

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

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(Due to a clerical error, Unit B-8 was not included in the list of Units in Exhibit "B" in the Amendment recorded June 23, 2021, as Entry No. 13697854. Unit B-8 was intended to be included in said Exhibit "B", so this document is being recorded to correct the clerical error by including Unit B-8 in the list of Units in Exhibit "B")

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This Corrected 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 26 day of August, 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.

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-8 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