

When recorded, return to:  
Robert C. Hyde  
Parsons, Behle & Latimer  
P.O. Box 11898  
185 South State Street  
Salt Lake City, Utah 84147

DEC 5 2 57 PM '83

KATHIE L. DIXON  
RECORDER  
SALT LAKE COUNTY,  
UTAH

8700  
Boeckhman, Telle  
REC'D

3877150

SECOND AMENDMENT TO  
THE SECOND AMENDED DECLARATION OF CONDOMINIUM OF  
THE KIMBALL CONDOMINIUMS

This Second Amendment to the Second Amended Declaration of Condominium of The Kimball Condominiums, a condominium project, is made this 1st day of December, 1983, by BERTAGNOLE PROPERTIES, a Utah general partnership (hereinafter the "Declarant"), for the purpose of amending in part that certain Second Amended Declaration of Condominium of The Kimball Condominiums dated December 10, 1981, and recorded January 12, 1982 with the Salt Lake County Recorder as Entry No. 3638967, Book 5330, beginning at Page 1324, as amended by that certain Amendment to the Second Amended Declaration of Condominium dated February 24, 1982, and recorded March 5, 1982 as Entry No. 3654014, Book 5347, beginning at Page 1092 (hereinafter the "Declaration").

Declarant, being the owner of the real property described in Exhibit "A" attached hereto and incorporated herein by this reference, hereby amends and restates in its entirety paragraph 10 of the Declaration:

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10. Voting--Multiple Ownership. The vote attributable to and exerciseable in connection with a Unit shall be the same for all Units of the same Unit Type. In other words, every Studio Unit will have an equal vote, every One Bedroom Unit will have an equal vote, and every Two Bedroom Unit will have an equal vote. However, the vote of a One Bedroom Unit shall be weighted one and two-thirds times the vote attributable to a Studio Unit, and the vote of a Two Bedroom Unit shall be two and one-thirds times the vote attributable to a Studio Unit. In the event there is more than one Owner of a particular Unit, each such Owner may exercise his vote individually in accordance with his individual percentage or fraction of ownership in the Unit, if such percentage or fraction is indicated on the deed by which his ownership was obtained. Otherwise, if the ownership percentage is not shown on the deed (but rather the ownership is one of joint tenancy or tenancy in common), then the vote relating to such Unit shall be exercised as such Owners may determine among themselves, and a vote cast at any meeting by any of such Owners shall be conclusively presumed to be the vote attributable to the Unit concerned unless an objection is immediately made by another Owner of the same Unit. In the event such an objection is made, the vote involved shall not be counted for any purpose whatsoever other than to determine whether a quorum exists.

IN WITNESS WHEREOF, the Declarant has executed this  
Second Amendment the day and year first above written.

BERTAGNOLE PROPERTIES, a Utah  
general partnership

By Bertagnole Investment Company  
Limited Partnership, a Utah  
limited partnership,  
Its General Partner

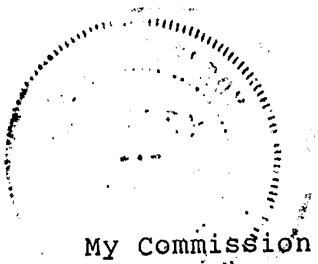
By   
EMANUEL A. FLOOR,  
Its Managing General Partner

FRANKLIN FINANCIAL, a Utah  
corporation,  
Its General Partner

By Richard A. Christenson  
RICHARD A. CHRISTENSON,  
Its president

STATE OF UTAH )  
  : ss.  
COUNTY OF SALT LAKE )

On the 1st day of December, 1983, personally appeared before me Emanuel A. Floor, who, being by me duly sworn, did say that he is the Managing General Partner of Bertagnole Investment Company Limited Partnership, which limited partnership is a general partner of Bertagnole Properties, that said instrument was signed in behalf of said partnership by authority of a resolution of the partners of the partnership, and said Emanuel A. Floor acknowledged to me that said Bertagnole Investment Company Limited Partnership executed the same as the general partner of Bertagnole Properties.



Carole McElroy  
NOTARY PUBLIC

Residing at: Salt Lake City, Utah

My Commission Expires:

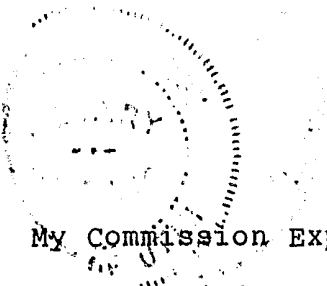
11/5/86

STATE OF UTAH )  
  : ss.  
COUNTY OF SALT LAKE )

On the 1st day of December, 1983, personally appeared before me Richard A. Christenson, who, being by me duly sworn, did say that he is the President of Franklin Financial, a Utah corporation that is one of the general partners of Bertagnole Properties, and that said instrument was

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signed in behalf of said corporation by authority of a resolution of its Board of Directors, and said Richard A. Christenson acknowledged to me that said corporation executed the same as the general partner of Bertagnole Properties.



