

**FIRST AMENDMENT TO THE BYLAWS OF  
CAPITOL HEIGHTS CONDO ASSOCIATION<sup>1</sup>**  
(a Utah Nonprofit Corporation)

This First Amendment to the Bylaws of Capitol Heights Condo Association (hereinafter "First Amendment"), hereby amends those certain Bylaws of Capitol Heights Condo Association prepared in conjunction with the Declaration on or about September 29, 1983 ("Bylaws"), and is made and executed, as of the date set forth below, by the Board of Directors ("Board"), for and on behalf of the Association Members, and made effective as of the date executed.

**RECITALS:**

- (A) This First Amendment affects and concerns the real property located in Capitol Heights Condominiums, as more particularly described in Exhibit A ("Property").
- (B) On or about September 29, 1983, the Declaration of Condominium of the Capitol Heights Condominium was recorded in the Salt Lake County Recorder's Office, as Entry No. 3850509, as amended ("Declaration").

**CERTIFICATION**

Pursuant to Article 10.01 of the Bylaws, this First Amendment approved with no less than fifty-one percent (51%) of the total voting power of the Association.

NOW, THEREFORE, pursuant to the foregoing, the Board hereby makes and executes this First Amendment.

**BYLAWS**

1. Recitals. The above Recitals are incorporated herein by reference and made a part hereof.
2. No Other Changes. Except as otherwise expressly provided in this First Amendment, the Bylaws, as amended, remain in full force and effect without modification.
3. Authorization. The individuals signing for the respective entity below make the following representations: (i) they have read the First Amendment, (ii) they have authority to act for the entity designated below, and (iii) they shall execute the First Amendment acting in said capacity.
4. Conflicts. In the case of any conflict between the provisions of this First Amendment and the provisions of the Bylaws, the provisions of this First Amendment shall in all respects govern and control. In the case of any existing provision with the Bylaws that could be interpreted as prohibiting the modifications set forth in this First Amendment, such

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<sup>1</sup> F/K/A Capital Heights Condominium Owners' Association

provision(s) is hereby modified in order to accomplish the purpose and intent of this First Amendment.

### AMENDMENTS

5. Article 4.02 is hereby deleted in its entirety and replaced with the following:

4.02 Number, Tenure and Qualifications. The affairs of the Association shall be managed by a Board of Trustees composed of five (5) individuals ("Board"). Trustees shall serve for a term of two years; provided, however, that at the first election following the adoption of this First Amendment, the Board shall identify two of the five-member Board to serve for one-year term. The other members shall serve for a two-year term. Thereafter, all members elected each year shall serve for a two-year term. The members of the Board of Trustees shall serve until their respective successors are elected, or until their death, resignation, or removal. At the first Board meeting following adoption of this First Amendment, the Board may make adjustments in the term and/or number of Board members in order to establish the staggered terms described above. At each annual meeting thereafter, the Members shall elect the appropriate number of Trustee(s) for any expiring term(s).

Eligibility. All members of the Board shall be Members of the Association or a Member's spouse or legal partner. Only one member of a single household can be a member of the Board at any one time. Also, a Member must be current on all assessments and charges to be considered for the position of Trustee.

6. Article 5.01 is hereby deleted in its entirety and replaced with the following:

5.01 Officers. Unless modified by the Board, the officers of this Association shall be a president, vice-president, secretary, treasurer, and one at large positions. The at large positions do not have a vote for Board business.

DATED this 24<sup>F</sup> day of March, 2023.

**CAPITOL HEIGHTS CONDO ASSOCIATION**

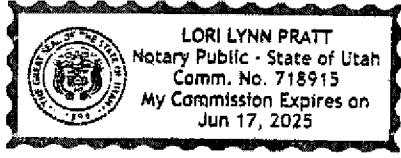
[Signature]  
By \_\_\_\_\_  
Its: President

STATE OF UTAH    )  
                              : SS  
COUNTY OF Salt Lake

On the 24 day of March, 2023, before me the undersigned, a notary public in and for said state, personally appeared Frank Pagnanelli, known or identified to me to be the Board President of Capitol Heights Condo Association, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]  
Notary Public



Ex. A  
Legal Description

UNITS A101, A102, A201, A202, B101, B102, B103, B201, B202, B203, C101, C102, C103, C104, C201, C202, C203, C204, including common area, contained within the CAPITOL HEIGHTS CONDOMINIUMS, a Utah condominium project as identified in the record of survey map recorded September 29, 1983.

Tax I.D. Nos. 08-36-292-0001 - 019