

WHEN RECORDED RETURN TO:  
James R. Blakesley  
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Salt Lake City, Utah 84109  
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Recorded JUL 15 2004 Filing No. 63973  
At 2:00 AM/PM in Book X9 Page 1367  
Fee 202.00 Debra L. Ames Rich County Recorder  
Requested by James R Blakesley

SECOND AMENDMENT TO DECLARATION  
OF RESERVATIONS, RESTRICTIONS AND COVENANTS, AND BY-LAWS  
OF  
BUTTERCUP ESTATES

This SECOND AMENDMENT TO DECLARATION OF RESERVATIONS, RESTRICTIONS AND COVENANTS, AND BY-LAWS FOR BUTTERCUP ESTATES, is made and executed by the BUTTERCUP ESTATES PROPERTY OWNERS ASSOCIATION, of 4755 Pintail Court, Salt Lake City, Utah 84117 (the "Association").

RECITALS

A. The Declaration of Reservations, Restrictions and Covenants for Buttercup Estates was recorded June 7, 1979 as Entry No. F20,742 in Book H3 at Page 130 of the Official Records of the County Recorder of Rich County, Utah (the "Original Declaration").

B. The document entitled Ammendment [sic] to Declaration of Reservations, Restrictions and Covenants of Buttercup Estates was recorded in the office of the County Recorder of Rich County, Utah on May 4, 1984 as Entry No. 29773 in Book P4 at Page 560 of the Official Records (the "First Amendment").

C. The Original Declaration was amended and restated by a document entitled "Declaration of Reservations, Restrictions and Covenants" [for] Buttercup Estates was recorded in the office of the County Recorder of Rich County, Utah on or about July 11, 1990 as Entry No. 39984 in Book A6 at Page 136 of the Official Records (the "Declaration"). The Declaration was approved by the affirmative consent of 69.47% of the undivided ownership interest satisfying the voting requirements of the Original Declaration.<sup>1</sup>

D. The Declaration was amended by a written instrument entitled "Amendment to Declaration of Reservations, Restrictions and Covenants of Buttercup Estates," recorded October 10, 1990 as Entry No. 40386 in Book B6 at Page 397 of the Official Records of the County Recorder of Rich County, Utah (the "First Amendment to Declaration").

<sup>1</sup> Unanimous in-person votes:	23
Proxy votes:	93
Association votes:	16

Total: 132

132/190 = 69.47%

E. This document affects the real property located in Rich County, Utah, described with particularity on Exhibit "A," attached hereto and incorporated herein by this reference.

F. All of the voting requirements of Sections 5(a) and 9 of the Declaration, and Article VIII of the By-Laws have been satisfied.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, the Association hereby executes this SECOND AMENDMENT TO DECLARATION OF RESERVATIONS, RESTRICTIONS AND COVENANTS, AND BY-LAWS FOR BUTTERCUP ESTATES for and on behalf of all of the Lot Owners.

1. The Declaration is hereby amended to add the following new section:

**Dedication of Roads.** The Association may dedicate the roads at Buttercup Estates to a body politic with the prior consent or vote of at least 51% of the undivided ownership interest in the common areas and facilities.

2. The Declaration is hereby amended to add the following new section:

**Special Improvement District.** The Association and Management Committee are authorized to participate in a Special Improvement District in conjunction with the dedication of the roads at Buttercup Estates with the prior consent or vote of at least 51% of the undivided ownership interest in the common areas and facilities.

3. Article III, Section 5 of the By-laws entitled "Quorum," is hereby amended to read as follows:

5. **Quorum.** At the meeting of the association, the owners of more than fifty percent in the aggregate of interest in the undivided ownership of the common areas and facilities shall constitute a quorum for any and all purposes. In the event a quorum of Lot Owners is not present at a meeting of the association, the Management Committee may adjourn and reconvene the meeting in not less than 24 hours and not more than 30 days, with no additional notice required other than a verbal announcement at the original meeting. The presence in person or by proxy of 25% of the Lot Owners at the reconvened meeting will constitute a quorum. At any such adjourned meeting, any transaction that might have been transacted at the originally scheduled meeting may be transacted at the reconvened meeting.

4. The Declaration is amended to add the following provision which was inadvertently omitted from the recorded document and required by Garden City, Utah:

17.c (1) **Garden City Requirements.** As to the shrubs, trees, grass and other amenities required by the ordinances of the Town of Garden City, the association shall be responsible for the perpetual maintenance, upkeep, replacement and repair of said items for so long as the ordinances so require. In the event that the association at any time fails

to properly maintain these things required by ordinance (including but not limited to the shrubs, trees, grass, parks, recreation facilities and other amenities), the town of Garden City may in its sole discretion enter upon and make any and all repairs, or may maintain any of the properties within its jurisdiction, and may then charge the association for all such repairs, maintenance and protection, provided, however, that the Town shall under no circumstances be obligated to take such action.

5. The effective date of this Amendment is the date it is recorded in the office of the County Recorder of Rich County, Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument the 12<sup>th</sup> day of May 2004.

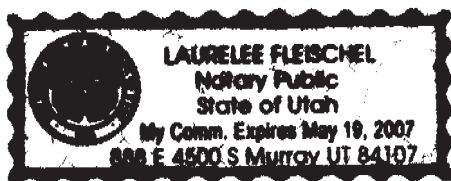
BUTTERCUP ESTATES PROPERTY OWNERS ASSOCIATION

By: *Michael Forrest*  
Name: Michael Forrest  
Title: President

By: *Barbara Wise*  
Name: Barbara Wise  
Title: Secretary

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

On the 12 day of May, 2004, personally appeared before me Michael Forrest and Barbara Wise, who by me being duly sworn, did say that they are the President and Secretary, respectively, of the BUTTERCUP ESTATES PROPERTY OWNERS ASSOCIATION, and that the within and foregoing instrument was signed in behalf of said Association by authority of a resolution of its Management Committee, and said Michael Forrest and Barbara Wise duly acknowledged to me that said Association executed the same.



*Laurelee Fleischel*  
NOTARY PUBLIC  
Residing At: *Salt Lake*  
Commission Expires: *May 19, 2007*

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**BUTTERCUP ESTATES**

The land described in the foregoing document is located in Rich County, Utah and is described more particularly as follows:

**BUTTERCUP MOBILE HOME ESTATES, as recorded in the office of the Rich County Recorder, TOGETHER WITH ALL COMMON AREAS AND FACILITIES APPURTENANT THERETO.**

