

00896931 B: 2029 P: 1651

Page 1 of 9

Alan Spriggs, Summit County Utah Recorder

04/28/2010 02:20:10 PM Fee \$86.00

By COALITION TITLE AGENCY, INC.

Electronically Recorded by Simplifile

WHEN RECORDED RETURN TO:

Todd D. Wakefield
1745 Sidewinder Drive
Park City, Utah 84060

**AMENDMENT
TO
AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
FOR
FAWNGROVE CONDOMINIUMS**

THIS AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FAWNGROVE CONDOMINIUMS (hereinafter referred to as the "Amendment") is made effective this 7th day of October 2009 (hereinafter "the Effective Date") by **THE FAWNGROVE HOMEOWNERS ASSOCIATION, INC.**, a Non-profit Corporation (hereinafter referred to as the "Association").

WITNESSETH:

WHEREAS, Article XXVII of the Amended and Restated Declaration of Condominium for Fawngrove Condominiums (the "Declaration") provides that such declaration may be amended by vote of the Members of the Association; and

WHEREAS, the undersigned officers hereby certify that all of the voting requirements of the Declaration have been satisfied;

NOW, THEREFORE, the Declaration is hereby amended as set forth below:

1. **Exhibit "A" of the Declaration is hereby repealed and replaced by the following:**

[See Attached Amended Exhibit "A"]

2. **Article X of the Declaration is hereby amended by adding additional paragraphs as follows:**

Ten Units within the project (Units 1412, 1428, 1462, 1478, 1512, 1528, 1562, 1582, 1612 and 1632) are of a configuration that allows a modification to the roofline, so as to provide a private deck. Four of these Units (1428, 1478, 1528 and 1582) have previously sought and received permission from the Management Committee and building permits from the Park City Building Department, and those modifications have been made. A plan reflecting the general nature of these prior modifications is attached as Exhibit "A". With respect to these Units, the decks as shown on the diagrams and as built, shall constitute "Limited Common Areas" as defined in Article II, Section 15.

**THIS IS AN ACCOMMODATION
RECORDING ONLY**

These modifications result in replacement of inaccessible common area roof areas with limited common area decks. The Management Committee's approval of these prior approvals is hereby ratified, and the Management Committee is hereby specifically authorized to approve similar modifications, if requested by the Unit Owners of Units 1412, 1462, 1512, 1562, 1612 and 1632. In the event that such modifications are made to any or all of these Units, the Management Committee shall record a notice of the approval and construction of these decks.

The prior and future approval of these decks shall include cumulatively or alternatively the transfer of title and granting of a long term lease or License by the Management Committee, and the structural alteration or modification of an established plane of a Unit, Common Area or limited Common Area as is reflected by Exhibit "A".

3. Article XXVII of the Declaration is hereby repealed and replaced by the following:

ARTICLE XXVII

AMENDMENT

In addition to the amendment provisions contained in Article VI hereof, and subject to the terms of Article XX, this Amended Declaration may be amended by the affirmative vote of two-thirds (2/3) of the Owners' Allocated Interests present or represented by proxy at a special meeting of the Association for the purpose of amendment to the Amended Declaration and at which a quorum is present, or at an annual meeting, provided that the notice of the Annual Meeting provides notice of the proposed amendment(s). Notice of such amendment shall be recorded by instruments duly recorded in the office of the County Recorder of Summit County, State of Utah.

THE FAWNGROVE HOMEOWNERS ASSOCIATION, INC.,

by: [Signature]
Its: PRESIDENT

STATE)
)
) ss.
)
COUNTY OF)

On the 23 day of APRIL, 2010, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared _____, known to me to be the President of THE FAWNGROVE HOMEOWNERS ASSOCIATION, INC., a Non-profit Corporation, that executed the within instrument on behalf of the corporation by authority of its bylaws, and acknowledged to me that he executed the same.

[Signature]
Notary Public

Residing at: _____
Commission Expires: _____



by: John S. Shavel
its: TREASURER

STATE)
) ss.
COUNTY OF)

On the 23 day of APRIL, 2010, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared _____ known to me to be the Treasurer of THE FAWNGROVE HOMEOWNERS ASSOCIATION, INC., a Non-profit Corporation, that executed the within instrument on behalf of the corporation by authority of its bylaws, and acknowledged to me that he executed the same.

Notary Public _____
Residing at: _____
Commission Expires: _____



by: Michael Kierman
its: Secretary

STATE)
) ss.
COUNTY OF)

On the 23 day of APRIL, 2010, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared Michael Kierman known to me to be the Secretary of THE FAWNGROVE HOMEOWNERS ASSOCIATION, INC., a Non-profit Corporation, that executed the within instrument on behalf of the corporation by authority of its bylaws, and acknowledged to me that he executed the same.

