

8579691

8579691
03/25/2003 09:42 AM 78.00
Book - 8761 Pg - 7896-7918
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
JAMES R BLAKESLEY
2595 E 3300 S 3RD FLOOR
SLC UT 84109
BY: ZJM, DEPUTY - WI 23 P.

WHEN RECORDED RETURN TO:

*James R. Blakesley
Attorney at Law
2595 East 3300 South
Salt Lake City, Utah 84109
(801) 485-1555*

**AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR DONNER CREST**

This Amendment to Declaration of Condominium For Donner Crest is made and executed by the DONNER CREST HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation, of 740 East 3900 South, Salt Lake City, Utah 84107 (the "Association").

RECITALS

A. The original DECLARATION OF CONDOMINIUM FOR DONNER CREST was recorded on April 26, 1978 as Entry No3098457 in Book 4661 at Page 1197 of the official records of the County Recorder of Salt Lake County, Utah (the "Declaration").

B. This document affects the real property located in Salt Lake County, Utah, described with particularity on Exhibit "A," attached hereto and incorporated herein by this reference.

C. U.C.A., Section 57-8-7(3) (2000) (the "Act") states that: "Except as otherwise expressly provided by the act, the undivided interest of each unit owner in the common areas and facilities as expressed in the declaration shall have a permanent character and shall not be altered without the consent of two-thirds of the unit owners expressed in an amended declaration duly recorded."

D. Section 20.1 of the Declaration provides that the declaration may be amended if owners holding at least three-fourths (3/4) of the total votes in the association consent and agree.

E. All of the voting requirements of the Declaration and the Act have been satisfied.

AMENDMENT

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, the Declaration is hereby amended to allow the owner of Unit No. 102 to enclose and use the crawl space immediately below his Unit (the "Enclosed Crawl Space"), subject to the following conditions:

BK 8761 PG 7896

A. The owner of Unit No. 102 shall be required to pay his share of the common expenses and any reasonable additional charges for Enclosed Crawl Space assessed by the Management Committee; maintain, repair and replace all physical improvements to the Enclosed Crawl Space; and maintain at all times thereon adequate property and liability insurance coverage.

B. Any additional charges or change in the percentage of ownership interest because of the Enclosed Crawl Space shall be reflected internally in the books and records of the Association.

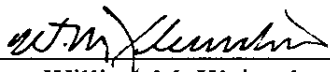
C. The owner of Unit No. 102 shall prepare and record any amendment to the plat map required by Salt Lake City Corporation or the Salt Lake County Recorder to reflect the Enclosed Crawl Space.

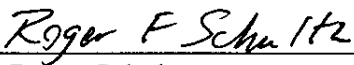
Any provision of this Agreement prohibited by Utah law or the Utah Condominium Ownership Act shall be ineffective to the extent of such prohibition without invalidating the remaining provisions of this Agreement.

The effective date of this Amendment is the date it is recorded in the office of the County Recorder of Salt Lake County, Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument the 27th day of February, 2003.

DONNER CREST HOMEOWNERS ASSOCIATION, INC.

By: 
Name: William M. Kleinschmidt
Title: Secretary

By: 
Name: Roger Schultz
Title: Member at Large of Board of Trustees

BK8761PG7897

ACKNOWLEDGEMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

On the 27th day of February, 2003, personally appeared before me William M. Kleinschmidt and Roger Schultz, who by me being duly sworn, did say that they are the President and Member at Large of the Board of Trustees of the DONNER CREST HOMEOWNERS ASSOCIATION, INC. and that the within and foregoing instrument was signed in behalf of said Association by authority of its Articles of Incorporation or a resolution of its Board of Trustees, and said William M. Kleinschmidt and Roger Schultz duly acknowledged to me that said Association executed the same.