LOT #	Tax ID #	LOT #	Tax ID #	LOT #	Tax ID #	LOT #	Tax ID #
1	41-21-32-001	40	41-21-32-040	79	41-21-32-079	118	41-21-32-118
2	41-21-32-002	41	41-21-32-041	80	41-21-32-080	119	41-21-32-119
3	41-21-32-003	42	41-21-32-042	81	41-21-32-081	120	41-21-32-120
4	41-21-32-004	43	41-21-32-043	82	41-21-32-082	121	41-21-32-121
5	41-21-32-005	44	41-21-32-044	83	41-21-32-083	122	41-21-32-122
6	41-21-32-006	45	41-21-32-045	84	41-21-32-084	123	41-21-32-123
7	41-21-32-007	46	41-21-32-046	85	41-21-32-085	124	41-21-32-124
8	41-21-32-008	47	41-21-32-047	86	41-21-32-086	125	41-21-32-125
9	41-21-32-009	48	41-21-32-048	87	41-21-32-087	126	41-21-32-126
10	41-21-32-010	49	41-21-32-049	88	41-21-32-088	127	41-21-32-127
11	41-21-32-011	50	41-21-32-050	89	41-21-32-089	128	41-21-32-128
12	41-21-32-012	51	41-21-32-051	90	41-21-32-090	129	41-21-32-129
13	41-21-32-013	52	41-21-32-052	91	41-21-32-091	130	41-21-32-130
14	41-21-32-014	53	41-21-32-053	92	41-21-32-092	131	41-21-32-131
15	41-21-32-015	54	41-21-32-054	93	41-21-32-093		
16	41-21-32-016	55	41-21-32-055	94	41-21-32-094		
17	41-21-32-017	56	41-21-32-056	95	41-21-32-095		
18	41-21-32-018	57	41-21-32-057	96	41-21-32-096		
19	41-21-32-019	58	41-21-32-058	97	41-21-32-097		
20	41-21-32-020	59	41-21-32-059	98	41-21-32-098		
21	41-21-32-021	60	41-21-32-060	99	41-21-32-099		
22	41-21-32-022	61	41-21-32-061	100	41-21-32-100		
23	41-21-32-023	62	41-21-32-062	101	41-21-32-101		
24	41-21-32-024	63	41-21-32-063	102	41-21-32-102		
25	41-21-32-025	64	41-21-32-064	103	41-21-32-103		
26	41-21-32-026	65	41-21-32-065	104	41-21-32-104		
27	41-21-32-027	66	41-21-32-066	105	41-21-32-105		
28	41-21-32-028	67	41-21-32-067	106	41-21-32-106		
29	41-21-32-029	68	41-21-32-068	107	41-21-32-107		
30	41-21-32-030	69	41-21-32-069	108	41-21-32-108		
31	41-21-32-031	70	41-21-32-070	109	41-21-32-109		
32	41-21-32-032	71	41-21-32-071	110	41-21-32-110		
33	41-21-32-033	72	41-21-32-072	111	41-21-32-111		
34	41-21-32-034	73	41-21-32-073	112	41-21-32-112		
35	41-21-32-035	74	41-21-32-074	113	41-21-32-113		
36	41-21-32-036	75	41-21-32-075	114	41-21-32-114		
37	41-21-32-037	76	41-21-32-076	115	41-21-32-115		
38	41-21-32-038	77	41-21-32-077	116	41-21-32-116		
39	41-21-32-039	78	41-21-32-078	117	41-21-32-117		

See next page  
for  
Buttercup Estates  
Subdivision

**BUTTERCUP ESTATES SUBDIVISION , as recorded in the office of the Rich County Recorder,  
TOGETHER WITH ALL COMMON AREAS AND FACILITIES APPURTENANT THERETO.**

LOT #	TAX ID #	LOT #	TAX ID #
1	41-29-01-001	30	41-29-01-030
2	41-29-01-002	31	41-29-01-031
3	41-29-01-003	32	41-29-01-032
4	41-29-01-004	33	41-29-01-033
5	41-29-01-005	34	41-29-01-034
6	41-29-01-006	35	41-29-01-035
7	41-29-01-007	36-41	NO SUCH LOTS
8	41-29-01-008	42	41-29-01-042
9	41-29-01-009	43	41-29-01-043
10	41-29-01-010	44	41-29-01-044
11	41-29-01-011	45	41-29-01-045
12	41-29-01-012	46	41-29-01-046
13	41-29-01-013	47	41-29-01-047
14	41-29-01-014	48	41-29-01-048
15	41-29-01-015	49	41-29-01-049
16	41-29-01-016	50	41-29-01-050
17	41-29-01-017	51	41-29-01-051
18	41-29-01-018	52	41-29-01-052
19	41-29-01-019	53	41-29-01-053
20	41-29-01-020	54	41-29-01-054
21	41-29-01-021	55	41-29-01-055
22	41-29-01-022	56	41-29-01-056
23	41-29-01-023	57	41-29-01-057
24	41-29-01-024	58	41-29-01-058
25	41-29-01-025	59	41-29-01-059
26	41-29-01-026	60	41-29-01-060
27	41-29-01-027		
28	41-29-01-028		
29	NO SUCH LOT		