

WHEN RECORDED RETURN TO:
James R. Blakesley
2102 East 3300 South
Salt Lake City, Utah 84109
(801) 486-5634

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1994 OCT 19 10:24 AM FEE \$22.00 BY DMG
REQUEST: JAMES R. BLAKESLEY

**AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR PARK WEST CONDOMINIUMS**

This Amendment is made and executed this 1st day of September, 1994, by the PARK WEST ASSOCIATION OF UNIT OWNERS (hereinafter referred to collectively as the "Association").

RECITALS

A. Declaration. The Amended Declaration of Condominium for Park West was recorded on or about June 18, 1981, as Entry No. 180851, in Book M190, at Page 142 of the official records of Summit County, Utah (hereinafter referred to as the "Declaration").

B. Property Description. This Amendment affects that certain real property located in Summit County, Utah described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference.

C. Control. The control, operation and management of PARK WEST CONDOMINIUMS has been transferred by the original Developer to the Association.

D. Intent. The Association desires by this amendment to modify Article VI of the Declaration on "Alterations"; and

E. Amendment Authorized. All of the voting requirements of Article XXVII of the Declaration have been satisfied and the proposed amendment to Article VI of the Declaration has been approved by at least 66.66% of the undivided ownership interest in the common areas and facilities.

NOW, THEREFORE, for the reasons set forth above, the Association hereby amends the Declaration as follows:

1. Article VI is deleted in its entirety and the following language is substituted in lieu thereof:

a. Structural Alterations: No structural alternations to the exterior of any Unit, Limited Common Area or Common Area (hereafter referred to collectively as the "Properties") shall be made, and no modifications to the common plumbing, electrical or utility systems

or within the Common Areas shall be done by any Unit Owner without the prior written consent of the Management Committee.

b. No Changes to Property: No changes, alterations, modifications, additions or improvements (hereinafter referred to collectively as "Modifications") may be made to the exterior of any Unit, Limited Common Area or Common Area without the prior written consent of the Management Committee. Except as set forth below, no change in the existing state of the Properties shall be made or permitted. This includes but is not limited to:

- 1) Any unauthorized Modification;
- 2) The destruction by voluntary action or the abandonment of any Building, Structure, Unit or other improvements;
- 3) The excavation, filling or similar disturbance of the surface of land. This includes but is not limited to the change of any grade, stream bed, ground level or drainage pattern;
- 4) The clearing, marring, defacing or demaging of trees, shrubs or other growing things;
- 5) Any unauthorized alteration of the existing landscaping, including but not limited to the planting of trees, shrubs, lawns or plants; or
- 6) Any unauthorized modifications to the existing roofs, including but not limited to the installation of skylights, the change of color, architectural style, materials, texture or exterior appearance.

c. Application for Modification Procedure: Applications for leave to make Modifications, including but not limited to deck or patio alterations, extensions, enlargements or enclosures shall be made in writing to the Management Committee. The Application shall include at least the following items:

- 1) Plans & Specifications: Plans and specifications showing the nature, kind, shape, color, size, material and location of the proposed Modifications. The Management

Committee must approve the quality of workmanship and materials, the harmony of the proposed exterior design with existing structures, and the location of the proposed Modification in relation to surrounding structures, topography and finish grade elevations. The Management Committee must approve the final plans and specifications and the Modifications must be constructed in accordance therewith.

2) Contractor Information: The name, address and phone number of the proposed contractor. The Management Committee must approve the contractor and determine whether a bond is required.

3) Proof of Adequate Insurance: A Certificate of Insurance showing adequate liability and casualty coverage. The Unit Owner's insurance shall provide "primary" coverage and the Association's insurance shall provide "excess" coverage. The Certificate shall list the Association as a loss payee.

c. Maintenance, Repair and Replacement. The Unit Owner of any Unit architecturally modified shall thereafter be responsible to pay for the repair, maintenance and replacement of the Modification.

d. Indemnity. The Unit Owner of any unit architecturally modified shall indemnify the Association and Management Committee against and hold them harmless from any and all liabilities, losses or damages they may suffer as a result of claims, demands, costs, or judgments arising out of or caused by the Modification. The Unit Owner shall execute and deliver to the Management Committee a Release, Waiver and Indemnity form prior to the commencement of any construction on the Properties.

2. The effective date of this Amendment to the Declaration shall be the date on which this document is filed for record in the office of the County Recorder of Summit County, Utah.

IN WITNESS WHEREOF, the PARK WEST ASSOCIATION OF UNIT OWNERS has executed this instrument on the day and year first above written.

PARK WEST ASSOCIATION OF UNIT OWNERS

By *Donna Van Buren*
Donna Van Buren, President

By *Karen Mahoney*
Karen Mahoney, Secretary

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

On the 1ST day of September, 1994, personally appeared before me DONNA VAN BUREN and KAREN MAHONEY, who by me being duly sworn, did say that they are the President and Secretary of PARK WEST ASSOCIATION OF UNIT OWNERS, and that the within and foregoing instrument was signed in behalf of said ASSOCIATION by authority of a Resolution of its Management Committee, and said DONNA VAN BUREN and KAREN MAHONEY, duly acknowledged to me that said ASSOCIATION executed the same.

