocated to all Units; and

J. Whereas, the Declaration and the Association, acting on behalf of Unit Owners representing, in total, more than sixty-seven (67%) of the votes allocated to all Units, desire to amend the Declaration as stated herein in order to prohibit smoking in the Units and the Common Elements.

NOW, THEREFORE, in consideration of the mutual obligations set forth herein and for other good and valuable consideration, the legal sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Section 10.19 of the Declaration is deleted in its entirety and replaced with the following:

10.19 Smoking Prohibited. Smoking shall be prohibited in any and all of the Units and the Common Elements.

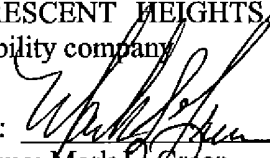
2. To the extent the terms of this Amendment modify or conflict with any provisions of the Declaration, the terms of this Amendment shall control. All other terms of the Declaration not modified by this Amendment shall remain the same and are hereby ratified and affirmed.

[Signature page to follow]

ENTERED INTO AND AGREED TO on the date first mentioned above.

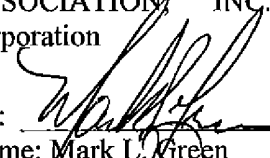
“DECLARANT”

CRESCENT HEIGHTS, L.L.C., a Utah limited liability company

By: 
Name: Mark L. Green
Title: Manager

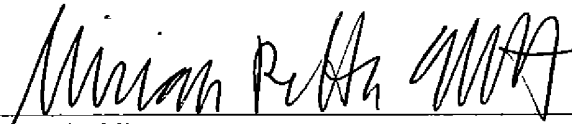
“ASSOCIATION”

CRESCENT HEIGHTS CONDOMINIUM ASSOCIATION, INC., a Utah nonprofit corporation

By: 
Name: Mark L. Green
Title: President

State of Utah)
) ss.
County of Salt Lake)

On this 25th day of June, 2014, personally appeared before me Mark L. Green who acknowledged being, or who is personally known to me to be, the Manager of Crescent Heights, L.L.C., a Utah limited liability company, and being authorized to do so, did execute the foregoing instrument for the purposes therein contained by signed on behalf of such company as an authorized officer of such company.


Notary Public



State of Utah)
) ss.
County of Salt Lake)

On this 25th day of June, 2014, personally appeared before me Mark L. Green who acknowledged being, or who is personally known to me to be, the President of Crescent Heights Condominium Association, Inc., a Utah nonprofit corporation, and being authorized to do so, did execute the foregoing instrument for the purposes therein contained by signed on behalf of such company as an authorized officer of such company.



Notary Public

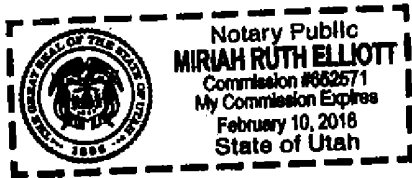


Exhibit A

Legal Description of the Land

A part of the northeast quarter of Section 19, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, in Sandy City, Salt Lake County, Utah:

Beginning at a point on the west line of 700 East Street, being 59.79 feet south $0^{\circ}04'20''$ west and 70.11 feet north $89^{\circ}46'10''$ west from the northeast corner of said Section 19; said west line is 53.0 feet perpendicularly distant westerly from the centerline of said street; thence south $0^{\circ}13'50''$ west 625.20 feet along said west line to a point on an existing boundary line fence; thence north $89^{\circ}41'06''$ west 390.16 feet along said fence; thence north $0^{\circ}04'20''$ east 645.82 feet to the southerly line of 11000 South Street; said southerly line is 40.0 feet perpendicularly distant southerly from the centerline of said 11000 South Street; thence south $89^{\circ}35'40''$ east 371.94 feet along said southerly line; thence south $44^{\circ}41'10''$ east 28.33 feet to the point of beginning.

Contains 252,224 sq. ft. or 5.790 acres.