Notary Public _____
Residing at: _____
Commission Expires: _____



**Amended Exhibit A to
Amended and Restated
Declaration of Condominium of
Fawngrove Condominiums**

Percentages of Ownership
Undivided Interest in Common Areas and Facilities

| Unit No. | Parcel No. | Address | Building | Percentage |
|----------|------------|---------|----------|------------|
| 1 | FGR-I-1 | 1400 | 1 | 1.6707% |
| 2 | FGR-I-2 | 1404 | 1 | 1.1481% |
| 3 | FGR-I-3 | 1408 | 1 | 1.1481% |
| 4 | FGR-I-4 | 1412 | 1 | 1.5560% |
| 5 | FGR-I-5 | 1416 | 1 | 1.8480% |
| 6 | FGR-I-6 | 1420 | 1 | 1.1481% |
| 7 | FGR-I-7 | 1424 | 1 | 1.1481% |
| 8 | FGR-I-8 | 1428 | 1 | 1.6219% |
| 9 | FGR-I-9 | 1432 | 1 | 2.3594% |
| 10 | FGR-I-10 | 1436 | 1 | 1.8480% |
| 11 | FGR-I-11 | 1450 | 2 | 1.6575% |
| 12 | FGR-I-12 | 1454 | 2 | 1.1481% |
| 13 | FGR-I-13 | 1458 | 2 | 1.1481% |
| 14 | FGR-I-14 | 1462 | 2 | 1.5560% |
| 15 | FGR-I-15 | 1466 | 2 | 1.8480% |
| 16 | FGR-I-16 | 1470 | 2 | 1.1481% |
| 17 | FGR-I-17 | 1474 | 2 | 1.1481% |
| 18 | FGR-I-18 | 1478 | 2 | 1.6219% |
| 19 | FGR-I-19 | 1482 | 2 | 2.3594% |
| 20 | FGR-I-20 | 1486 | 2 | 1.8480% |
| 21 | FGR-I-21 | 1500 | 3 | 1.6575% |
| 22 | FGR-I-22 | 1504 | 3 | 1.1481% |
| 23 | FGR-I-23 | 1508 | 3 | 1.1481% |
| 24 | FGR-I-24 | 1512 | 3 | 1.5560% |
| 25 | FGR-I-25 | 1516 | 3 | 1.8480% |
| 26 | FGR-I-26 | 1520 | 3 | 1.1481% |
| 27 | FGR-I-27 | 1524 | 3 | 1.1481% |
| 28 | FGR-I-28 | 1528 | 3 | 1.6219% |
| 29 | FGR-I-29 | 1532 | 3 | 2.3594% |
| 30 | FGR-I-30 | 1536 | 3 | 1.8480% |

Percentages of Ownership
Undivided Interest in Common Areas and Facilities

| Unit No. | Parcel No. | Address | Building | Percentage |
|----------|------------|---------|----------|------------|
| 31 | FGR-I-31 | 1550 | 4 | 1.6747% |
| 32 | FGR-I-32 | 1554 | 4 | 1.637% |
| 33 | FGR-I-33 | 1556 | 4 | 1.610% |
| 34 | FGR-I-34 | 1562 | 4 | 1.8829% |
| 35 | FGR-I-35 | 1566 | 4 | 2.9770% |
| 36 | FGR-I-36 | 1570 | 4 | 2.5347% |
| 37 | FGR-I-37 | 1574 | 4 | 1.1830% |
| 38 | FGR-I-38 | 1578 | 4 | 1.1830% |
| 39 | FGR-I-39 | 1582 | 4 | 1.9225% |
| 40 | FGR-I-40 | 1586 | 4 | 2.9770% |
| 41 | FGR-I-41 | 1600 | 5 | 1.6747% |
| 42 | FGR-I-42 | 1604 | 5 | 1.1837% |
| 43 | FGR-I-43 | 1608 | 5 | 1.1810% |
| 44 | FGR-I-44 | 1612 | 5 | 1.6629% |
| 45 | FGR-I-45 | 1616 | 5 | 2.9770% |
| 46 | FGR-I-46 | 1620 | 5 | 2.5347% |
| 47 | FGR-I-47 | 1624 | 5 | 1.1830% |
| 48 | FGR-I-48 | 1628 | 5 | 1.1830% |
| 49 | FGR-I-49 | 1632 | 5 | 1.8829% |
| 50 | FGR-I-50 | 1636 | 5 | 2.9770% |
| 51 | FGR-I-51 | 1650 | 6 | 1.6977% |
| 52 | FGR-I-52 | 1654 | 6 | 1.5791% |
| 53 | FGR-I-53 | 1658 | 6 | 1.3616% |
| 54 | FGR-I-54 | 1662 | 6 | 1.3616% |
| 55 | FGR-I-55 | 1666 | 6 | 1.5607% |
| 56 | FGR-I-56 | 1670 | 6 | 1.3717% |
| 57 | FGR-I-57 | 1674 | 6 | 1.4717% |
| 58 | FGR-I-58 | 1676 | 6 | 0.8357% |
| 59 | FGR-I-59 | 1678 | 6 | 1.5224% |
| 60 | FGR-I-60 | 1682 | 6 | 1.6038% |
| 61 | FGR-I-61 | 1686 | 6 | 1.6213% |
| | | | | 100.0000% |

3/30/10

Exhibit D



