

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

ENT 36 BK 4160 PG 667  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
1997 Jan 02 10:18 am FEE 33.00 BY JRD  
RECORDED FOR HEATHER PARK HOMEOWNERS

**AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF  
THE HEATHER PARK CONDOMINIUM PROJECT**

This Amendment to the Declaration of Condominium of the Heather Park Condominium Project is made and entered into this 30 day of April, 1996, by the Management Committee of the Heather Park Condominium Project (the "Management Committee"), pursuant to the vote of the owners of the Heather Park Condominium Project.

**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 noticed and held as provided in the Declaration, and have authorized an amendment to Section 24 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. Section 24. Section of the Declaration is hereby amended to add the following:

In the event that an Owner fails to pay any assessment of Common Expenses within 15 days following the due date thereof, the Management Committee shall have the right to assess a late fee on such payment equal to \$5.00 for the month in which such payment is past due and an additional \$5.00 late fee for each month thereafter that such assessment remains unpaid as of the 15th day of such month. For example, if the Common Expense assessments due January 1 and February 1 are not paid until February 17, two late fees of \$5.00 each would be charged to the January assessment, and a \$5.00 late charge would be added to the February assessment, for a total of \$15.00 in late fees. In addition to the other remedies provided in this Declaration or the Act, in the event that any assessment for Common Expenses is more than 90 days past due, the Management Committee shall have the right to file suit in small claims court, or another appropriate court, to obtain a personal judgement against the delinquent Owner for all past due assessments of Common Expenses owed, together with late fees, interest, costs and expenses of collection and litigation. Such action may be instituted by the Management Committee, the President of the Association, another officer of the Association, or such other person as the President of the Association or the Management Committee shall designate.

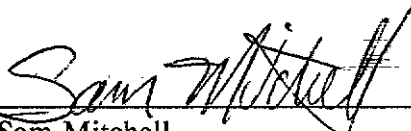
2. Certification and Effective Date. The undersigned members of the Management Committee of the Heather Park Condominium Project hereby certify that the above amendment to the Declaration was approved by Owners owning at least 65% of the undivided ownership interest in the Common Areas and Facilities of the Project at a meeting of the Association of Unit Owners at which a quorum was present, held on May 20, 1986. This Amendment to the Declaration is intended to be retroactively effective to the date of such meeting, May 20, 1986.

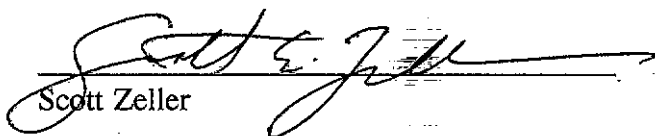
3. Continued Enforceability. Except as specifically amended hereby, the Declaration shall continue in full force and effect, enforceable in accordance with all of its original terms and provisions.


IN WITNESS WHEREOF, this Amendment to the Declaration of 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

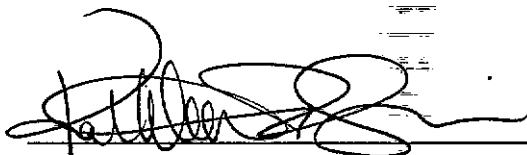
  
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Sam Mitchell

  
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Scott Zeller

  
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Minnie Mae Wilding-Diaz

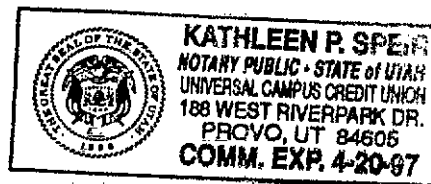
STATE OF UTAH            )  
  : SS.  
COUNTY OF UTAH        )

The foregoing instrument was acknowledged before me this 26 day of APRIL, 1996, by Sam Mitchell, a member of the Management Committee of the Heather Park Condominium Project.

  
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NOTARY PUBLIC

My Commission Expires:  
4-20-97

Residing at: PROVO, UT



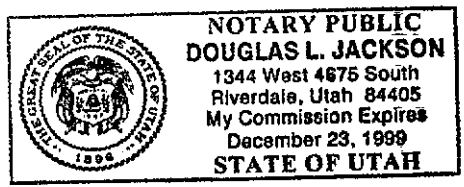
STATE OF UTAH )  
: SS.  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 31 day of May, 1996, by Scott Zeller, a member of the Management Committee of the Heather Park Condominium Project.

Douglas L. Jackson  
NOTARY PUBLIC  
Residing at: Over, UT

My Commission Expires:  
12-23-99

STATE OF UTAH )  
: SS.  
COUNTY OF UTAH )



The foregoing instrument was acknowledged before me this 27 day of April, 1996, by Minnie Mae Wilding-Diaz, a member of the Management Committee of the Heather Park Condominium Project.

Douglas L. Jackson  
NOTARY PUBLIC  
Residing at: Over, UT

My Commission Expires:  
12-23-99

