AFTER RECORDING, PLEASE RETURN TO: Spring Terrace Owners' Association 6322 South 3000 East, Suite 120 Salt Lake City, UT 84121 10231175
09/24/2007 04:40 PM \$55.00
Book - 9518 Ps - 5954-5959
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
BECKSTRAND & ASSOC
6322-5 3000 E
SALT LAKE CITY UTAH 84121
BY: SAM, DEPUTY - WI 6 P.

# FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM FOR

SPRING TERRACE (a Utah Condominium Project) formerly known as PROWSWOOD PLAZA (a Utah Condominium Project),

THIS FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM is made and executed as of the \_\_\_\_\_\_\_\_ day of September, 2007, by the SPRING TERRACE OWNERS' ASSOCIATION (the "Association"), a Utah nonprofit corporation, and by SPRING TERRACE, INC. ("Spring Terrace"), a Utah corporation, the owner of those units being converted into more units and limited common areas.

#### RECITALS:

- A. Prowswood, Inc., a Utah corporation, executed a Declaration of Condominium for Prowswood Plaza dated April 14, 1980 (the "Declaration"), which was recorded in the office of the Salt Lake County Recorder on April 15, 1980 as Entry Number 3424113 in Book 5089 at page 1418.
- B. The Association executed a First Amendment to Declaration of Condominium dated September 9, 1980, which was recorded in the office of the Salt Lake County Recorder on September 15, 1980 as Entry Number 3476795 in Book 5149 at page 1318.
- C. The Association executed a Second Amendment to Declaration of Condominium dated June 9, 1986, which was recorded in the office of the Salt Lake County Recorder on May 25, 1988 as Entry Number 4628609 in Book 6032 at Page 801.
- D. The Association executed a Third Amendment to Declaration of Condominium dated June 22, 1988, which was recorded in the office of the Salt Lake County Recorder on June 22, 1988 as Entry Number 4640399 in Book 6040 at Page 2448.
- E. Spring Terrace desires to convert the units it owns into more units and limited common areas.
- F. Spring Terrace and the Association desire to amend the Declaration as set forth hereinafter.

NOW, THEREFORE, pursuant to the provisions of Article XVI of the Declaration, the Association and Spring Terrace hereby make the following representations and amendments:

- 1. Vote. The Board of Trustees of the Association hereby certifies that in accordance with Article XVI of the Declaration, owners of more than 51% of the Percentage Interests in the Common Areas have approved the amendments to the Declaration set forth hereinafter.
- 2. Change of Name. The name of the Project shall be Spring Terrace, a Utah Condominium Project. All references to "Prowswood Plaza" in the Declaration and the Amendments thereto are hereby changed to "Spring Terrace".
- 3. Amendment to Section 1.4. Section 1.4 of the Declaration is amended to read as follows:
  - 1.4 <u>Association</u> shall mean the Spring Terrace Owners' Association, formerly known as the Prowswood Plaza Owners' Association, a Utah non-profit corporation, organized to be the Association referred to herein.
- **4. Amendment to Section 1.6.** Section 1.6 of the Declaration is amended to read as follows:
  - 1.6 Record of Survey Map or Map shall mean and refer to the Amended Record of Survey Map of Spring Terrace, a Utah Condominium Project, filed herewith, executed and acknowledged by the owner of the units being modified, consisting of three sheets, and prepared and certified by Scott F. McNeil, a duly registered Utah Land Surveyor, as the same may hereafter be modified, amended or supplemented in accordance with law.
- **5. Amendment to Section 5.1.** Section 5.1 of the Declaration is amended to read as follows:
  - 5.1 <u>Conveyancing</u>. Any deed, lease, mortgage, deed of trust, sales contract or other instrument conveying or encumbering a Unit shall describe the interest or estate involved substantially as follows:

Unit No.	_ contained w	ithin the	Spring T	Terrace C	ondominium I	Project as
the same is ident	ified in the Re	ecord of S	urvey Ma	ap record	ed in Salt Lake	County,
Utah as Entry N	0	_ in Book	ς	at Page	(as sai	d Record
of Survey Map	may have here	etofore be	en amen	ded or su	pplemented) a	nd in the
Declaration of	Condominium	n of the	Spring	Terrace	Condominium	n Project
recorded in Salt	Lake County,	Utah as I	Entry No.	·	in Book _	at
Page (						
supplemented).	TOGETHER	WITH t	he undiv	ided own	nership interes	t in said
Project's Common Areas and Facilities which is appurtenant to said Unit.						

Such description will be construed to describe the Unit, together with the appurtenant Percentage Interest in the Common Areas, and to incorporate all the rights incident to ownership of a Unit and all the limitations on such ownership as described in the Declaration, including all appurtenant Percentage Interests and all rights and limitations arising as a result of any conversion of the Convertible Space pursuant to Article VI of this Declaration.