Karyn Lael Walters

NOTARY PUBLIC

Residing At:

Commission Expires:



BK8761PG7898

EXHIBIT "A"
LEGAL DESCRIPTION

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

TYPE	LOCATION/ADDRESS	PARCEL NUMBER	CITY	ZIP	CRT	TAX
+ A	850 S DONNER WY	16-11-253-001-0000	SL	84108	C	10
A	850 S DONNER WY # 102	16-11-253-002-0000	SL	84108	C	10
A	850 S DONNER WY # 201	16-11-253-003-0000	SL	84108	C	10
A	850 S DONNER WY # 202	16-11-253-004-0000	SL	84108	C	10
A	850 S DONNER WY # 203	16-11-253-005-0000	SL	84108	C	10
A	850 S DONNER WY # 204	16-11-253-006-0000	SL	84108	C	10
A	850 S DONNER WY # 300	16-11-253-007-0000	SL	84108	C	10
A	850 S DONNER WY # 301	16-11-253-008-0000	SL	84108	C	10
A	850 S DONNER WY # 302	16-11-253-009-0000	SL	84108	C	10
A	850 S DONNER WY # 303	16-11-253-010-0000	SL	84108	C	10
A	850 S DONNER WY # 304	16-11-253-011-0000	SL	84108	C	10
A	850 S DONNER WY # 401	16-11-253-012-0000	SL	84108	C	10
A	850 S DONNER WY # 402	16-11-253-013-0000	SL	84108	C	10
A	850 S DONNER WY # 403	16-11-253-014-0000	SL	84108	C	10
A	850 S DONNER WY # 404	16-11-253-015-0000	SL	84108	C	10
A	850 S DONNER WY # 405	16-11-253-016-0000	SL	84108	C	10
A	850 S DONNER WY # 406	16-11-253-017-0000	SL	84108	C	10
A	850 S DONNER WY # 407	16-11-253-018-0000	SL	84108	C	10
+ A	850 S DONNER WY # 501	16-11-253-019-0000	SL	84108	C	10
+ A	850 S DONNER WY # 502	16-11-253-020-0000	SL	84108	C	10
<hr/>						
+ A	850 S DONNER WY # 503	16-11-253-021-0000	SL	84108	C	10
A	850 S DONNER WY # 504	16-11-253-022-0000	SL	84108	C	10
A	850 S DONNER WY # 505	16-11-253-023-0000	SL	84108	C	10
A	850 S DONNER WY # 506	16-11-253-024-0000	SL	84108	C	10
A	850 S DONNER WY # 507	16-11-253-025-0000	SL	84108	C	10

POOR COPY -
CO. RECORDER

Donner Crest Condominiums Construction Permission Agreement

The Donner Crest Home Owners' Association (ASSOCIATION), voted approval at its 5/2/02 Homeowners' meeting, and hereby grants to Ronald M. McKee and Verlene Kelsey-McKee (OWNERS), owners of Donner Crest Condominium #102, permission to build a master suite (bedroom, bathroom, and closet area) in the area beneath the existing kitchen, living room and deck of unit #102, and to take title to that area of approximately 600 square feet as part of their dwelling and property. The space is not now accessible to any other residents of the building and does not encroach on any shared common area. The Association grants this permission with the knowledge and understanding that such remodeling project likely will enhance the value of all other units within the building.


In consideration of this permission, OWNERS will install during remodeling, at their expense, additional support for the displaced joists below unit #102 as recommended and approved by the structural engineering firm of Intermountain Consumer Professional Engineers, Inc. (ICPE), a firm agreed upon by the OWNERS and the ASSOCIATION. The repair previously was scheduled to be done by the ASSOCIATION, which otherwise would bear the repair expense of approximately \$5,000.

OWNERS have had their design plan evaluated by ICPE and approved by the Management Committee, and agree to comply with ICPE's recommendations to protect the structural integrity of the Donner Crest building.

OWNERS agree to have the ASSOCIATION named as an additional insured in their contractor's liability coverage. The contractor will carry a \$1,000,000 liability policy as a condition of employment by the OWNERS.

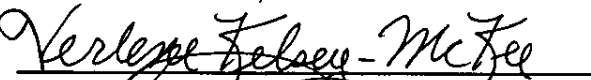
OWNERS agree to repair any damage to the yard caused by the ingress and egress of workers and equipment.

OWNERS agree to obtain appropriate permits from local authorities before proceeding with the work, and to have the work inspected as required by law.



