

**AMENDMENT TO DECLARATION OF CONDOMINIUM AND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR
TIMPONOGOS HEIGHTS CONDOMINIUMS A RESIDENTIAL CONDOMINIUM
PROJECT IN UTAH COUNTY, UTAH.**

ENT 33835;2002 PG 1 of 5
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2002 Mar 26 11:45 am FEE 10.00 BY SS
RECORDED FOR BACH BUILDERS INC

THIS amendment to the Declaration of Condominium and Declaration of Covenants, Condition, and Restrictions is made and executed this 14th day of March 2002 by Bach Builders, Incorporated, a Utah Corporation of 2785 West 9000 South, West Jordan, Utah 84088 (herein referred to as "Declarant").

RECITALS:

- A. WHEREAS the Declarant filed a Declaration of Condominium with Covenants, Conditions, & Restrictions on August 28, 2001 in the office of the Utah County Recorder, as Entry No. 86425:2001
- B. Whereas Declarant wishes to amend the Declaration of Condominium and the Covenants, Conditions, & Restrictions associated therewith, more particularly to comply with HUD requirements.

NOW, THEREFORE, Declarant makes the following Declaration, and amends the covenants, conditions, and restrictions as follows:

1. Section III Covenants, Conditions, & Restrictions Item 1. Description of Improvements to be amended as follows:

The significant improvements included in the project, which are now or will be located upon the property, are generally described as Units, Common Area and Limited Common Area. The total project will be comprised of six phases with each phase consisting of six to eight units. Phase I will comprise units 27-33; Phase II will comprise units 23-26 and 34-37; Phase III will comprise units 15-22; Phase IV will comprise units 11-14 and 38-41; Phase V will comprise units 7-10 and units 42-45; and Phase VI will comprise units 1-6. The identification of the units contained in each phase is shown on the Survey Map. If all of the phases are added to the condominium project then the maximum number of units in the project will be 45 units and each owner will have a 1/45th undivided interest in the Common Area. Each phase shall be required to have 51% of the units under contract prior to allowing occupancy of the units in that phase.

The Declarant shall construct certain 3-plexes and 4-plexes, comprised of 2 and 3 bedroom dwelling units with a wood frame, vinyl siding, and brick exteriors, and asphalt shingles on the roof. The Common Areas will include certain open parking areas, (1) covered parking area per unit, basketball court, playground area, picnic area, all landscaped areas excluding the fenced in areas attached to each unit, two (2) entrances and two (2) exits from the property, all roadways, dumpsters, parking, excluding RV parking. The Limited Common Area will

include RV Parking. The location and configuration of the improvements referred to in the foregoing sentence are depicted on the Survey map.

2. Legal Description – This amendment affects that real property identified in the attached exhibit. Which includes, but is not limited to units 1-45 Timpnogos Heights Condominium and all common areas associated therewith.

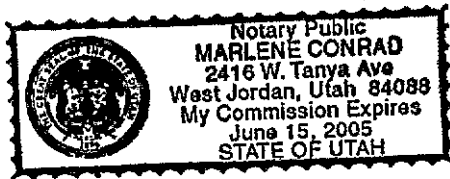
DATED this 14th day of March, 2002

Timpanogos Heights, L.L.C.
A Utah Limited Liability Company

BY: Dale Rindlisbacher
Dale Rindlisbacher, Member

State of Utah)
) ss.
County of Salt Lake)

On the 14th day of March, 2002, personally appeared before me Dale L. Rindlisbacher, who by me being duly sworn, did say that he is the Member of Timponogos Heights, L.L.C., a Utah Limited Liability Company, and that the within and foregoing instrument was signed in behalf of Dale L. Rindlisbacher, duly acknowledged to me that said Limited Liability Company executed the same.



Marlene Conrad
Notary Public
Residing at:
My Commission Expires:

Exhibit "A"

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AMERICAN FORK, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MONUMENT MARKING THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE NORTH 0 DEGREES 24'13" WEST ALONG THE SECTION LINE A DISTANCE OF 1410.42 FEET; THENCE WEST 1081.98 FEET TO THE REAL POINT OF BEGINNING; THENCE NORTH 70 DEGREES 10'48" WEST A DISTANCE OF 435.43 FEET; THENCE ALONG A BLOCK WALL AND THE EXTENSION OF THE WALL THE FOLLOWING 3 COURSES: 1) NORTH 01 DEGREES 07'07" EAST A DISTANCE OF 275.12 FEET; 2) THENCE SOUTH 89 DEGREES 28'38" EAST, A DISTANCE OF 154.79 FEET; 3) THENCE NORTH 00 DEGREES 31'56" EAST, A DISTANCE OF 274.44 FEET; THENCE NORTH 89 DEGREES 52'23" EAST, A DISTANCE OF 252.85 FEET TO A FENCE LINE; THENCE SOUTH 00 DEGREES 29'09" WEST, ALONG SAID FENCE LINE A DISTANCE OF 696.31 FEET TO THE REAL POINT OF BEGINNING.

Dated this 21 day of March, 2002

By: *D O Swain* *Nicole M Swain*
Donald O. Swain Nichole M. Swain
Owner of unit 29, Timpanogos Heights Condominium Homeowners Association

State of Utah)
) ss.
County of Utah)

On the 21st day of March 2002, personally appeared before me, Jenny Jarvis, who by me being duly sworn, did say that they are owners of Unit 29 and are a member of the Timpanogos Heights Condominium Homeowners Association, and that the written and forgoing instrument was signed with their approval.

Cindy C Smith
Notary Public
Residing at:
My Commission Expires:

