

When Recorded Return to:
David L. Baiclay, Esq.
50 South Main, #700
Salt Lake City, UT 84144

FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF VINE STREET EAST
CONDOMINIUM PROJECT (AN EXPANDABLE CONDOMINIUM)

4211384

007201-1
This First Amendment to Declaration of Covenants,
Conditions and Restrictions of Vine Street East Condominium
Project (an Expandable Condominium), hereinafter referred to as
"Amendment," is made and entered into in Salt Lake County, Utah,
this 18th day of February, 1986 by the Management
Committee of the Vine Street East Condominium Project
Association, for itself, for the Association, for the individual
unit owners, and for the successors, grantees and assigns
thereof pursuant to the consent and approval of unit owners
representing at least two-thirds (2/3) of the undivided interest
in the Common Areas and Facilities of the Vine Street East
Condominium Project.

WITNESSETH

WHEREAS, on or about the 18th day of January, 1979,
Callrex, Inc., a Utah corporation, filed with the Office of the
Salt Lake County Recorder, State of Utah, a Declaration of
Covenants, Conditions And Restrictions Of Vine Street East
Condominium Project (An Expandable Condominium), sometimes
hereinafter referred to as the "Declaration," which Declaration
was recorded as Entry No. 3225510 and recorded in Book 4801 and
commencing at page 1402; and

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WHEREAS, the Declaration was supplemented by a Supplemental Declaration of Covenants, Conditions and Restrictions Of Vine Street East Condominium Project (An Expandable Condominium), by which phase 2 was added to the condominium project, which was recorded in the Office of the Salt Lake County Recorder on January 2, 1981, as Entry No. 3383779 in Book 5017 commencing at page 113;

WHEREAS, the Declaration was supplemented by a second Supplemental Declaration Of Covenants, Conditions And Restrictions of Vine Street East Condominium Project (An Expandable Condominium), by which phase 3 was added to the condominium project, which was recorded in the office of the Salt Lake County Recorder on January 29, 1981, as Entry No. 352889, in Book 5207, commencing at page 48;

WHEREAS, the Declaration was supplemented by a third Supplemental Declaration Of Covenants, Conditions And Restrictions Of Vine Street East Condominium Project (An Expandable Condominium), by which phase 4 was added to the condominium project, which was recorded in the office of the Salt Lake County Recorder's Office on February 16, 1983, as Entry No. 3760295 in Book 5438, commencing at page 1830;

WHEREAS, the Declaration was supplemented by a fourth Supplemental Declaration Of Covenants, Conditions And Restrictions Of Vine Street East Condominium Project (An Expandable Condominium), by which phase 5 was added to the condominium project, which was recorded in the office of the

Salt Lake County Recorder's Office on May 11, 1984, as Entry No. 3939958, in Book 5554, commencing at page 1964;

(Said Declaration and all supplements thereto are hereinafter sometimes referred to, in the aggregate, as the "Covenants");

WHEREAS, pursuant to paragraph 27.1 of the Declaration, the unit owners shall have the right to amend the Covenants upon the approval and consent of the unit owners (as that term is defined in the Covenants) representing not less than two-thirds (2/3) of the undivided interest in the Common Areas and Facilities;

WHEREAS, unit owners representing more than two-thirds (2/3) of the undivided interest in the Common Areas and Facilities desire to amend the Covenants as hereinafter set forth;

WHEREAS, the Management Committee certifies that the unit owners representing at least two-thirds (2/3) of the undivided interest in the Common Areas and Facilities have approved and consented to such amendment pursuant to the "CONSENT AND APPROVAL OF UNIT OWNERS" attached hereto;

NOW, THEREFORE, in consideration of the premises, the Covenants are hereby amended by adding at the end of the Declaration a new paragraph 34 entitled "Incorporation Of Association," which shall read as follows:

"34. Incorporation of Association.

Notwithstanding any other provision in this Declaration to the contrary, the Association of Unit Owners shall be incorporated as a non-profit Utah corporation to be managed by a five

(5) member Board of Directors. The Management Committee in existence immediately prior to such incorporation shall be authorized (1) to formulate and execute the Articles of Incorporation as "Incorporators," and (2) to take such other measures as they deem appropriate to so incorporate the Association of Unit Owners. All of the management functions required under the Declaration to be performed by the Management Committee shall be performed by the Board of Directors and the officers of the nonprofit corporation designated by such Board of Directors after such incorporation. Only unit owners, or their judicially appointed representatives, shall be eligible to serve as members of the Board of Directors or officers of the Association of Unit Owners. For purposes of this paragraph, the person or entity who is purchasing a unit pursuant to a real estate contract shall be deemed the "unit owner" and the member or shareholder of Association. Meetings, elections, officers, and other matters of the Association shall be governed by the following:

a. Annual Meeting. The annual meeting of the Association of Unit Owners shall be held on the second Monday of November of each year, beginning with the year 1986, at the hour of 7 p.m. for the purpose of electing Directors, for business as specified in the Declaration to come before the annual meeting, and for such other business as may come before the meeting pursuant to the Bylaws of the Association. If the day fixed for the annual meeting shall be a legal holiday in the State of Utah, such meeting shall be held on the next succeeding business day. If the election of Directors shall not be held on the day designated above for any annual meeting of the Association of Unit Owners, or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the Association of Unit Owners as soon thereafter as conveniently possible, provided notice thereof is given at least thirty (30) days prior to such meeting. In addition, the Board of Directors may designate a different date for the annual meeting of the Association of Unit Owners, which date shall not be more than sixty (60) days before nor more than sixty (60) days after the second Monday in November by giving written notice to the Unit Owners not less than thirty (30) days prior to the date fixed for such meeting.

