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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
KELLY HATFIELD
957 E CREEK HILL LANE #21
MIDVALE UTAH 84047
BY: SAM, DEPUTY - WI 5 P.

When recorded, return to:

Hill Creek Condominiums
P.O. Box 57115
Salt Lake City, UT 84157

AMENDMENT TO
DECLARATION OF CONDOMINIUM
AND
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR HILL CREEK CONDOMINIUM

22-29-180-001 thru -1252

A RESIDENTIAL CONDOMINIUM PROJECT
IN
SALT LAKE COUNTY, UTAH

HILL CREEK CONDOMINIUM ASSOCIATION
A UTAH NONPROFIT ASSOCIATION
DECLARANT

February 28th, 2009

THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HILL CREEK CONDOMINIUMS is made the 26th day of February, 2009, by Hill Creek Condominium Association a Utah Non Profit Association ("Declarant"). All capitalized terms in this amendment shall have the meaning given them in that certain Declaration of Condominium and Declaration of Covenants, Conditions and Restrictions for Hill Creek Condominiums ("Declaration"), unless expressly defined otherwise herein.

RECITALS

- A. As of April 1, 2009, Hill Creek Condominiums will become a smoke-free community.
- B. Declarant desires to amend the Declaration in order to document this change.

AMENDMENT

NOW, THEREFORE, in consideration of the premises, Declarant hereby amends the Declaration as follows:

- 1. ARTICLE 1. -- DEFINITIONS. The following definitions are hereby added to the current list of definitions:
 - 1.28. "Smoking" The term "Smoking" shall mean inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, or other tobacco product in any manner or in any form that releases smoke, vapor, odor or combustion products into the air.
 - 1.29. "Resident" The term "Resident" shall mean any owner, tenant or lessee whose primary residence is Hill Creek Condominiums.
- 2. ARTICLE 9. – USE RESTRICTIONS. The following language is hereby added as a subsection to the existing Article 9 of the Declaration:
 - 9.22. Smoking. Due to the increased risk of fire, and the known adverse health effects of second-hand smoke, smoking is prohibited in all areas of the property, both private and common, whether enclosed or outdoors. This policy applies to all owners, tenants, guests, employees and service persons, except "Grandfathered Residents" as provided below.

During the phase-in period, current residents of Hill Creek Condominiums who are active smokers as of January 1, 2009, will be designated as "Grandfathered Residents" and will be deemed to be exempt from this smoking prohibition. Grandfathered Resident status is solely that of each designated individual, and may not be transferred, assigned, shared with or extended to any other person. A Grandfathered Resident will lose this exempt status upon any of the following occurrences:

- a) Grandfathered Resident's smoking constitutes a "Nuisance" under the USHSA §78B-6-1101(3)
- b) Grandfathered Resident sells, rents, leases, surrenders or otherwise conveys his/her interest in the condominium to another individual.
- c) Grandfathered Resident terminates or abandons his/her lease agreement, or is evicted from his/her residential unit.
- d) The condominium unit is no longer Grandfathered Resident's primary residence.
- e) Grandfathered Resident quits smoking.

Should any condominium unit be sold, rented, leased or otherwise conveyed to another person, the current owner shall be required to notify the new owner/tenant of the 100% smoke-free policy.

3. Full Force and Effect. Except as contained herein, the remainder of the Declaration shall remain unamended and in full force and effect.

CERTIFICATION

We, the undersigned officers of Hill Creek Condominium Association, hereby certify that pursuant to Article 16 of the Declaration, the foregoing Amendment has been approved by the affirmative written assent of more than 67% of the owners of Hill Creek Condominiums, effective April 1, 2009.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the date first above written.

DECLARANT:
HILL CREEK CONDOMINIUM ASSOCIATION
A Utah nonprofit corporation

By Kelly Hatfield
Kelly Hatfield, President

STATE OF UTAH)

) ss.

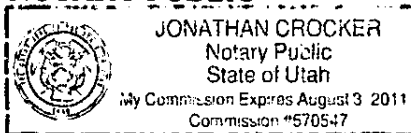
COUNTY OF SALT LAKE)

On this 16th day of February, 2009, before me, the undersigned officer personally appeared Kelly Hatfield, who acknowledged herself to be the President of Hill Creek Condominium Association, a Utah nonprofit corporation, and that she, as such President, being authorized so to do, executed the foregoing instrument for the purpose therein contained and in the capacity therein stated.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

[Signature]

NOTARY PUBLIC



By John Wegienka

John Wegienka, Secretary

STATE OF UTAH)

) ss.

COUNTY OF SALT LAKE)

On this 28th day of February, 2009, before me, the undersigned officer personally appeared John Wegienka, who acknowledged himself to be the Secretary of Hill Creek Condominium Association, a Utah nonprofit corporation, and that he, as such Secretary, being authorized so to do, executed the foregoing instrument for the purpose therein contained and in the capacity therein stated.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



NOTARY PUBLIC

