

When recorded return to:  
Heath H. Snow, Esq.  
BINGHAM & SNOW, LLP  
230 North 1680 East, Building M  
St. George, Utah 84790

**FIRST AMENDMENT TO  
REPLACEMENT DECLARATION OF CONDOMINIUM  
FOR WHITE BEAR CONDOMINIUMS,  
A CONDOMINIUM PROJECT**

THIS FIRST AMENDMENT TO THE REPLACEMENT DECLARATION OF CONDOMINIUM for WHITE BEAR CONDOMINIUMS (“Amendment”) approved by Bankers’ Bank of the West Bancorp, Inc., a Colorado corporation (“Declarant”), is hereby submitted for recording in the Official Records on file in the Office of the Recorder of Washington County, State of Utah.

**RECITALS**

WHEREAS, the Declarant holds both legal and equitable title to certain real property located in Iron County, State of Utah, commonly known as White Bear Condominiums (hereinafter the “Property”); and

WHEREAS, the Property is more particularly described in the Replacement Declaration of Condominium for White Bear Condominiums, dated March 25, 2011, and recorded in the Official Records on file in the Office of the Recorder of Iron County, State of Utah on March 30, 2011, as Entry No. 00615791, Book 1213, Page 1040 (hereinafter “Declaration”); and

WHEREAS, it has become necessary to amend such Declaration; and

WHEREAS, Declarant presently owns all units in White Bear Condominiums; and

WHEREAS, the following amendment is being made by pursuant to Section 16.05 of the Declaration, which requires consent of owners holding at least sixty percent (60%) of the total votes of the White Bear Condominium Owners Association, a Utah nonprofit corporation.

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

1. Section 8.01 of the Declaration is hereby amended to state the following:

8.01 Common Areas. The Association, subject to the rights and duties of the Owners as set forth in this Declaration, shall be responsible for the exclusive management and control of the Common Areas and all improvements thereon (including the Common Facilities), and shall

keep the same in a good, clean, attractive, safe, and sanitary condition, order, and repair; provided, however, that each Owner shall keep the Limited Common Areas, if any, designated for use in connection with his Unit in a good, clean, safe, sanitary, and attractive condition. The Association shall be responsible for the maintenance and repair of the exterior of the Buildings and the grounds, including without limitation, painting, repair and replacement of exterior trim and roofs, and maintenance of landscape, walkways, and driveways. The Association shall also be responsible for maintenance, repair, and replacement of Common Areas within the Buildings, including without limitation, hallways, utility lines, and all Common Facilities, improvements, and other items located in or used in connection with the Common Areas. Each owner shall be responsible for maintenance, repair and replacement of Limited Common Areas, if any, designated for use in connection with his Unit, including without limitation balconies, porches, storage facilities and elevators. The specification of duties of the Association with respect to particular Common Areas shall not be construed to limit its duties with respect to other Common Areas as set forth in the first sentence of this Section. All goods and services procured by the Association in performing its responsibilities under this Section shall be paid for with funds from the Common Expense Fund.

2. Exhibit "B" to the Declaration is hereby deleted in its entirety and replaced with the table attached hereto as Exhibit "B" and incorporated herein by this reference.

This Amendment is executed for the sole purpose of amending certain sections of the Declaration as set forth above, and does not constitute or in any way operate as an amendment, alteration, release or discharge of any other terms, conditions, rights or obligations as set forth in the Declaration.

*[Signatures and Notarization on Following Page]*

00617722 B: 1216 P: 1802

IN WITNESS WHEREOF, this Amendment is executed by the undersigned Declarant to be effective on this 24<sup>th</sup> day of May, 2011.

DECLARANT:

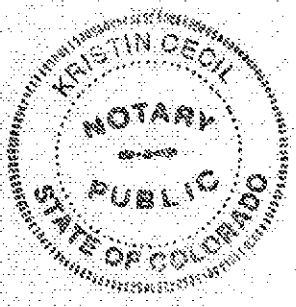
BANKERS' BANK OF THE WEST BANCORP, INC., a Colorado corporation

By: [Signature]  
Its: Director

STATE OF Colorado )  
 ) :SS  
COUNTY OF Eagle )

On the 24<sup>th</sup> day of May, 2011, personally appeared before me Dan Goder who, being by me duly sworn, did say that he is Director of Bankers' Bank of the West Bancorp, Inc., a Colorado corporation, and that the within and foregoing First Amendment to Replacement Declaration of Condominium for White Bear Condominiums, a Condominium Project, was signed on behalf of said corporation by authority of its Bylaws and/or Resolutions; said person duly acknowledged to me that said corporation executed the same.

[Signature]  
NOTARY PUBLIC



Expires 10/28/12

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**EXHIBIT "B"**

UNIT NUMBER	VOTES	INTEREST IN COMMON AREAS
AA1	1	2.48%
AA2	1	2.327%
AA3	1	2.327%
AA4	1	2.48%
AB1	1	3.745%
AB2	1	3.74%
AB3	1	3.74%
AB4	1	3.745%
AC1	1	6.333%
AC2	1	6.375%
AC3	1	6.375%
AC4	1	6.333%
BA1	1	2.48%
BA2	1	2.327%
BA3	1	2.327%
BA4	1	2.48%
BB1	1	3.745%
BB2	1	3.74%
BB3	1	3.74%
BB4	1	3.745%
BC1	1	6.333%
BC2	1	6.375%
BC3	1	6.375%
BC4	1	6.333%

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## LEGAL DESCRIPTION

Parcel 1: Units AA1 – AA4; AB1 - AB4; and AC1 - AC4 of Building A and Units BA1 – BA4; BB1 – BB4; and BC1 – BC4 of Building B, WHITE BEAR CONDOMINIUMS, Brian Head, Utah, as the same is identified in the recorded Survey Map in Iron County, Utah as Entry No. 534302, in Book 1044, at Page 1402, (as said record of Survey Map may have heretofore been amended or supplemented) and in the Declaration of Condominium recorded in Iron County, Utah, as Entry No. 534303, in Book 1044, at Pages 1403-1449 (as said Declaration may have heretofore been amended or supplemented).

Parcel 2: TOGETHER WITH the undivided ownership interest in and to the Common Areas and Facilities which is appurtenant to said Unit as more particularly described in said Declaration (as said Declaration may have heretofore been amended or supplemented).

Parcel Nos.:

A-1200-0AA1	B-1200-0BA1
A-1200-0AA2	B-1200-0BA2
A-1200-0AA3	B-1200-0BA3
A-1200-0AA4	B-1200-0BA4
A-1200-0AB1	B-1200-0BB1
A-1200-0AB2	B-1200-0BB2
A-1200-0AB3	B-1200-0BB3
A-1200-0AB4	B-1200-0BB4
A-1200-0AC1	B-1200-0BC1
A-1200-0AC2	B-1200-0BC2
A-1200-0AC3	B-1200-0BC3
A-1200-0AC4	B-1200-0BC4