

Recorded at request of *Lucille M. Wallis* Fee Paid \$ *21.50*
Date **SEP 19 1984** at *2"* M. CAROL DEAN PAGE Recorder Davis County
By *Laura Martin* Deputy Book *1006* Page **472**

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Lemon Tree Condo
Unit 1-20

FIRST SUPPLEMENTARY DECLARATION OF AND AMENDMENT TO

THE DECLARATION OF THE LEMON TREE CONDOMINIUM

This first supplementary declaration of and amendment to the Declaration of the Lemon Tree Condominium Project is made and executed this 19 day of September, 1984, by the Management Committee of the Lemon Tree Association, a Utah nonprofit corporation.

RECITALS

A. The Declaration and By-Laws of the Lemon Tree Condominium Project (hereinafter "Declaration") were made and executed on July 18, 1979, by Properties Limited, Inc., and thereafter recorded in the office of the County Recorder of Davis County, state of Utah, on July 19, 1979, in Book 780 at page 993.

B. The unit owners who own more than three-fourths (3/4) of the aggregate area of ownership interest in the common areas and facilities desire to amend the Declaration for the purpose of removing potential ambiguities in its language pertaining to the rights and obligations to maintain and repair certain equipment and facilities.

C. Unit owners who own more than three-fourths (3/4) of the aggregate ownership interest in the common areas and facilities of the Lemon Tree Condominium Project have given

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their consent to amend the Declaration in the manner herein-after described by signing and acknowledging instruments which are retained as part of the books and records of the Lemon Tree Association.

NOW, THEREFORE, the Lemon Tree Association makes the following amendments:

Section (4.2) of the Declaration is amended to read as follows:

The boundary lines of each unit are the undecorated and/or unfinished interior surfaces of its perimeter walls, bearing walls, lowermost floor, uppermost ceiling, all window panes, interior surfaces of doors, window frames and door frames, and trim. Each unit shall include both the portions of the building that are not common areas and facilities within such boundary lines and the space so encompassed. Without limitation, a unit shall include any finishing material applied or affixed to the interior surfaces of the walls, floors, and ceilings, non-supporting interior walls and all utility pipes, lines, systems, fixtures, or appliances found within the boundary lines of the unit and servicing a unit or units to the exclusion of other units. A unit shall also include the mechanical equipment and appurtenances located within any one unit or located without said unit but designated and designed to serve one or more units to the exclusion of other units, including, by way of illustration but not limitation, air conditioning equipment, furnaces, and hot water heaters.

Section 5 of the Declaration is amended to read as follows:

The common areas and facilities shall mean and include: the land on which the buildings are located, and all portions of the

property not contained within any unit as defined in Section 4.2 herein, including, but not by way of limitation: the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, and entrances and exits of the building; the areas used for storage of janitorial supplies, maintenance equipment and materials; installations of all central services, including power, light, water, heating, and garbage collection; pumps, motors, fans, ducts, and in general all apparatus and installations existing for common use; any utility pipes, lines, or systems servicing more than a single unit and not reserved for the use of a unit or units to the exclusion of other units, and all ducts, flues, chutes, wires, conduits, and other accessories and utility installations to the outlets used therewith; all other parts of the property necessary or common in use, or which have been designated as common areas and facilities on the map; and all repairs and replacements to any of the foregoing.

EFFECTIVE DATE

This first supplementary declaration of and amendment to the Declaration and By-Laws of the Lemon Tree Condominium Project shall take effect upon its being properly signed, executed and filed for record in the office of the County Recorder of Davis County, state of Utah.

Executed on the day and year first above written.

All of Units 1 thru 30, Lemon Tree Condo. L. M. M.

THE LEMON TREE ASSOCIATION

BY Lewell M. Miller
Its President of Lemon Tree Assoc.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19th DAY OF SEPTEMBER, 1984.

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82984

Arlene Briggs
Notary Public
Residing at: Syracuse, Utah