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JAN 29 1974  
Recorded at 10<sup>01</sup> A M  
Request of Capitol Gardens Inc.  
Fee Paid JEROMEAN MARTIN  
Recorder, Salt Lake County, Utah  
\$ 4.00 By [Signature] Deputy  
Ref. 438 Center Street

84103

AMENDMENT TO THE DECLARATION OF CONDOMINIUM  
OF CAPITOL GARDENS

THIS AMENDMENT to the Declaration of Condominium of Capitol Gardens, a Utah Condominium Project, made as of the day of January, 1974, by Capitol Gardens, Inc., a Utah corporation, (the Declarant), WITNESSETH as follows:

WHEREAS, on the 13th day of November, 1973, Capitol Gardens, Inc., a Utah corporation, as Declarant, filed for record in the Office of the County Recorder of Salt Lake County, Utah, in Book 3458, Page 1 and following, as Entry #2581959, that certain instrument captioned "DECLARATION OF CONDOMINIUM OF CAPITOL GARDENS" (hereinafter the Declaration) to which reference is hereby made for all purposes, and

WHEREAS, paragraph 1.12, at page 16, of the Declaration reserved to the Owners the right to amend the Declaration upon the approval of not less than two-thirds of the undivided interest in the Common Areas, and

WHEREAS, Units 202, 205, 206, 209, 301, 307 and 309 aggregate 25.5140% undivided interest in the Common Areas owned by Unit Owners other than the Declarant, and

WHEREAS, the Declarant is the owner of all the remaining Units of the Project for a total of 74.4860% undivided interest in the Common Areas, and

WHEREAS, the Declarant now desires to amend the Declaration as hereinafter set forth.

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

1. Definitions. The definitions of terms mentioned in paragraph 1.1 of the Declaration are herein adopted by reference as if fully set forth herein.

2. Paragraph (c), page 16, captioned "Authority of Management Committee." is hereby deleted in its entirety, and in lieu thereof the following shall constitute said paragraph (c):

"(c) Authority of Management Committee. As attorney in fact, the Management Committee shall have full and complete authorization, right and power to make, execute and deliver any contract, deed or other instrument with respect to the interest of a Unit Owner which may be necessary or appropriate to exercise the powers herein granted. Repair and reconstruction of the improvements as used in the succeeding paragraphs mean restoring the Project to substantially the same condition in which it existed prior to damage, with each Unit and the Common Areas having substantially the same vertical and horizontal boundaries as before. The proceeds of any insurance collected shall be available

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to the Management Committee for the purpose of repair or reconstruction unless all first mortgagees unanimously agree not to rebuild in accordance with the provisions set forth hereinafter.

In the event any Mortgagee should not agree not to rebuild, the Management Committee shall have the option to purchase such Mortgage by payment in full of the amount secured thereby if the Owners are in unanimous agreement not to rebuild. The Management Committee shall obtain the funds for such purpose by special assessments under paragraph 1.7 of this Declaration.

As soon as practicable after an event causing damage to, or destruction of, any part of the Project, the Management Committee shall obtain estimates that it deems reliable and complete of the costs of repair or reconstruction of that part of the Project damaged or destroyed."

3. Except as herein modified, the Declaration as originally made shall remain in full force and effect.

4. This Amendment to the Declaration shall take effect upon recording.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the date and year first above written.

CAPITOL GARDENS, INC.

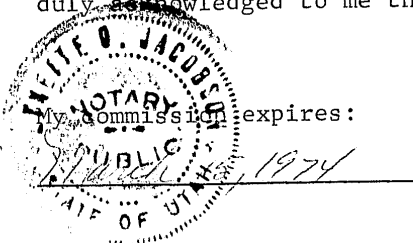
Attest:

*Robert E. Taylor*  
Secretary

By *Glendon E. Steiner, Jr.*  
Vice President

STATE OF UTAH )  
: ss  
County of Salt Lake)

On the 28th day of January, 1974, personally appeared before me Glendon E. Steiner, Jr. and Robert E. Taylor, who being by me duly sworn did say, each for himself, that he, the said Glendon E. Steiner, Jr. is the vice-president, and he, the said Robert E. Taylor is the Secretary of Capitol Gardens, Inc., and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and they each duly acknowledged to me that said corporation executed the same.



*Myrtle O. Jacobsen*  
Notary Public, Residing  
at Salt Lake City, Utah  
*4. county of*

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