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b. Place of Annual Meeting. The Board of Directors may designate any place within the State of Utah as the place of meeting for any annual meeting or for any special meeting of the Association called by the Board of Directors. The waiver of notice signed by any unit owner entitled to vote may designate any place within the State of Utah as the place for the holding of such meeting for purposes of such unit owner. If no designation of the place of the annual or special meeting is made by the Board of Directors, the place of meeting shall be the principal office of the Association in the State of Utah.

c. Meeting of Board of Directors. The Board of Directors shall meet at such times and in such places as shall be designated in the Bylaws adopted by the Board of Directors.

d. Bylaws. The Board of Directors shall have the authority to adopt and enact Bylaws containing such matters as they shall deem appropriate, so long as the same are consistent with applicable law and the provisions of this Declaration relating to matters other than the frequency, nature and time of meetings.

e. Voting of Unit Owners. The vote attributable to and exercised in connection with each unit shall be the fraction of undivided ownership interest in the Common Areas and Facilities then appurtenant to such unit; provided, however, that the fraction of undivided ownership interest appurtenant to a unit may be voted in favor of as many candidates for the Board of Directors as there are seats on the Board to be filled. In the event there is more than one unit owner of a particular unit, the vote relating to such unit shall be exercised as such unit owners may determine among themselves. A vote cast at any meeting by any of such unit owners shall be conclusively presumed to be the vote attributable to all of the unit owners of the unit concerned, unless an objection is immediately made by another unit owner of the same unit. In the event such an objection is made, the vote of all the owners of such units shall not be counted for any purpose whatsoever other than to determine whether a quorum exists.

f. Officers. The officers of the Association of Unit Owners shall be a President, Vice President, Corporate Secretary, Treasurer

and such other officers with such powers and duties as the Board of Directors shall direct.

g. Other Matters. Except as otherwise stated herein, 1) the powers, duties and responsibilities of the incorporated Association of Unit Owners shall be the same as set forth in the Declaration with respect to the Association of Unit Owners, 2) the powers, duties and responsibilities of the Board of Directors shall be the same as set forth in the Declaration with respect to the Management Committee, and 3) the powers, duties and responsibilities of the Officers shall be the same as set forth in the Declaration with respect to Officers."

The Management Committee does hereby certify that unit owners representing at least two-thirds (2/3) of the undivided interest in the Common Areas and Facilities have approved and consented to this amendment to the covenants.

Dated this 10th day of February, 1985

Robert M. Hall
Member of Management Committee

James Conna
Member of Management Committee

Charles R. Bennett
Member of Management Committee

John D. Spickler
Member of Management Committee

Edwin T. Case
Member of Management Committee

Member of Management Committee

Member of Management Committee

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CONSENT AND APPROVAL OF UNIT OWNERS

The undersigned, being Unit Owners of Vine Street East Condominium Project do hereby approve and consent to the foregoing amendment to the Declaration and Covenants of the Vine Street East Condominium Project (An Expandable Condominium).

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| 1. <u>Samuel B. Worthington</u> | 11 <u>La Rae B. Luncannon</u>
<u>Condo W. Luncannon</u> |
| 2. <u>Karen B. Van</u> | 14 <u>Martha W. Paulsen</u> |
| 3. _____ | 13 <u>Ruth Judgill</u> |
| 4. <u>Marina Midland</u> | 15 <u>Russell R. Sanders</u> |
| 5. _____ | 16 _____ |
| 6. <u>Charles R. Bennett</u> | 17 <u>Phyllis</u> |
| 7. <u>Loell Kaufman</u> | <u>Hilda McMullin</u>
18 <u>Dustin McMullin</u> |
| 8. <u>James Hest</u>
<u>Mary W. Kestner</u> | 19 _____ |
| 9. <u>Barbara J. Wolmatson</u> | 20 _____ |
| 10. <u>John Spickler</u> | 21 <u>Rosalie E. Mullard</u> |

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24 Sandra Van Fleet

35

27 Sujana Keates

36 Kim Christensen

24 Jyoti B Whitbeck

37

25 Elspeth Miller Lachar

38 Anita Gardner

26 Evelyn A. Reed

39 Alan H. Dattney

27

41
40 Kimball & Lois Knappus

28 Ronald A. Hood

40

29 Edith K. Burgess

41

30 Boyd Beyer

43

31 Dorothy C. Kasmisson

44 Thomas E. Hall

32 Madeline A. Strate

45

33

46 Lynn A. Kelly

34 Laura Oster

47

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48 _____

49 _____

50 Stella A. Beckstead

51 _____

52 Sami Cook

53 _____

54 _____

55 Miss Johnson

56 Kristine L. Nevenschwander

57 John H. Holmes

58 Mrs. Johnson

59 Dorothy H. Cook

60 [Signature]

61 James A. Cook

62 Wilbert C. Longfield

63 _____

64 Burgess C. Johnson

65 A. R. Bridges

66 Carol Gilliam

67 James M. Weatherly

68 John F. Hill

69 _____

70 Norman Cornick

71 Clarence L. Green

72 _____

73 _____

DKL#1/cb/20485

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KATHLEEN BRAXON
REGISTRAR
SALT LAKE COUNTY,
UTAH

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MAR 4 1986

UTAH TITLE
DEP

Benni Koroligos
Benni Koroligos

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