

**AFTER RECORDING PLEASE RETURN TO:**

Haymaker Retreat, L.L.C.  
c/o Bruce R. Dickerson  
1013 South Orem Blvd.  
Orem, UT 84058

ENT. 61225:2005 PG 1 of 3  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2005 Jun 07 4:49 pm FEE 50.00 BY SFS  
RECORDED FOR L & T CONSTRUCTION

**FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
(Including Owner Association Bylaws)  
HAYMAKER RETREAT CONDOMINIUMS  
An Expandable Condominium Project  
American Fork, Utah County, Utah**

**THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM** ("First Amendment") is made this 1<sup>st</sup> day of June, 2005, by Haymaker Retreat, L.L.C., a Utah limited liability company ("Declarant"), with respect to the following RECITALS:

A. Declarant is the record owner of that certain Property more particularly described in **Exhibit A**, attached hereto and made a part hereof, which Property is the subject of that certain Condominium Plat recorded as Entry 145866:2004 Map #10870 on December 30, 2004, which Condominium Plat recording divided the Property into 37 Condominium Units.

B. The Declaration of Condominium, which this document amends as hereinafter set forth, was recorded concurrently with the Condominium Plat on December 30, 2004, as Entry 145867:2004 Pages 1 through 29.

C. None of the Units have yet been sold; therefore, Declarant alone, as the sole Owner of the Property and the 37 unsold Units, has the power and authority to make this First Amendment.

D. All defined terms (i.e., those with initial capital letters) as used herein shall have the same meanings as those set forth and defined in ARTICLE I of the recorded Declaration which this document amends.

**NOW, THEREFORE**, pursuant to the foregoing, Declarant hereby sets forth the following amendments to the recorded Declaration:

1. The language of ARTICLE VI, Section 6.05 (d) is deleted in its entirety and the following substituted in the place and stead thereof:

- (d) No Unit within the Development shall: (i) contain any coal or wood-burning fireplace, stove or other similar device unless the same is EPA approved or

unless such fireplace, stove or other device is fueled by natural gas only; or (ii) contain an evaporative cooler or any window-mount air conditioner.

- 2. ARTICLE VI, Section 6.05 (f) is amended by the addition thereto of the following:

All Unit garage door openers must be belt-driven in order to reduce noise. During original construction, installation of garage door openers by anyone other than Declarant's contractors will void the warranty on the garage door.

- 3. ARTICLE VI, Section 6.05(j) is deleted in its entirety.

- 4. ARTICLE XIII, Section 13.05 is deleted in its entirety and the following substituted in the place and stead thereof:

13.05 **Action Without Meeting; Action by Written Ballot.** Any action that may be taken at any annual or special meeting of Owners may be taken without a meeting and without prior notice by written consents upon compliance with Section 16-6a-707 of the Utah Revised Nonprofit Corporation Act. Similarly, action may be taken by written ballot upon compliance with Section 16-6a-709 of such Act.

Except as amended by the provisions of this First Amendment, the Declaration shall remain unchanged and, together with the amendments set forth herein, shall comprise the Project's Declaration of Condominium, as amended, as of the date of recordation hereof in the Public Records.

IN WITNESS WHEREOF, Declarant has executed this First Amendment the day and year first above set forth.

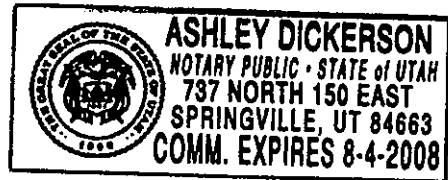
HAYMAKER RETREAT, L.L.C.

By: *Bruce R. Dickerson*  
Bruce R. Dickerson, Manager

STATE OF UTAH     )  
                              : ss.  
COUNTY OF UTAH   )

The within instrument was acknowledged before me this 1st day of June, 2005, by **Bruce R. Dickerson** in the capacity indicated.

*Ashley Dickerson*  
Notary Public



**EXHIBIT A**

to

**FIRST AMENDMENT TO****DECLARATION OF CONDOMINIUM  
(Including Owner Association Bylaws)****HAYMAKER RETREAT CONDOMINIUMS****An Expandable Condominium Project****American Fork, Utah County, Utah**

Real property located in American Fork, Utah County, Utah, described as follows:

Commencing at a point located South  $00^{\circ}24'13''$  East along the Section line 547.96 feet from the Northeast corner of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South  $89^{\circ}07'42''$  East 225.09 feet; thence South  $01^{\circ}33'12''$  East 602.80 feet; thence South  $88^{\circ}24'37''$  West 5.91 feet; thence South  $01^{\circ}48'52''$  East 77.68 feet; thence West 132.03 feet; thence along the arc of a 1500.72 foot radius curve to the right 101.16 feet (chord bears North  $00^{\circ}27'29''$  East 101.15 feet); thence North  $87^{\circ}36'31''$  West 112.42 feet; thence South 32.18 feet; thence West 150.33 feet; thence along the arc of a 200.00 foot radius curve to the right 57.72 feet (chord bears North  $10^{\circ}42'18''$  East 57.52 feet); thence North  $71^{\circ}01'37''$  West 115.16 feet; thence North  $01^{\circ}41'20''$  East 100.33 feet; thence along the arc of a 500.00 foot radius curve to the left 350.21 feet (chord bears North  $20^{\circ}06'41''$  East 343.10 feet); thence North  $00^{\circ}02'45''$  East 40.04 feet; thence along the arc of a 20.00 foot radius curve to the left 31.13 feet (chord bears North  $44^{\circ}32'28''$  West 28.08 feet); thence North  $89^{\circ}07'42''$  West 95.25 feet; thence North  $00^{\circ}21'45''$  East 36 feet; thence South  $89^{\circ}07'42''$  East 247.91 feet to the point of beginning. **(Unit Numbers 101 through 137, Haymaker Retreat Condominiums, Phase 1, as identified on the Condominium Plat therefor, recorded in the office of the Recorder of Utah County, Provo, Utah, as Entry 145866:2004 Map # 10870, December 30, 2004.)**

Area: 261,405 S. F. 6.00 acres.