

**FIRST AMENDMENT
TO THE
DECLARATION OF CONDOMINIUM
FOR
ROCKWELL CONDOMINIUMS**

This AMENDMENT TO THE DECLARATION OF CONDOMINIUM (this “Amendment”) is adopted by Rockwell Home Owner’s Association, Inc. (the “Association”).

RECITALS

1. A “Declaration of Condominium” (the “Declaration”) was recorded with the Utah County Recorder’s office on January 27, 2006, as Entry No. 10481:2006. The Bylaws for the Association are embodied in the Declaration as Articles X, XI, and XII.
2. A plat, or Map, for Phase 1 of the Rockwell condominium project was recorded with the Utah County Recorder’s office on January 27, 2006, as Entry No. 10480:2006.
3. A “First Supplemental Declaration of Condominium [for] Rockwell Condominiums” was recorded with the Utah County Recorder’s office on February 5, 2007, as Entry No. 18084:2007, which document supplemented and amended the Declaration.
4. A plat, or Map, for Phase 2 of the Rockwell condominium project was recorded with the Utah County Recorder’s office on February 5, 2007, as Entry No. 18083:2007.
5. The Association desires to amend the Declaration as set forth in this Amendment to amend and incorporate certain defined terms and to provide Exhibit B to the Declaration, attached hereto as Exhibit B and incorporated herein by reference.
6. This Amendment affects the real property located in Utah County, State of Utah, described with particularity on Exhibit A, attached hereto and incorporated herein by reference.
7. Unless otherwise set forth herein, the capitalized terms have their same meanings and definitions as stated in the Declaration.
8. All rights of the Declarant defined in the Declaration have expired pursuant to the terms of the Declaration. No Declarant approval is required for this Amendment.
9. The Association, through its undersigned officers, hereby states that this Amendment was approved by at least sixty percent (60%) of the total voting interests of the Association, either by a vote of the Association’s members at a meeting or by written consent, in accordance with Article XIII, Sections 13.03 and 13.05 of the Declaration.

NOW, THEREFORE, in consideration of the foregoing Recitals, the Association, through the authorization of its President and Secretary, hereby executes this Amendment, which is effective as of its recording date with the Utah County Recorder’s office.

AMENDMENT

(I) **Amendment No. 1.** Article I of the Declaration is amended as follows:

A. The definition of “Association of Unit Owners or Association” is deleted in its entirety and replaced with the following:

“**Association of Unit Owners**” or “**Association**” refers to the ROCKWELL HOME OWNER’S ASSOCIATION, the membership of which includes each Owner in the condominium project. The Association may be incorporated as a nonprofit corporation. If the Owners are ever organized as another type of entity or if the Owners act as a group without legal organization, the term “Association” as used in this Declaration refers to that entity or group. If the Association uses another similar name, such as “Rockwell HOA” or a name that includes “Inc.” then such commonly used name is understood to refer to the Association even though the name may be different than the name identified in this Declaration.

B. The following definitions are added to Article I of the Declaration:

“**Governing Documents**” has the same meaning as that stated in Utah Code Ann. § 57-8-3(20), and such documents shall include the Association’s Declaration, Bylaws, Plats or Maps, articles of incorporation, if any, and Rules and Regulations.

“**Person**” means a natural individual, corporation, estate, partnership, trustee, association, joint venture, government, governmental subdivision or agency, or any other legal entity.

(II) **Amendment No. 2.** Any Exhibit B referenced in the Declaration is hereby replaced with the Exhibit B attached to this Amendment.

(III) **Conflicts.** All remaining provisions of the Declaration and Bylaws and any prior amendments remain in full force and effect. In the case of any conflict between the provisions of this document and the provisions of the Declaration or any prior amendments, the provisions of this document in all respects govern and control.

(IV) **Incorporation and Supplementation of Declaration.** This document is supplemental to the Declaration and Bylaws, which by reference are made a part hereof, and all the terms, definitions, covenants, conditions, restrictions, and provisions thereof, unless specifically modified herein, are to apply to this document and are made a part hereof as though they were expressly rewritten, incorporated, and included herein.

