

**SECOND AMENDMENT
TO THE
DECLARATION OF CONDOMINIUM
FOR
HIDDEN CREEK ON 13th CONDOMINIUMS**

This SECOND AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR HIDDEN CREEK ON 13th CONDOMINIUMS ("Second Amendment") is effective when recorded with the Salt Lake County Recorder's Office by Hidden Creek on 13th Condominiums Owners Association, Inc. ("Association").

RECITALS

- A. The Declaration of Condominium for Hidden Creek on 13th Condominiums was recorded on October 28, 2019 as Entry No. 13109377 in the office of the Salt Lake County Recorder ("Declaration").
- B. The First Amendment to the Declaration of Condominium for Hidden Creek on 13th Condominiums was recorded on May 9, 2022 as Entry No. 13948969 in the office of the Salt Lake County Recorder
- C. This Second Amendment affects the real property situated in Salt Lake County, Utah, described with particularity on Exhibit A, which exhibit is attached hereto and incorporated in this Second Amendment by reference (the "Project") and shall be binding on all parties having or acquiring any right, title, or interest to the Project or any part thereof.
- D. The purpose of this Second Amendment is to increase the leasing cap from thirty percent (30%) of the Units (3 out of the 10) to forty percent (40%) of the Units (4 out of the 10).
- E. Pursuant to Section 15.1(b) of the Declaration, the undersigned hereby certifies that this Second Amendment was approved by at least sixty-seven percent (67%) of the Allocated Interests of the Association.
- F. Unless specifically modified herein, all remaining provisions of the Declaration shall remain in full force and effect.
- G. In case of any conflict between the terms of this Second Amendment and the terms of the Declaration, the provisions of this Second Amendment shall control.
- H. Unless otherwise provided in this Second Amendment, capitalized terms used herein shall have the same meaning and effect as used in the Declaration.

SECOND AMENDMENT

NOW, THEREFORE, the Declaration is amended as follows:

1. Subsection 9.12(2)(g) and Subsection 9.12(2)(h) of the Declaration (as amended by the First Amendment to the Declaration) are hereby deleted in their entirety and shall be replaced with the following:

- (g) Forty percent (40%) of Units (4 of the 10 Units). Owners wishing to lease their Units under this Subsection (g) shall submit an application to the Board for approval. The Board shall review the applications in chronological order based on the date of receipt of the application. If the application is denied because approval would result in exceeding the forty percent (40%) leasing cap contained herein, the Owner shall be placed on a waiting list. Placement on the waiting list will be according to the date the application was received so that the Owner on the waiting list whose application was earliest received shall have first opportunity to lease his or her Unit when an opening becomes available (i.e., when Units leased under this Subsection (g) drop below forty percent (40%)).
- (h) One (1) Unit as a hardship exemption, if four (4) Units are already being leased under Subsection (g). Such hardship exemption shall be determined in the sole discretion of the Board. The Board, in its sole discretion, shall also determine the time period during which an Owner may lease his or her Unit under this hardship exemption.

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IN WITNESS WHEREOF, the Association has caused this Second Amendment to be executed by its President who certifies that this Second Amendment was duly approved by at least sixty-seven percent (67%) of the Allocated Interests of the Association.

DATED as of the 9th day of August, 2023.

Hidden Creek on 13th Condominiums Owners Association, Inc.

A Utah Nonprofit Corporation

 Stacey Komis
By: *Jamie Fidler*

Its: President

State of Utah)
County of Salt Lake ss.

On the 9th day of August, 2023, personally appeared before me *Jamie Fidler* who by me being duly sworn, did say that she/he is the President of Hidden Creek on 13th Condominiums Owners Association, Inc. and that the foregoing instrument is signed and executed by authority of the consent of its members.

Notary Public *Stacey Komis*

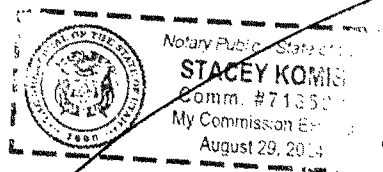
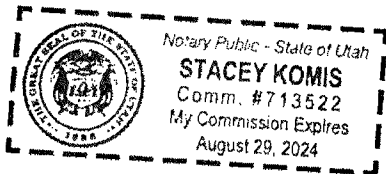


EXHIBIT A

Legal Description and Parcel Numbers

All of Hidden Creek on 13th Condominiums Plat as recorded in the Office of the Salt Lake County Recorder, including Common Area and Units 1-10.

Parcel Numbers: 16-32-234-001-0000 through 16-32-234-012-0000