12996644 5/28/2019 4:44:00 PM \$114.00 Book - 10785 Pg - 3188-3189 RASHELLE HOBBS Recorder, Salt Lake County, UT INGEO SYSTEMS BY: eCASH, DEPUTY - EF 2 P.

After recording return to: Curtis G. Kimble KIMBLE LAW PLLC 2290 E 4500 S, Suite 230 Salt Lake City, UT 84117 (801) 878-9361

AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OF THE CLUB CONDOMINIUM

- A. Certain real property in Salt Lake County known as the Club Condominium was subjected to certain covenants, conditions, and restrictions pursuant to an Amended and Restated Declaration of Condominium of The Club Condominium recorded on September 2, 2015, as Entry Number 12125882 in the Recorder's Office for Salt Lake County, Utah (the "Declaration").
- B. This Amendment shall be binding against the property described in the Declaration and any amendment, annexation or supplement thereto, described as follows:

Units 201 through 212, 214 through 216, 301 through 312, 314 through 317, 401 through 412, and 414 through 417 THE CLUB CONDOMINIUMS, according to the official plat thereof recorded in the records of the Salt Lake County Recorder.

Parcel #'s: 16-06-183-001 through 047

- C. This Amendment prohibits smoking everywhere in the community, whether inside or outside of a Unit.
- D. Pursuant to Section 10.1 of the Declaration, the undersigned officer hereby certifies that the Owners holding at least 60% of the voting rights of The Club Condominium Owners Association (the "Association") have approved this amendment and that fifty-one percent of the Eligible Holders have approved this Amendment.

NOW THEREFORE, the Association hereby amends Section 3.4 of the Declaration to add the following entirely new subsection 3.4.1 (all existing language to remain the same):

3.4.1 Smoking Is Prohibited. Smoking of any tobacco product, marijuana or illegal substance ("smoking") in a Unit or in the Common Areas (including Limited Common Areas) is a noxious and offensive activity creating a nuisance. Accordingly, smoking anywhere in the

Community, including in a Unit or in the Common Areas or Limited Common Areas is prohibited.

- (a) Any Unit Owner or resident of a Unit may bring an action to enforce this Amendment. The Association may enforce the provisions of this Amendment in the Management Committee's sole discretion but is not required to do so and no action may be brought against the Association or its Management Committee for failure to so enforce. A fine may be levied by the Association for a smoking violation, including a violation by an Owner's guests, invitees, and tenants, in accordance with the Association's fine schedule. The prevailing party shall be entitled to its attorney fees and costs incurred in enforcing this Amendment.
- (b) The effective date of this Amendment shall be 60 days from the date of its recording in the records of the Salt Lake County Recorder.
- (c) This Amendment does not abrogate or alter any person's right to bring a private civil action for nuisance under Utah Code § 78B-6-1101, et seq., against another owner or occupant who smokes in a Unit or on the Common Areas.

IN WITNESS WHEREOF, THE CLUB CONDOMINIUM OWNERS ASSOCIATION has executed this Amendment to the Declaration as of the <u>Olo</u> day of <u>May</u> 2019, in accordance with Section 10.1 of the Declaration.

THE CLUB CONDOMINIUM OWNERS ASSOCIATION

Sign: Johns Hook
Print: Johnne Hook

Its: President

STATE OF UTAH)
COUNTY OF Salt lake	:ss)
Subscribed and sworn to before me on Jo Anne HOOK	the <u>Ob</u> day of <u>May</u> , 2019, by
NOTARY PUBLIC SUMER HOLT	Notary Public

NOTARY PUBLIC
SUMER HOLT
696133
COMMISSION EXPIRES
JULY 16, 2021
STATE OF UTAH

124510