IN WITNESS WHEREOF, the Association executes this AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR ROCKWELL CONDOMINIUMS through the undersigned, who certify that at least sixty percent (60%) of the total voting interests of the Association were obtained to approve this Amendment, either by a vote of the Association’s

EXHIBIT A

PHASE 1

BEGINNING AT A POINT THAT IS LOCATED NORTH 89°44'08" EAST ALONG THE SECTION LINE 111.64 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE NORTH 00°15'52" WEST 66.00 FEET; THENCE NORTH 57°11'25" EAST 22.82 FEET; THENCE NORTH 00°13'29" WEST 178.37 FEET; THENCE NORTH 52°13'29" WEST 52.89 FEET; THENCE NORTH 32.69 FEET; THENCE EAST 10.76 FEET; THENCE ALONG THE ARC OF A 70.50 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 38°53'22" FOR 47.85 FEET (CHORD BEARS NORTH 39°43'58" EAST 46.94 FEET); THENCE NORTH 219.62 FEET; THENCE NORTH 89°47'42" EAST 404.85 FEET; THENCE SOUTH 00°58'24" WEST 577.17 FEET; THENCE SOUTH 89°44'07" WEST 412.18 FEET TO THE POINT OF BEGINNING.

PHASE 2

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE SOUTH 89°51'05" WEST, A DISTANCE OF 271.46 FEET; THENCE NORTH 00°14'08" WEST, A DISTANCE OF 426.06 FEET; THENCE NORTH 01°26'45" WEST, A DISTANCE OF 90.24 FEET; THENCE NORTH 00°13'01" EAST, A DISTANCE OF 45.38 FEET; THENCE NORTH 03°00'28" WEST, A DISTANCE OF 11.95 FEET; THENCE NORTH 01°06'02" WEST, A DISTANCE OF 3.70 FEET; THENCE NORTH 89°47'36" EAST, A DISTANCE OF 404.79 FEET; THENCE SOUTH, A DISTANCE OF 219.61 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 30°49'21" EAST, A RADIAL DISTANCE OF 70.50 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 38°53'22", A DISTANCE OF 47.85 FEET (CHORD BEARS SOUTH 39°43'58" WEST 46.94 FEET); THENCE WEST, A DISTANCE OF 10.76 FEET; THENCE SOUTH, A DISTANCE OF 32.69 FEET; THENCE SOUTH 52°13'29" EAST, A DISTANCE OF 52.89 FEET; THENCE SOUTH 00°13'29" EAST, A DISTANCE OF 178.37 FEET; THENCE SOUTH 57°11'25" WEST, A DISTANCE OF 22.82 FEET; THENCE SOUTH 00°15'52" WEST, A DISTANCE OF 22.82 FEET; THENCE SOUTH 00°15'52" EAST, A DISTANCE OF 66.00 FEET; THENCE SOUTH 89°44'07" WEST, A DISTANCE OF 111.64 FEET TO THE POINT OF BEGINNING.

AREA CONTAINED = 5.2425 ACRES

EXHIBIT B

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE SOUTH $89^{\circ}51'05''$ WEST, A DISTANCE OF 271.46 FEET; THENCE NORTH $00^{\circ}14'08''$ WEST, A DISTANCE OF 426.06 FEET; THENCE NORTH $01^{\circ}26'45''$ WEST, A DISTANCE OF 90.24 FEET; THENCE NORTH $00^{\circ}13'01''$ EAST, A DISTANCE OF 45.38 FEET; THENCE NORTH $03^{\circ}00'28''$ WEST, A DISTANCE OF 11.95 FEET; THENCE NORTH $01^{\circ}06'02''$ WEST, A DISTANCE OF 3.70 FEET; THENCE NORTH $89^{\circ}47'36''$ EAST, A DISTANCE OF 404.79 FEET; THENCE SOUTH, A DISTANCE OF 219.61 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH $30^{\circ}49'21''$ EAST, A RADIAL DISTANCE OF 70.50 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF $38^{\circ}53'22''$, A DISTANCE OF 47.85 FEET (CHORD BEARS SOUTH $39^{\circ}43'58''$ WEST 46.94 FEET); THENCE WEST, A DISTANCE OF 10.76 FEET; THENCE SOUTH, A DISTANCE OF 32.69 FEET; THENCE SOUTH $52^{\circ}13'29''$ EAST, A DISTANCE OF 52.89 FEET; THENCE SOUTH $00^{\circ}13'29''$ EAST, A DISTANCE OF 178.37 FEET; THENCE SOUTH $57^{\circ}11'25''$ WEST, A DISTANCE OF 22.82 FEET; THENCE SOUTH $00^{\circ}15'52''$ WEST, A DISTANCE OF 22.82 FEET; THENCE SOUTH $00^{\circ}15'52''$ EAST, A DISTANCE OF 66.00 FEET; THENCE SOUTH $89^{\circ}44'07''$ WEST, A DISTANCE OF 111.64 FEET TO THE POINT OF BEGINNING.

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