- **6. Amendment to Section 5.5.** Section 5.5 of the Declaration is amended to read as follows:
  - 5.5 Limited Common Areas. The Limited Common Areas of the Project (other than those associated with portions of the Convertible Spaces) consist of the following: (1) the hallway in the west wing of the Building shown on Sheet 2 of the Map, which is appurtenant to Units 100, 110, 120 and 130 and intended for the exclusive use of Units 100, 110, 120 and 130; (2) the restrooms, hallways and closets in the west wing of the Building shown on Sheet 2 of the Map, which are appurtenant to Units 100, 107 and 110 and intended for the exclusive use of Units 100, 107 and 110; and the hallway in the east wing of the Building shown on Sheet 2 of the Map, which is appurtenant to Units 102, 103 and 104 and intended for the exclusive use of Units 102, 103 and 104. The Owners of Units 100, 110, 120 and 130 shall be responsible for the maintenance of the hallway in the west wing of the Building. The Owners of Units 100, 107 and 110 shall be responsible for the maintenance of the restrooms, hallways and closets, with the Owner of Unit 100 to bear 33% of the cost of maintenance, the Owner of Unit 107 to bear 38% of the cost of maintenance and the Owner of Unit 110 to bear 29% of the cost of maintenance. The Owners of Units 102, 103 and 104 shall be responsible for maintenance of the hallway in the east wing of the Building. No amendment of this Section 5.5 shall occur without the written approval of the owners of Units 100, 102, 103, 104, 107, 110, 120 and 130.
- **7. Amendment to Section 17.6.** Section 17.6 of the Declaration is amended to read as follows:
  - 17.6 Agent for Service of Process. Richard N. Beckstrand, whose address is 6322 South 3000 East, Suite 120, Salt Lake City, Utah 84121, is the person to receive service of process in the cases authorized by the Act. The Association shall, however, have the right to appoint a successor or substitute agent to receive service of process. Such successor or substitute agent and his address shall be specified in an appropriate instrument filed in the office of the County Recorder of Salt Lake County, State of Utah.
- **8.** Amendment to Exhibit "B". Exhibit "B" to the Declaration is amended to read as set forth on "Amended Exhibit "B" to Declaration of Condominium", which is attached hereto and made a part hereof by this reference.
- **9. Force and Effect.** Except as expressly amended herein, all provisions of the Declaration, as previously amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the Association has caused this Fourth Amendment to Declaration of Condominium to be executed by its president as of the day and year first above written.

> SPRING TERRACE OWNERS' **ASSOCIATION**

Richard N. Beckstrand

President

SPRING TERRACE, INC.

Richard N. Beckstrand

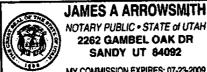
President

STATE OF UTAH

) :ss.

COUNTY OF SALT LAKE )

On the 24th day of September, 2007, personally appeared before me Richard N. Beckstrand, who duly acknowledged to me that he executed the foregoing Fourth Amendment to Declaration of Condominium as the President of the Spring Terrace Owners' Association.



MY COMMISSION EXPIRES: 07-23-2009

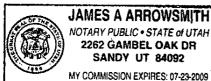
STATE OF UTAH

:ss.

)

COUNTY OF SALT LAKE )

On the 24th day of September, 2007, personally appeared before me Richard N. Beckstrand, who duly acknowledged to me that he executed the foregoing Fourth Amendment to Declaration of Condominium as the President of Spring Terrace, Inc.



NOTARY PUBLIC

gmmmmt-

#### AMENDED EXHIBIT "B" TO

### DECLARATION OF CONDOMINIUM

#### **FOR SPRING TERRACE**

## formerly known as PROWSWOOD PLAZA

(As Amended - September \_\_\_, 2007)

Unit Number	<u>Level</u>	<u>Size</u>	Percentage <u>Interest</u>
Office Units:			
100	1 <sup>st</sup>	2,946	6.6302%
102	1 <sup>st</sup>	1,317	2.9638%
103	1 <sup>st</sup>	676	1.5215%
104	1 <sup>st</sup>	881	1.9829%
106	$1^{st}$	2,558	5.7567%
107	$1^{st}$	3,337	7.5089%
110	$1^{st}$	2,533	5.7003%
120	1 <sup>st</sup>	2,233	5.0259%
130	1 <sup>st</sup>	1,712	3.8531%
201	$2^{nd}$	2,076	4.6719%
202	$2^{nd}$	2,295	5.1650%
203	$2^{nd}$	999	2.2488%
207	$2^{nd}$	892	2.0075%
208	$2^{\sf nd}$	3,181	7.1585%
209	$2^{nd}$	453	1.0196%
210	$2^{nd}$	509	1.1446%
211	$2^{nd}$	720	1.6201%
212	$2^{nd}$	208	0.4684%
213	$2^{nd}$	212	0.4772%
230	$2^{nd}$	3,496	7.8681%
240	$2^{nd}$	385	0.8664%
250	$2^{nd}$	323	0.7273%
300	$3^{\rm rd}$	1,205	2.7119%
301	$3^{\rm rd}$	2,562	5.7655%
302	$3^{\rm rd}$	719	1.6184%
304	$3^{\rm rd}$	884	1.9899%
305	$3^{\rm rd}$	689	1.5497%
306	$3^{\rm rd}$	887	1.9970%
307	$3^{\rm rd}$	1,191	2.6802%
305B	3 <sup>rd</sup>	683	1.5374%

#### Storage Units:

204	$2^{nd}$	82	0.1849%
309	3 <sup>rd</sup>	314	.7062%
310	$3^{\rm rd}$	314	.7062%
311	$3^{\rm rd}$	157	.3540%
312	$3^{\rm rd}$	157	.3540%
313	$3^{\rm rd}$	157	.3540%
314	$3^{\rm rd}$	157	.3540%
315	3 <sup>rd</sup>	333	.7502%
TOTAL		44,433	100.0000%