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SHERYL L. WHITE, DAVIS CNTY RECORDER
2000 JAN 7 2:34 PM FEE 74.00 DEP KM
REC'D FOR COLONIAL GARDENS CONDO HOMEOWN

When recorded, mail to
Robert A. Eder Jr.
310 E. 4500 S., Ste 610
Salt Lake City, Utah 84107

JAN - 7 2000

03-062-0001 thru 0060

All, Colonial Gardens Condo

**FIRST AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
COLONIAL GARDENS CONDOMINIUMS**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of the Colonial Gardens Condominiums (the 'Declaration') was recorded on July 19, 1979 as Entry No. 538652, beginning in Book 780, at Page 892 in the Davis County Recorder's Office; and

WHEREAS, the Plat for the Colonial Gardens Condominiums was recorded on July 19, 1979 as Entry No. 538651 in Book 780, at Page 891 in the Davis County Recorder's Office; and

WHEREAS, there have been no prior Amendments to the Declaration.

WHEREAS, the description of the real property affected by this Amendment and the Declaration is attached hereto as Exhibit 'A'.

WHEREAS, the within Amendment was proposed by the Management Committee and consented to and approved in writing by 32 unit owners representing more than one-half (1/2) of the undivided interest in the common areas and facilities, in accordance with Paragraph 13 of the Declaration. Said approval and consent was obtained by the Management Committee on or about September 20, 1999; and

WHEREAS, the within Amendment does not have the effect of altering any right, privilege, liability or obligation of the Declarant or affect the right of mortgage holders.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. The following text is added to the Declaration on page 15 as Section 6(B)(1), which shall be the last paragraph under Section 6 (Statement of Uses, Purposes and Restrictions):

6(B)(1). Smoking within individual units and facilities, and closer than 15 feet from the exterior walls of an individual unit or facility shall be considered a nuisance and be prohibited at Colonial Gardens Condominiums.

2. The provisions and restrictions contained in the above addition to the Declaration shall be enforceable immediately upon the recording of this Amendment in the Davis County Recorder's Office.

APPENDIX "A"

TO THE DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS OF
THE COLONIAL GARDENS CONDOMINIUMS

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DESCRIPTION

Beginning at the intersection of the West Line of 4th East Street and the North line of 4th North Street in Bountiful City, said point being North $0^{\circ}03'20''$ East 54 feet and West 33 feet from the Bountiful City Survey Monument at 4th North and 4th East Streets, said point being also described as 59.68 feet East of the Southwest corner of Lot 1, Block 56, Plat "A" Bountiful Townsite Additional Survey; thence North $0^{\circ}03'20''$ East 437.19 feet to the boundary line as established by the boundary line agreement recorded in Book 110 of Official records as Page 481, as Entry No. 159302; thence North $89^{\circ}24'$ West along said boundary 453 feet; thence South $0^{\circ}22'$ West 213.81 feet; thence South $0^{\circ}03'20''$ West 110.13 feet; thence East 288.19 Feet; thence South $0^{\circ}03'20''$ West 118 feet to the North line of 4th North Street; thence East 176.57 feet along the North line of 4th North Street to the point of beginning.
