

WHEN RECORDED, RETURN TO:
Heather Park Homeowners Association
P.O. Box 2147
Provo, Utah 84603

ENT 30089 BK 4248 PG 487
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1997 Apr 22 9:57 am FEE 31.00 BY JRD
RECORDED FOR HEATHER PARK HOMEOWNERS

**6th AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF
THE HEATHER PARK CONDOMINIUM PROJECT**

This Amendment to the Declaration of the Heather Park Condominium Project is made and entered into this 4 day of April, 1997, by the Management Committee of the Heather Park Condominium Project (the "Management Committee"), pursuant to the vote of the owners of the Heather Park Condominium.

A. The Heather Park Condominium Project (the "Project") was created pursuant to that certain Declaration of Condominium of the Heather Park Condominium Project executed on April 25, 1979, and recorded in the Office of the Utah County Recorder on May 4, 1979, as Entry No. 16793, in Book 1740, Page 733, together with subsequent amendments thereto (the "Declaration"), and the Record of Survey Map of the Heather Park Condominium Project recorded concurrently therewith. The Project is situated in the City of Provo, Utah County, State of Utah, and more particularly described as follows:

All of Units A-1, A-2, A-3, A-4, B-1, B-2, B-3, B-4, C-1, C-2, C-3, C-4, D-1, D-2, D-3, D-4 of the Heather Park Condominium Project, located at 475 S. 400 W., Provo, Utah, Utah County 84601, as more particularly described in the Declaration of Condominium of the Heather Park Condominium Project dated April 29, 1979, and recorded in the Office of the Utah County Recorder on May 4, 1979, as Entry No. 16793, in Book 1740, Page 733, and the Record of Survey Map for such project recorded in the Office of the Utah County Recorder on May 4, 1979, as such instruments may have heretofore been amended and supplemented, together with the undivided ownership interest in the common areas and facilities pertinent to such units.

B. Section 37 of the Declaration authorizes amendments to the Declaration upon the vote of at least 65% of the undivided ownership interest in the common areas and facilities of the project.

C. The owners of the Project have met on the 3rd day of April, 1996 at a meeting, duly noticed and held as provided in the Declaration, and have authorized an amendment to Section 23 of the Declaration as set forth herein.

NOW THEREFORE, the Management Committee enters into this Amendment to the Declaration for the purpose of effecting a modification to the Declaration approved by the owners in accordance with the Declaration, as follows:

1. Section 23. Section 23 of the Declaration is hereby amended to add the following:

Any time that a unit is not inhabited by the unit Owner (or a member of the unit Owner's immediate family) and is rented out to a third party, the unit is considered "Non-Owner Occupied". All Non-Owner Occupied units are subject to a monthly surcharge to be paid to the Association in addition to the Common Expense assessments attributed to the unit. The amount of this "Non-Owner Occupied" surcharge is to be determined by the Management Committee and authorized by a vote of at least a majority of the undivided ownership interest in the Project. The sums received by the Management Committee pursuant to this Paragraph shall be held by it as a contingency reserve and shall be used at such times and for such purposes as the Management Committee may determine. In the event that a Non-Owner Occupied unit Owner becomes delinquent in the payment of the Non-Owner Occupied monthly surcharge, the Management Committee shall have the right to use the same means of collection as outlined in Section 24 of the Amendment to the Declaration of Condominium of The Heather Park Condominium Project (commonly known as the 5th Amendment), executed April 30, 1996, and recorded in the Office of the Utah County Recorder on January 2, 1997, as Entry No. 36, in Book 4160, Page 667.

2. Certification and Effective Date. The undersigned members of the Management Committee of the Heather Park Condominium Project hereby certify that the above amendment to the Declaration was approved by Owners owning at least 65% of the undivided ownership interest in the Common Areas and Facilities of the Project at a meeting of the Association of Unit Owners at which a quorum was present, held on April 3, 1996. This Amendment will be affective beginning May 1, 1997.
3. Continued Enforceability. Except as specifically amended hereby, the Declaration shall continue in full force and effect, enforceable in accordance with all its original terms and provisions.

IN WITNESS WHEREOF, this Amendment to the Declaration of Condominium of the Heather Park Condominium Project is executed as of the day and year first above written.

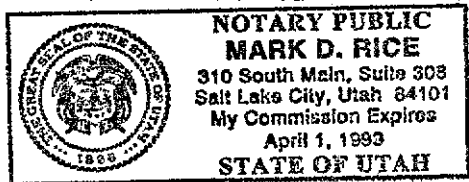
MANAGEMENT COMMITTEE OF THE HEATHER PARK CONDOMINIUM PROJECT

Cameron D. Clements
Cameron Clements
President

STATE OF UTAH)
:SS.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 4 of April 1997, by Cameron Clements, a duly sworn member of the Management Committee of the Heather Park Condominium Project.

Mark D. Rice
NOTARY PUBLIC

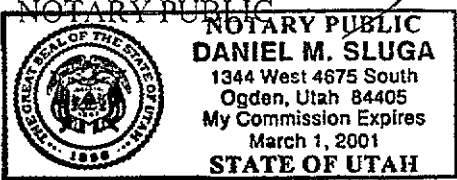


Scott Zeller
Scott Zeller
Vice President

STATE OF UTAH)
:SS.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 11th of April 1997, by Scott Zeller, a duly sworn member of the Management Committee of the Heather Park Condominium Project.

Daniel M. Sluga
NOTARY PUBLIC



Sanderson Mitchell
Sanderson Mitchell
Treasurer

STATE OF UTAH)

:SS.

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 21st of April 1997, by Sanderson Mitchell, a duly sworn member of the Management Committee of the Heather Park Condominium Project.

Lilias B Campbell
NOTARY PUBLIC

