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

ENT 77796;2003 PG 1 of 3
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2003 May 22 4:39 pm FEE 29.00 BY SS
RECORDED FOR HEATHER PARK HOMEOWNER

**9th AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF
THE HEATHER PARK CONDOMINIUM PROJECT**

This Amendment is made and entered into this 6th day of January, 2003, by the Management Committee of the Heather Park Homeowner's Association, pursuant to the affirmative vote of the Unit Owners representing more than 65% of the undivided ownership interest in the Common Areas and Facilities of the Project at a meeting of the Unit Owners held the 2nd day of April, 2002.

RECITALS

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, 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 at a meeting, duly noticed and held as provided in the Declaration, and have authorized an amendment to Article III Section 10 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 10. Section 10 of the Declaration is hereby amended to add the following:

Each Unit shall be maintained by the Owner thereof so as not to detract from the appearance of the Project and so as not to affect adversely the value or use of any other Unit or portions of the Project. Each Unit Owner shall keep his appurtenant patio(s) and/or porch(es) in a clean and orderly condition, but shall not otherwise maintain the same. The necessary work of repair and replacement of porch(es) shall be decided upon and carried out by the Committee. The Committee shall have no obligation regarding maintenance or care which is required to be accomplished by the Owners.

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 5, 2002. This Amendment to the Declaration is intended to be effective to the date of such meeting, April 5, 2002 for all Units.

3. Continued Enforceability Except as specifically amended hereby, the Declaration shall continue in force and effect, enforceable in accordance with all of its original terms and provisions.

The undersigned, being all members of the Management Committee of the Heather Park Homeowner's Association hereby certify that this amendment was authorized by the affirmative vote, either in person or by proxy, of more than 65% of the undivided ownership interest in the Common Areas and Facilities of the Project.

HEATHER PARK HOMEOWNER'S ASSOCIATION
MANAGEMENT COMMITTEE

IN WITNESS WHEREOF, this amendment to the Declaration of the 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

Cade Perkins

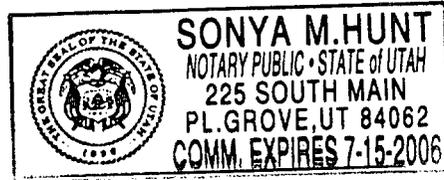
Cade Perkins
President

STATE OF UTAH)
 :SS

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 21st day of May, 2003, by Sara Clements, a duly sworn member of the Management Committee of the Heather Park Condominium Project.

Sonya M. Hunt
NOTARY PUBLIC



Spencer Whipple
Spencer Whipple
Vice President

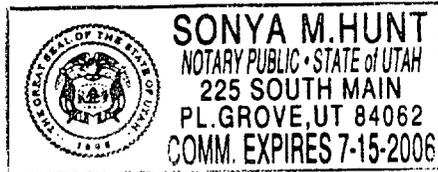
STATE OF UTAH)

:SS

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 21st day of May, 2003, by Stephanie Pyne, a duly sworn member of the Management Committee of the Heather Park Condominium Project.

Sonya M. Hunt
NOTARY PUBLIC



Kristopher Meek
Kristopher Meek
Secretary/Treasurer

STATE OF UTAH)

:SS

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 21st day of May, 2003, by Kristopher Meek, a duly sworn member of the Management Committee of the Heather Park Condominium Project.

Sonya M. Hunt
NOTARY PUBLIC

