

**AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MONTE CRISTO
A CONDOMINIUM PROJECT**

This Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Monte Cristo, a Condominium Project, (the "Amended and Restated Declaration") is made on the 22nd day of JUNE 2021, by the Monte Cristo Homeowners Association, a Utah non-profit corporation, (the "Association"), pursuant to the provisions of the Amended and Restated Declaration and the Utah Condominium Ownership Act, as follows:

RECITALS

A. Except as otherwise specifically stated herein, the defined terms in the Amended and Restated Declaration used in this Amendment have the same meaning they have in the Amended and Restated Declaration. The legal description of the real property subject to the Amended and Restated Declaration and this Amendment is set forth on Exhibit "A" attached hereto and incorporated herein by reference.

B. Beginning with the Seventh Amendment to the Declaration of Covenants, Conditions and Restrictions for Monte Cristo, a Condominium Project, recorded in the office of the Salt Lake County Recorder as Entry Number 3896071 on July 24, 1984, certain Assessments to the Unit Owners in Monte Cristo for Common Expenses were made equally, or on a "flat fee per unit" basis, instead of being allocated proportionately based on the various percentages of Common Areas then owned by each Unit Owner.

C. Article VI of the Amended and Restated Declaration, recorded as Entry Number 6587122 on March 6, 1997, provides as follows: "The percentage of ownership in the Common

Areas and Facilities shall be for all purposes, including voting; and the common expenses, profits and losses shall be allocated among the Unit Owners in accordance therewith." Exhibit "B" to the Amended and Restated Declaration stated four different percentages of ownership of Common Areas and Facilities for Units, with the percentage allocated to each unit based on the size of each Unit.

D. Although the Amended and Restated Declaration says Common Expenses shall be allocated among Unit Owners based on the percentage of ownership each Unit Owner owns the Common Areas and Facilities, the Management Committee continued to make Assessments of Common Expenses to Unit Owners on a "flat fee per unit" basis until 2020, when Assessments were assessed based on the various percentages of ownership of Common Areas and Facilities for each Unit.

E. The Management Committee has determined it is in the best interest of all Unit Owners, and is more consistent with the relatively uniform usage of Common Areas and Facilities by all Unit Owners, regardless of size of each Unit, to make future Assessments on a "flat fee per Unit" basis.

F. The Unit Owners have voted in more than the required 2/3 portion of Unit Owners necessary to amend the Amended and Restated Declaration to make the percentage of ownership of Common Areas and Facilities equal among all Units, regardless of the size of each Unit, so future Assessments of Common Expenses can consistently be made equally instead of based on the various ownership percentages set forth in the Amended and Restated Declaration.

NOW, THEREFORE, for the reasons set forth above and for the purposes stated there in, the Association hereby makes the following amendments to the Amended and Restated Declaration:

1. Exhibit "B", identified in Article IV of the Amended and Restated Declaration, and attached to the Amended and Restated Declaration, is hereby amended in its entirety and replaced by Exhibit "B" attached hereto and incorporated herein by reference.

2. Article IX, Subsection a) of the Amended and Restated Declaration is hereby amended in its entirety and replaced by the following:

a) Proportionate Share. The portion of Common Expenses to be paid by each Owner shall be equal in amount to that of each other Owner, and Assessments for such portions of the Common Expenses shall be made in equal amounts at such times as the Management Committee determines in accordance with the Act, the Declaration and the By-Laws.

IN WITNESS WHEREOF, the Association has executed this Amendment on the

22nd day of June, 2021.

MONTE CRISTO HOMEOWNERS ASSOCIATION

By Ronald Babcock
Ronald Babcock, President

STATE OF UTAH)
 ss
COUNTY OF SALT LAKE)

On the 22 day of June 2021, personally appeared before me Ronald Babcock, who upon his oath said he is President of Monte Cristo Homeowners Association, a Utah non-profit corporation, and that the foregoing instrument was signed by him in behalf of said Association, by authority of its Amended and Restated Declaration of Covenants, Conditions and Restrictions, for Monte Cristo, a Condominium Project and a resolution of its Management Committee and said Ronald Babcock duly acknowledged to me that said Association executed the same.

NOTARY SEAL:

[Signature]
Notary Public

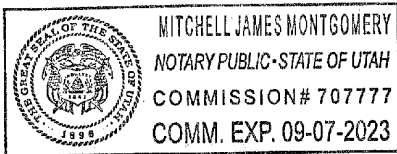


EXHIBIT "A"

Legal Description

All Units and Common Area MONTE CRISTO PH 1 CONDO according to the official plats thereof recorded with the office of the Salt Lake County Recorder, State of Utah.

Parcel Numbers: 22212310010000 - 22212310080000

All Units and Common Area MONTE CRISTO PH 2 CONDO according to the official plats thereof recorded with the office of the Salt Lake County Recorder, State of Utah.

Parcel Numbers: 22212300020000 - 22212300090000; 22212310010000

All Units and Common Area MONTE CRISTO PH 3 CONDO according to the official plats thereof recorded with the office of the Salt Lake County Recorder, State of Utah.

Parcel Numbers: 22212290020000 - 22212290130000; 22212310010000

All Units and Common Area MONTE CRISTO PH 4 CONDO according to the official plats thereof recorded with the office of the Salt Lake County Recorder, State of Utah.

Parcel Numbers: 22212280020000 - 22212280160000; 22212310010000

EXHIBIT "B"

Percentage of ownership of the Common Areas and Facilities of Monte Cristo

<u>Units</u>	<u>Percentage</u>
Units A-1 to A-7	1.3513% Each
Units B-9 to B-13	1.3513% Each
Units F-14 to F-17	1.3513% Each
Units G-18 to G-21	1.3513% Each
Units C-22 to C-27	1.3513% Each
Units D-28 to D-33	1.3513% Each
Units H-34 to H-37	1.3513% Each
Units I-38 to I-41	1.3513% Each
Units K-42 to K-47	1.3513% Each
Units M-48 to M-57	1.3513% Each
Units L-58 to L-65	1.3513% Each
Units J-66 to J-74	1.3513% Each