Ronald M. McKee, Owner

10/15/02
Date



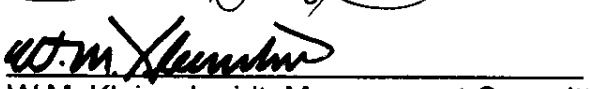
Verlene Kelsey-McKee, Owner

10/15/02
Date



Glen D. Harris, Management Committee

10-15-02
Date



W.M. Kleinschmidt, Management Committee

10/15/02
Date

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

300

Unit No.

11-18-02

Date

Verlene Kelsey-McKee

Name (Print)

Verlene Kelsey-McKee

Signature

BK 8761 PG 7901

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

102
Unit No.

11/17/2002
Date

Ron McKee
Name (Print)

Ron McKee
Signature

BK8761P67902

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

506
Unit No.

10/26/02
Date

Kathleen Christensen
Name (Print)

Kathleen Christensen
Signature

**BALLOT AND CONSENT
DONNER CREST CONDOMINIUMS**

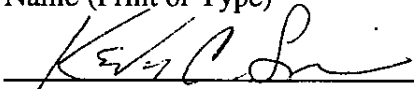
I hereby consent to Ron McKee's expansion of Unit No. 102 into the crawl space below his Unit, his conversion of that Common Area to private ownership, and the corresponding changes in the percentages of ownership interest at Donner Crest. I understand that the percentage of ownership for Unit No. 102 will be increased and the ownership interests of the other Units will be decreased proportionately.

I also authorize the President of the Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and waive the requirement of a meeting or hearing.

407
Unit No.

10.26.02
Date

KEVIN SMITH
Name (Print or Type)


Signature

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

404
Unit No.

10/20/02
Date

EDWARD CHRISTENSEN
Name (Print)

Edward Christensen
Signature

BK8761PG7905

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

201

Unit No.

10/16/02

Date

BROOKS K. HANSON

Name (Print)

Brooks K. Hanson

Signature

BK8761PG7906

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

202
Unit No.

9/1/02
Date

Todd Vander Veen
Name (Print)

Todd Vander Veen
Signature

BK8761PG7907

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

203
~~403~~
Unit No.

10/15/02
Date

Volanda Fotheringham
Name (Print)

y Fotheringham
Signature

BK8761PG7908

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

204
Unit No.

10/15/02
Date

Yolanda Fotheringham
Name (Print)

Y. Fotheringham
Signature

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

301
Unit No.

10-16-02
Date

MARGARET A. SHAW
Name (Print)

Margaret A. Shaw
Signature

BK8761PG7910

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

302
Unit No.

12/15/02
Date

Roger F Schultz
Name (Print)

Roger F Schultz
Signature

BK8761PG7911

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

303
Unit No.

10/15/02
Date

W. M. Kleinschmidt
Name (Print)

W. M. Kleinschmidt
Signature

BK8761PG7912

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

406
Unit No.

10.15.02
Date

EWA ZMIBECZAK
Name (Print)

Ewa Zmierzala
Signature

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

501
Unit No.

10/16/02
Date

~~SHIRAZEL~~ SHIRAZEL L. LARSEN
Name (Print)

Shirazel L. Larsen
Signature

BK8761PG7914

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

502
Unit No.

10-16-02
Date

Rosalyn H HANSEN
Name (Print)

Rosalyn H Hansen
Signature

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

503
Unit No.

10/15/02
Date

Mark A. Helm
Name (Print)

MA. Helm
Signature

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

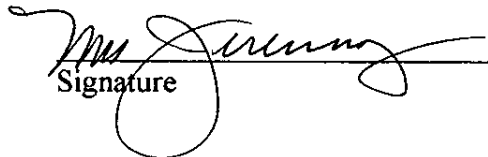
I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

504
Unit No.

10-14-2002
Date

Mr & Mrs. J.J. Jeremy
Name (Print)


Signature

**DONNER CREST CONDOMINIUMS
BALLOT AND CONSENT**

I hereby consent to Ronald M. McKee and Verlene Kelsey-McKee's expansion of Unit No. 102 into the crawl space below their Unit and their conversion of that Common Area to private ownership.

I also authorize the President of the Homeowners' Association to execute any amendments to the Plat Map and Declaration required to accomplish the foregoing and to waive the requirement of a meeting or hearing.

505
Unit No.

10-15-02
Date

Glen Harris
Name (Print)

Glen Harris
Signature