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BOOK 310

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RECORDED AT REQUEST OF  
Jay Kirk

1990 NOV -6 PM 2:35

DONNA S. McKENNAN  
TOOELE COUNTY RECORDER

DEPUTY MW FEE 45.50

AMENDMENT #1

TO THE BYLAWS OF BENCHMARK VILLAGE

RECORDED SEPTEMBER 22, 1977

P.O. Box 489

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AMENDMENT 1  
TO THE DECLARATION OF BENCH MARK VILLAGE  
RECORDED SEPTEMBER 22, 1977

THIS AMENDMENT is made and executed by Bench Mark Village Association in accordance with Paragraph 21 of the above referenced DECLARATION and by the undersigned who consistute three-fourths (3/4) of the owners of Bench Mark Village in the aggregate of ownership interest of the units and the common areas and facilities, and shall be effective upon recording.

The paragraphs that follow will be amended accordingly.

8.2.5. The first sentence of this paragraph shall be amended to read: "No advertising signs, billboards, objects of unsightly appearance or nuisances shall be erected, placed, or permitted to remain on any unit, nor shall any unit be used in any way or for any purpose which may endanger the health or unreasonably disturb the other owners." The remainder of the paragraph shall remain the same.

8.2.6. The paragraph remains the same except the following shall be added at the end of the paragraph: "If the management committee determines that a unit owners animal has roamed free, been off a leash or has left a mess that has not been cleaned up by the owner in the common areas or facilities, it shall assess at \$15.00 fee to the animals owner for each month that any said incident occurs. This fee shall defray the common expenses of cleaning up after animals and shall become a part of said unit owners common expense assessment."

8.2.10. The paragraph remains the same except the following shall be added at the end of the paragraph: "If the management committee determines that a unit owner waters grass in a common area, that owner shall be assessed an additional \$20.00 common expense assessment for each month that any said watering occurs."

10.4. Paragraph is amended to increase the dollar amount stated therein as follows: "The management committee may delegate to a manager or managing company all of its foregoing powers, duties and responsibilities referred to in paragraph 10.3 above except: The Final determination of common expenses, budgets and assessments based thereon; the promulgation of house rules and administrative rules and regulations; the power to enter into any contract involving more than Ten Thousand Dollars (\$10,000) in any one fiscal year; the opening of bank accounts; the power to purchase, hold, sell, convey mortgage or lease any units in the name of the association or to bring, prosecute and settle litigation."

22.1.2. Paragraph is amended to read: "The management committee may increase the monthly assessment by ten percent (10%) annually without a vote of the unit owners. However, if the management committee elects to increase the monthly assessments above ten percent (10%) annually, any such increase above ten percent (10%) must be approved by a majority of owners attending a duly called meeting in person or proxy."

22.2. Paragraph is amended to read: "Assessments and any installments thereof not paid on or before thirty (30) days after the date when due shall bear interest at the rate of one and one half percent (1 1/2%) per month on the unpaid balance, or at such a rate of interest as may be set by the management committee, from the date when due until paid. Monthly maintenance fees are due and payable on the first day of every month. Fees not paid in the month they are due will be assessed a \$20.00 "late fee" on the first day of the next month at which time interest will also be assessed. All payments on account shall be first applied to interest and late fees and then to the assessment payment first due."

22.6. The first sentence of the paragraph is amended to increase the dollar amount stated therein as follows: "In assessing the unit owners for capital improvements to the common areas and facilities, for which there are not sufficient amounts in the respective capital accounts, there shall be no single improvement exceeding the sum of Ten Thousand Dollars (\$10,000) made by the management committee without the same having been first voted on and approved by two thirds (2/3) majority of those present in person or by proxy of the association at a meeting duly called for that purpose." The remainder of the paragraph remains the same.