Carole McCleary  
NOTARY PUBLIC

Residing at: Salt Lake City, Utah

My Commission Expires:

11/5/86

4839C

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EXHIBIT "A"

THE KIMBALL CONDOMINIUMS

Unit Designation

Par Value

Undivided Interest  
in Common Areas  
and Facilities

105	3	.92596%
106	3	.92596
107	2	.61728
108	2	.61728
109	2	.61728
110	2	.61728
111	2	.61728
112	2	.61728
113	2	.61728
114	3	.92596
115	2	.61728
117	2	.61728
118	2	.61728
119	2	.61728
120	2	.61728
121	2	.61728
122	2	.61728
123	2	.61728
124	2	.61728
125	2	.61728
126	2	.61728
127	2	.61728
128	2	.61728
129	2	.61728
130	2	.61728
131	2	.61728
132	2	.61728
133	2	.61728
134	2	.61728
136	2	.61728
137	2	.61728
138	2	.61728
139	2	.61728
140	3	.92596
142	2	.61728
143	2	.61728
144	3	.92596
146	2	.61728
147	2	.61728
205	3	.92596
206	3	.92596
207	2	.61728
208	2	.61728
209	2	.61728
210	2	.61728
211	2	.61728
212	2	.61728
213	3	.92596
214	2	.61728

EXHIBIT "A" CONTINUED

<u>THE KIMBALL CONDOMINIUMS</u>	<u>Unit Designation</u>	<u>Par Value</u>	<u>Undivided Interest in Common Areas and Facilities</u>
	215	2	.61728
	217	2	.61728
	218	2	.61728
	219	2	.61728
	220	2	.61728
	221	2	.61728
	222	2	.61728
	223	2	.61728
	224	2	.61728
	225	2	.61728
	226	2	.61728
	227	2	.61728
	228	2	.61728
	229	2	.61728
	230	2	.61728
	231	2	.61728
	232	2	.61728
	233	2	.61728
	234	2	.61728
	235	2	.61728
	236	2	.61728
	237	2	.61728
	238	2	.61728
	239	3	.92596
	240	2	.61728
	242	2	.61728
	243	3	.92596
	244	2	.61728
	246	2	.61728
	247	2	.61728
	248	2	.61728
	305	3	.92596
	306	3	.92596
	307	2	.61728
	308	2	.61728
	309	2	.61728
	310	2	.61728
	311	2	.61728
	312	2	.61728
	313	3	.92596
	314	2	.61728
	315	2	.61728
	317	2	.61728
	318	2	.61728
	319	2	.61728
	320	2	.61728
	321	2	.61728
	322	2	.61728
	323	2	.61728
	324	2	.61728
	325	2	.61728
	326	2	.61728

EXHIBIT "A" CONTINUED

<u>THE KIMBALL CONDOMINIUMS</u>	<u>Unit Designation</u>	<u>Par Value</u>	<u>Undivided Interest in Common Areas and Facilities</u>
	327	2	.61728
	328	2	.61728
	329	2	.61728
	330	2	.61728
	331	2	.61728
	332	2	.61728
	333	2	.61728
	334	2	.61728
	335	2	.61728
	336	2	.61728
	337	2	.61728
	338	2	.61728
	339	3	.92596
	340	2	.61728
	342	2	.61728
	343	3	.92596
	344	2	.61728
	346	2	.61728
	347	2	.61728
	348	2	.61728
	413	3	.92596
	415	2	.61728
	417	2	.61728
	418	2	.61728
	419	2	.61728
	420	2	.61728
	421	2	.61728
	422	2	.61728
	423	2	.61728
	424	2	.61728
	425	2	.61728
	426	2	.61728
	427	2	.61728
	428	2	.61728
	429	2	.61728
	430	2	.61728
	431	2	.61728
	432	2	.61728
	433	2	.61728
	434	2	.61728
	435	2	.61728
	436	2	.61728
	437	2	.61728
	438	2	.61728
	439	3	.92596
	440	2	.61728
	442	2	.61728
	443	3	.92596
	444	2	.61728
	446	2	.61728
	447	2	.61728
	448	2	.61728
		<u>324</u>	<u>100.00000</u>

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