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SACRAMENTO COUNTY  
RECORDERS OFFICE

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RECORDED  
SACRAMENTO COUNTY

THIRD AMENDMENT TO  
THE SECOND AMENDED DECLARATION OF CONDOMINIUM OF  
THE KIMBALL CONDOMINIUMS

3987819

THIS THIRD AMENDMENT TO THE SECOND AMENDED DECLARATION OF CONDOMINIUM OF THE KIMBALL CONDOMINIUMS, a condominium project, is made this 3rd day of July, 1984 by the MANAGEMENT COMMITTEE (also being the Board of Trustees) of The Kimball Condominiums Owners Association, a Utah nonprofit corporation, for the purpose of amending in part that certain Second Amended Declaration of Condominium of The Kimball Condominiums dated December 10, 1981 and recorded January 12, 1982 with the Salt Lake County Recorder as Entry No. 3638967, Book 5330, beginning at Page 1324, as amended by that certain Amendment to the Second Amended Declaration of Condominium dated February 24, 1982, and as further amended by that certain Second Amendment to the Second Amended Declaration of Condominium of The Kimball Condominiums dated December 1, 1983 (hereinafter collectively referred to as the "Declaration").

The undersigned Management Committee, pursuant to the unanimous written consent of Bertagnole Properties, being the Declarant under the Declaration and at the time of the execution and recordation of this Third Amendment, being the owner of more than two-thirds of the undivided interest in the Common Areas and Facilities of the Project, and by virtue of the authority granted by Section 24 of the Declaration, hereby

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amends and restates in its entirety Section 10 of the Declaration:

10. Voting--Multiple Ownership. The vote attributable to and exercisable in connection with a Unit shall be the same for all Units of the same Unit Type. In other words, every Studio Unit will have an equal vote, every One Bedroom Unit will have an equal vote, every One Bedroom Suite Unit will have an equal vote, and every Two Bedroom Unit will have an equal vote. However, the vote of a One Bedroom Unit shall be weighted one and two-thirds times the vote attributable to a Studio Unit, the vote of a One Bedroom Suite Unit shall be weighted two times the vote attributable to a Studio Unit, and the vote of a Two Bedroom Unit shall be weighted two and one-thirds times the vote attributable to a Studio Unit. In the event there is more than one owner of a particular Unit, each Owner may exercise his vote individually in accordance with his individual percentage or fraction of ownership in the Unit if such percentages or fraction is indicated on the deed by which his ownership was obtained. Otherwise, if the ownership percentage is not shown on the deed (but rather the ownership is one of joint tenancy or tenancy in common), then the vote relating to such Unit shall be exercised as such Owners may determine among themselves, and a vote cast in any meeting by any of such Owners shall be conclusively presumed to be the vote attributable to the Unit concerned unless an objection is immediately made by another Owner of the same Unit. In the event such an objection is made, the vote involved shall not be counted for any purpose whatsoever other than to determine whether a quorum exists.

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IN WITNESS WHEREOF, the Management Committee has executed this Third Amendment the day and year first above written.

MANAGEMENT COMMITTEE (also being the Board of Trustees) of The Kimball Condominiums Owners Association, a Utah nonprofit corporation

By Ron K. Mitchell  
RON K. MITCHELL, Trustee

By Merlyn Hanks  
MERLYN HANKS, Trustee

By George S. Woodhead  
GEORGE S. WOODHEAD, Trustee

STATE OF UTAH )  
: ss.  
COUNTY OF SALT LAKE )

On the 3rd day of July, 1984, personally appeared before me Ron K. Mitchell, Merlyn Hanks and George S. Woodhead, who, being by me duly sworn, did say that they are the Trustees of the Management Committee, and that they executed the same on behalf of the Management Committee.

Carole McEwen  
NOTARY PUBLIC

Residing at: Salt Lake City, Utah

My Commission Expires:

11/5/86

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EXHIBIT "A"

Record this instrument against the following real property located in Salt Lake County, Utah:

BEGINNING at the Southwest corner of Lot 4, Block 93, Plat "A", Salt Lake City Survey; and running thence South 0°02'13" East 37.25 feet; thence North 89°57'47" East 298.0 feet; thence North 0°02'13" West 136.25 feet; thence South 89°57'47" West 298.0 feet; thence South 0°02'13" East 99.0 feet to the point of beginning. Containing 0.932 acres.

TOGETHER WITH AND SUBJECT TO a 10-foot right-of-way 5 feet on each side of and parallel to the North Line of the above property.

Said property also described as follows:

All Units of THE KIMBALL CONDOMINIUMS, a Condominium Project as established and defined by a declaration and By-laws dated September 22, 1978 and recorded October 20, 1978 as Entry No. 3185154, in Book 4758, at Page 303, of Official Records and the record of survey map recorded October 20, 1978 as Entry No. 3185155 in Book 78-10 at page 297, of Official Records as amended in subsequent declarations and maps.

Together with the appropriate interest in the common areas as they may attach to each Unit as set out in the above referenced declarations.