NOTARY PUBLIC
Residing at

My Commission Expires:
4-15-97

Notary Public
JAMES R. BLAKESLEY
2102 East 3300 South
Salt Lake City, Utah 84100
My Commission Expires
April 15, 1997
State of Utah

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EXHIBIT "A"

The Property referred to in the Condominium Declaration to which this is attached as an exhibit is located in Summit County, State of Utah and is described as follows:

PARCEL A:

Beginning at a point North 1560.29 feet and West 103.29 feet from the Southwest corner of Section 31; T1S, R4E, Salt Lake Base and Meridian, and running thence S76°31'W 166.55 feet to a point on a 320.0 foot radius curve; thence Northwesterly along said curve 112.70 feet; thence N78°48'W 152.95 feet; thence N40°00'W 228.33 feet; thence S64°08'W 212.10 feet; thence S20°28'28"E 125.00 feet; thence S71°30'W 104.58 feet; thence N37°14'30"W 224.88 feet; thence N18°28'40"W 89.02 feet; thence N50°00'E 278.50 feet; thence East 102.03 feet; thence N50°00'E 247.14 feet; thence S40°00'E 100.70 feet; thence N50°00'E 94.00 feet; thence N57°00'E 113.34 feet; thence S40°00'E 157.32 feet; thence S50°00'W 144.27 feet; thence S54°51'E 123.18 feet; thence S4°50'E 163.00 feet to the point of beginning.

PARCEL B:

Beginning at a point North 2041.97 feet and East 98.47 feet from the Southwest corner of Section 31; T1S, R4E, Salt Lake Base and Meridian, and running thence N40°00'E 168.00 feet; thence East 215.50 feet; thence North 140.00 feet; thence East 325.08 feet; thence South 153.12 feet; thence S23°05'W 189.00 feet; thence S21°09'30"E 85.86 feet; thence Southwesterly 481.86 feet along the arc of 972.0 radius curve to the left (radius point S13°05'30"E); thence Northwesterly 23.56 feet along the arc of 15.0 radius curve to the right (radius point N41°30'W); thence N41°30'W 114.95 feet; thence Northwesterly 42.76 feet along the arc of 290.0 radius curve to the left (S48°30'W-Radius point); thence Northeasterly 22.53 feet along the arc of 15.27 radius curve to the left (radius point N40°03'E); thence N45°30'E 51.85 feet; thence N2°29'W 36.10 feet; thence S69°24'W 60.00 feet; thence N20°36'W 30.00 feet; thence S69°24'W 60.00 feet; thence N20°36'W 117.30 feet; thence N69°24'E 60.00 feet; thence S20°36'E 30.00 feet; thence N69°24'E 60.00 feet; thence N50°17'W 89.03 feet to the point of beginning.

TOGETHER WITH:

An easement for purpose of ingress and egress over that certain property described as follows:

Beginning at a point on the Westerly right of way line of Utah Highway 224, said point located North 1959.01 feet and East 1411.57 feet from the Southwest corner of Section 31; T1S, R4E, Salt Lake Base and Meridian, and running thence S0°13'E 119.30 feet along said Westerly right of way to a point on a 1058.68 foot radius curve to the left; thence Southerly along the arc of said curve 12.35 feet to a point on a reverse curve to the left, the radius point of which bears S89°06'54"W 30.00 feet; thence Northwesterly along the arc of said reverse curve 46.66 feet to a point of tangency; thence West 457.95 feet to a point on a 900.00 foot radius curve to the left; thence Southwesterly along

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the arc of said curve 651.88 feet to a point of tangency; thence S48°38'W 321.19 feet to a point on a 392.00 foot radius curve to the right; thence Northwesterly along the arc of said curve 366.02 feet to a point of tangency; thence N78°00'W 182.52 feet to a point on a 339.50 foot radius curve to the left; thence Westerly along the arc of said curve 201.46 feet to a point of reverse curvature; thence Westerly 125.87 feet along the arc of said 1260.00 foot radius curve to the right the long chord of which bears S70°51'42"W 125.83 feet; thence N32°00'W 62.46 feet to a point on a curve; thence Northeasterly 136.81 feet along the arc of said 1200.00 foot radius curve to the left the long chord of which bears N71°51'58"E 136.75 feet; thence Easterly 278.73 feet along the arc of a 469.70 foot radius curve to the right chord of which bears N85°00'E 274.65 feet; thence S78°00'E 143.27 feet to a point on a 320.00 foot radius curve to the left; thence Northeasterly along the arc of said curve 298.79 feet to a point of tangency; thence N48°30'E 255.19 feet to a point on a 15.00 foot radius curve to the left; thence Northerly along the arc of said curve 23.56 feet to a point of tangency; thence N41°30'W 114.95 feet to a point on a 254.00 foot radius curve to the left; thence Northwesterly along the arc of said curve 117.48 feet to a point of tangency; thence N68°00'W 76.72 feet to a point on a 416.00 foot radius curve to the right; thence Northwesterly along the arc of said curve 203.29 feet to a point of tangency; thence N40°00'W 57.53 feet; thence N50°00'E 36.00 feet; thence S40°00'E 57.53 feet to a point on a 380.00 foot radius curve to the left; thence Southeasterly along the arc of said curve 185.70 feet to a point of tangency; thence S68°00'E 76.72 feet to a point on a 290.00 foot radius curve to the right; thence Southeasterly along the arc of said curve 134.13 feet to a point of tangency; thence S41°30'E 114.95 feet to a point on a 15.00 foot radius curve to the left; thence Easterly along the arc of said curve 23.56 feet to a point of reverse curvature on a 972.00 foot radius curve to the right; thence Easterly along the arc of said curve 704.02 feet to a point of tangency; thence East 457.38 feet to a point on a 30.00 foot radius curve to the left; thence Northerly along the arc of said curve 47.24 feet to the point of beginning.

Exhibit "A" (Continued)

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