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 Book - 8879 Pg - 2746-2749  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 JOSEPH E HATCH PC  
 5295 COMMERCE DR #200  
 MURRAY UT 84107  
 BY: SBM, DEPUTY - WI 4 P.

**FIRST AMENDMENT  
 TO AMENDED AND RESTATED BYLAWS OF  
 THE KIMBALL CONDOMINIUM  
 OWNERS ASSOCIATION**

WHEREAS, at a duly called meeting of the Board of Trustees of The Kimball Condominiums Owners Association, a Utah non-profit corporation (the "Association") held on August 17<sup>th</sup>, 2003, at 10:00 a.m., at the offices of The Kimball, 150 North Main St., Salt Lake City, Utah 84111, at which a quorum of the Board of Trustees was present, the Board of Trustees ("Board") voted to amend the Association's Amended and Restated Bylaws by adopting these Amended Bylaws of the Association as set forth below; and

WHEREAS, the Amendments to the Amended and Restated Bylaws of the Association set forth below shall supersede and replace a portion of the Bylaws of the Association.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Article IX of the current Bylaws of the Association, the Board of Trustees of the Association hereby adopts the following Amends to the Bylaws of The Kimball Condominium Owners Association, a Utah non-profit corporation.

ARTICLE I

Section II.6, Quorum, Manner of Acts and Adjournment, is hereby amended in its entirety to read as follows:

The Members owning more than forty-five percent (45%) of the aggregate of interests in the undivided ownership of the Common Areas and Facilities present in person or by proxy, at a meeting of the Members, shall constitute a quorum for the transaction of business except as otherwise provided by statute, by the Articles of Incorporation, the Incorporation, the Declaration or by these Bylaws.

The vote of a majority of interests in the undivided ownership of the Common Areas and Facilities owned by the Members present in person or by proxy at the meeting shall decide any questions brought before such meeting unless the question is one upon which, by express provision of the applicable statute, the Articles of Incorporation, these Bylaws or the Declaration, a different vote is required, in which case such express provision shall govern

and control the decision of such question. As provided in the Declaration, if any Member is in breach of the Declaration, the Bylaws or the Association's rules and regulations, the Association may suspend the right of such Member to participate in any vote.

## ARTICLE II

Section III.2, Number, Tenure, and Qualifications of Trustees, is hereby amended in its entirety to read as follows:

The number of Trustees of the Association shall be five (5). Such Trustees shall serve staggered two (2) year terms in accordance with the principle of staggering in effect at the first annual meeting. At each annual meeting, the members shall elect the appropriate number of Trustees to fill all vacancies created by expiring terms of Trustees. Each trustee shall hold office until removed or until his successor shall have been elected or qualified, or until there is a decrease in the number of trustees. Trustees do not need to be residents of Utah.

## ARTICLE III

Section II.5, Notice of Meetings, is hereby amended in its entirety to read as follows:

Written notice of the place, date and hour of every meeting of the Members, whether annual or special, shall be given not less than twenty nor more than sixty days before the date of the meeting. Notice shall be provided by such method as shall be determined by the Board of Trustees. Every notice of a special meeting shall state the purpose or purposes thereof.

## ARTICLE IV

All remaining terms and conditions of the Amended and Restates Bylaws shall remain unchanged. These Amendments shall be effective upon recording.

The legal description of the real property for the Kimball Condominium Project is located in Salt Lake County, Utah, and more particularly described as follows:

Beginning at the SW corner of Lot 4, Block 93, Plat A,  
Salt Lake City Survey, thence SO°02'13"E 37.25 feet;

thence N89°58'38"E 247.44 feet (Deed = N89°57'47"E;  
thence N0°01'54"W 78.25 feet; thence N89°58'50"E  
30.00 feet; thence N0°01'54"W 46.00 feet; thence  
S89°58'50"W 30.00 feet; thence N0°01'54"W 12.00 feet;  
thence S89°58'38" W 247.45 feet; thence SO°02'13"E 99.0 feet  
to the Point of Beginning, containing 0.8057 acres together  
with and subject to a 10 foot right-of-way, 5 feet on each  
side and parallel to the North property line.

THE KIMBALL CONDOMINIUM OWNERS  
ASSOCIATION

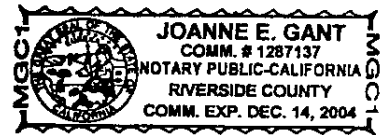
By: R. Allen Dupton  
Its: Acting President

STATE OF California,  
COUNTY OF Riverside; SS.

On this 28 day of August, 2003, personally appeared  
before me Joanne E. Gant the  
signer of the foregoing acknowledgement, who duly acknowledged to me that  
he executed the same.

Joanne E. Gant  
NOTARY PUBLIC  
Residing at: Palm Desert, CA

My Commission Expires:  
12/14/04



LOT/ QUAR	PARCEL NUMBER
125	09-31-356-156-0000
129	09-31-356-025-0000
134	09-31-356-030-0000
138	09-31-356-033-0000
139	09-31-356-034-0000
143	09-31-356-037-0000
144	09-31-356-038-0000
225	09-31-356-060-0000
226	09-31-356-061-0000
230	09-31-356-065-0000
233	09-31-356-068-0000
234	09-31-356-069-0000
237	09-31-356-072-0000
238	09-31-356-073-0000
239	09-31-356-074-0000
243	09-31-356-077-0000
244	09-31-356-078-0000
247	09-31-356-157-0000
248	09-31-356-158-0000

LOT/ QUAR	PARCEL NUMBER
325	09-31-358-159-0000
326	09-31-358-102-0000
328	09-31-358-160-0000
330	09-31-356-108-0000
333	09-31-356-161-0000
334	09-31-358-110-0000
337	09-31-356-113-0000
338	09-31-356-114-0000
339	09-31-356-115-0000
343	09-31-356-118-0000
344	09-31-356-119-0000
347	09-31-356-121-0000
348	09-31-356-122-0000
425	09-31-356-133-0000
426	09-31-356-134-0000
430	09-31-358-138-0000
433	09-31-356-141-0000
434	09-31-356-142-0000

LOT/ QUAR	PARCEL NUMBER
437	09-31-256-145-0000
438	09-31-256-146-0000
439	09-31-256-147-0000
443	09-31-256-150-0000
444	09-31-256-151-0000
447	09-31-256-153-0000
448	09-31-256-154-0000
555	09-31-256-162-0000
AREA	09-31-309-032-0000
AREA	09-31-356-163-0000