

AMENDMENT TO DECLARATION AND BYLAWS
OF
COUNTRY HILLS SQUARE CONDOMINIUM
(PROHIBITING SMOKING IN THE UNITS AND COMMON AREAS)

This amendment is made and executed on the date shown below by the Country Hills Square Condominium Management Committee.



W1884864

RECITALS

WHEREAS, the Utah Legislature amended the Nuisance, Waste, and Other Damage Act, Utah Code Ann. §§78-38-1 *et. seq.*, to include tobacco smoke drifting between residential units as a nuisance, and

WHEREAS, the Utah Legislature amended the Utah Condominium Ownership Act, Utah Code Ann. §§57-8-16, to allow unit owners to amend the bylaws to make restrictions on the use of tobacco products in condominiums; and

WHEREAS, the management committee has received complaints about tobacco smoke drifting into units from the common area and between the walls of units at Country Hills Square Condominium; and

WHEREAS, the members of the association desire to take affirmative steps to address this problem and improve the quality of life for all residents at Country Hills Square Condominium.

NOW THEREFORE, the owners of the units at Country Hills Square Condominium do hereby adopt the following Amendment to Declaration and Bylaws of Country Hills Square Condominium and hereby amend all prior bylaws and amended bylaws recorded against the real property located in Davis County, Utah; known as Country Hills Square Condominium and more fully described on Exhibit "A" attached hereto.

This amendment shall become effective upon recording and shall be controlling in the event of a conflict between this amendment and any other provisions of the bylaws and amendments to the bylaws.

The Bylaws are hereby declared amended as follows:

1. Smoking is prohibited inside all units at Country Hills Square Condominium.
2. Smoking is prohibited in all common areas at Country Hills Square Condominium.
3. In the event a unit owner, resident, occupant, or a guest occupying a unit violates the prohibition on smoking at Country Hills Square Condominium, the management committee may notify the unit owner and the unit owner shall ensure that the smoking ceases. If the resident is a tenant of the unit owner, the unit owner shall evict the tenant. If the unit owner fails to cure the problem within fifteen (15) days of receiving notice, the management committee may begin an eviction proceeding against the tenant. Both the tenant and the unit owner shall be named as defendants in the action, and the management committee shall be entitled to: i) an injunction ordering the tenant to vacate the premises, and ii) recovery of its costs and attorney's fees from the unit owner.

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DOUG CROFTS, WEBER COUNTY RECORDER
28-OCT-02 1127 AM FEE \$43.00 DEP JPM
REC FOR: RICHARD.JONES.

4. The management committee shall have all powers necessary to enforce this prohibition.
5. Nothing contained herein shall prevent the management committee from fining a unit owner or resident who violates this bylaw.
6. This amendment shall not restrict those residents who are currently living in a unit from smoking in the unit. But, at such time as the unit is sold or the residents move from the unit, this amendment shall be strictly adhered to.
7. If any of the provisions of this bylaw or any paragraph, sentence, clause, phrase or word or the application thereof in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the bylaw and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

CERTIFICATION

It is hereby certified that condominium unit owners holding more than 67% of the undivided ownership interest in the common areas and facilities have voted to approve these amendments.

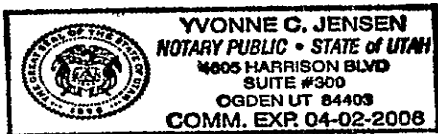
IN WITNESS WHEREOF, we have affixed our signatures this 23 day of October, 2002.

By Jill Christoffersen
Jill Christoffersen, President

STATE OF UTAH)
 :SS
COUNTY OF WEBER)

On this 23rd day of October, 2002, personally appeared before me Jill Christoffersen who, being by me duly sworn, did say that she is President of the Country Hills Square Condominium Management Committee and that the within and foregoing instrument was signed in behalf of said Management Committee and she duly acknowledged to me she executed the same.

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Yvonne Jensen
Notary Public

Exhibit "A"

UNITS 101 THROUGH 110, BUILDING 1, UNITS 201 THROUGH 210, BUILDING 2, UNITS 301 THROUGH 310, BUILDING 3, COUNTRY HILLS SQUARE CONDOMINIUM PROJECT PHASE NO. 1, OGDEN CITY, WEBER COUNTY UTAH

(Land Serial Numbers: ~~06-145-0001~~ through ~~06-145-0030~~)

06-145-0001 - 0030

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