

WHEN RECORDED, RETURN TO:
Heather Park Homeowners Association
P.O. Box 2147
Provo, Utah 84603

ENT 141732:2003 PG 1 of 3
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2003 Aug 28 12:36 pm FEE 29.00 BY JRD
RECORDED FOR HEATHER PARK HOMEOWNE

10th AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF THE HEATHER PARK CONDOMINIUM PROJECT

This Amendment is made and entered into this 17th day of July, 2003, by the Management Committee of the Heather Park Homeowner's Association, pursuant to the affirmative vote of the Unit Owners representing more than 65% of the undivided ownership interest in the Common Areas and Facilities of the Project at a meeting of the Unit Owners held the 1st day of April, 2003. This amendment is also made pursuant to the affirmative vote of the Unit Owners representing more than 65% of the undivided ownership interest in the Common Areas and Facilities of the Project at a meeting of the Association Unit Owners at which a quorum was present via mailed vote, on July 17th, 2003.

RECITALS

A. The Heather Park Condominium Project (the "Project") was created pursuant to that certain Declaration of Condominium of the Heather Park Condominium Project executed on April 25, 1979, and recorded in the Office of the Utah County Recorder on May 4, 1979, as Entry No. 16793, in Book 1740, Page 733, together with subsequent amendments thereto (the "Declaration"), and the Record of Survey Map of the Heather Park Condominium Project recorded concurrently therewith. The Project is situated in the City of Provo, Utah County, State of Utah, and more particularly described as follows:

All of Units A-1, A-2, A-3, A-4, B-1, B-2, B-3, B-4, C-1, C-2, C-3, C-4, D-1, D-2, D-3, D-4 of the Heather Park Condominium Project, as more particularly described in the Declaration of Condominium of the Heather Park Condominium Project dated April 29, 1979, and recorded in the Office of the Utah County Recorder on May 4, 1979, as Entry No. 16793, in Book 1740, Page 733, and the Record of Survey Map for such project recorded in the Office of the Utah County Recorder on May 4, 1979, as such instruments may have heretofore been amended and supplemented, together with the undivided ownership interest in the common areas and facilities pertinent to such units.

B. Section 37 of the Declaration authorizes amendments to the Declaration upon the vote of at least 65% of the undivided ownership interest in the common areas and facilities of the Project.

C. The owners of the Project have met at a meeting, duly noted and held as provided in the Declaration, and have authorized an additional amendment which shall be named Article III Section 42 of the Declaration as set forth herein.

NOW THEREFORE, the Management Committee enters into this Amendment to the Declaration for the purpose of effecting a modification to the Declaration approved by the owners in accordance with the Declaration, as follows:

1. **42. Smoking Prohibition.** Smoking is prohibited in all areas of the Heather Park Condominium Project (this prohibition includes, but is not limited to, the inside and outside premises of each Unit and all Common Areas). "Smoking" means the possession of any lighted tobacco product in any form.

2. **Certification and Effective Date** The undersigned members of the Management Committee of the Heather Park Condominium Project hereby certify that the above amendment to the Declaration was approved by Owners owning at least 65% of the undivided ownership interest in the Common Areas and Facilities of the Project at a meeting of the Association of Unit Owners at which a quorum was present, on April 1st, 2003. The undersigned members of the Management Committee of the Heather Park Condominium Project also hereby certify that the above amendment to the Declaration was approved by Owners owning at least 65% of the undivided ownership interest in the Common Areas and Facilities of the Project at a meeting of the Association of Unit Owners at which a quorum was present via mailed vote, on July 17, 2003. This Amendment to the Declaration is intended to be effective to the date of the second vote, July 17, 2003 for all Units.

3. **Continued Enforceability** Except as specifically amended hereby, the Declaration shall continue in force and effect, enforceable in accordance with all of its original terms and provisions.

The undersigned, being all members of the Management Committee of the Heather Park Homeowner's Association hereby certify that this amendment was authorized by the affirmative vote, either in person or by proxy, of more than 65% of the undivided ownership interest in the Common Areas and Facilities of the Project.

HEATHER PARK HOMEOWNER'S ASSOCIATION
MANAGEMENT COMMITTEE

IN WITNESS WHEREOF, this amendment to the Declaration of the Condominium of the Heather Park Condominium Project is executed as of the day and year first above written.

MANAGEMENT COMMITTEE OF THE HEATHER PARK CONDOMINIUM PROJECT

