

6689359

AFTER RECORDING, PLEASE RETURN TO:
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07/14/97 09:09 AM 88.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
JAMES R BLAKESLEY
2102 E 3300 S
SLC, UT 84109
REC BY:L NISH ,DEPUTY - WI

FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM
FOR
TUSCANY TOWNHOMES,
a Utah Condominium Project

THIS FIRST AMENDMENT to the DECLARATION OF CONDOMINIUM for TUSCANY TOWNHOMES is made and executed this 10th day of July, 1997, by TUSCANY DEVELOPMENT, INC., a Utah corporation, of 8438 South Gad Way, Sandy, Utah 84093 (hereinafter referred to as the "Declarant").

RECITALS

A. This FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM for TUSCANY TOWNHOMES affects that certain real property located in Salt Lake County, Utah described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference.

B. Declarant is the sole owner of the Tract.

C. The original DECLARATION OF CONDOMINIUM for TUSCANY TOWNHOMES was recorded on the 8th day of July, 1997 as Entry No. 6686080, in Book 7706, at Page 2575 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Declaration").

D. The Declaration contained a clerical error on page 8 and Exhibit "B," to wit: It failed to refer to or identify the Units by Buildings.

E. This amendment intends to correct both clerical errors.

AMENDMENT

NOW, THEREFORE, for the reasons recited above, the Declarant hereby amends the Declaration as follows:

1. Page 8 of the Declaration is deleted in its entirety and the document attached hereto, marked page "8," and incorporated herein by this reference is substituted in lieu thereof.

2. Exhibit "B" to the Declaration is deleted in its entirety and the document attached hereto, marked "Revised Exhibit `B'," and incorporated herein by this reference is substituted in lieu

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thereof.

3. Effective Date. This FIRST AMENDMENT to the DECLARATION OF CONDOMINIUM for TUSCANY TOWNHOMES shall take effect upon its being filed for record in the office of the County Recorder of Salt Lake County, Utah.

EXECUTED the day and year first above written.

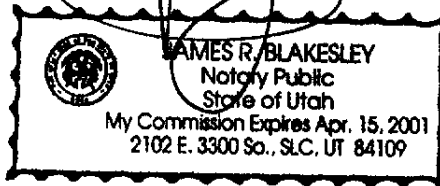
DECLARANT:
TUSCANY DEVELOPMENT, INC., a Utah corporation

BY: *Bryson D. Garbett*
Bryson D. Garbett, President

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

On the 10th day of July, 1997, personally appeared before me Bryson D. Garbett, who by me being duly sworn, did say that he is the President of TUSCANY DEVELOPMENT, INC., a Utah corporation and that the within and foregoing instrument was signed in behalf of said corporation pursuant to its Articles of Incorporation or a resolution of its Board of Directors, and said Bryson D. Garbett duly acknowledged to me that said corporation executed the same.

NOTARY PUBLIC



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EXHIBIT "A"
LEGAL DESCRIPTION

The Land described in the foregoing Declaration is located in Salt Lake County, Utah and is described more particularly as follows:

Beginning on the West line of the Section 19 at a point 340.000 feet, North 00°07'12" East, and 37.155 feet, South 89°55'10" East from the Southwest corner of Section 19, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence around a curve to the left, through a central angle of 13°59'50", an arc distance of 178.381 feet, a chord bearing of North 11°55'57" West, a distance of 177.938 feet; North 00°07'12" East, a distance of 251.625 feet; thence South 89°58'01" East, a distance of 125.000 feet; thence North 00°01'59" East, a distance of 110.000 feet; thence South 89°58'01" East, a distance of 330.000 feet; thence North 45°01'59" East, a distance 104.524 feet to the westerly right of way line of the Denver & Rio Grande Railroad; thence South 19°47'03" East along of said railroad right of way, a distance of 510.524 feet; thence North 89°58'01" West, a distance of 287.783 feet; thence South 00°01'59" West, a distance of 230.000 feet; thence North 89°58'01" West, a distance of 185.000 feet; thence North 00°07'12" East, a distance of 100.524 feet, thence North 89°55'10" West, a distance of 192.848 feet to the point of beginning.

Containing 313,939 square feet or 7.207 acres.

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III. COVENANTS, CONDITIONS, AND RESTRICTIONS

The foregoing submission is made upon and under the following covenants, conditions, and restrictions:

1. Description of Improvements. The significant improvements in the Project include, or shall include, up to forty-nine(49) Buildings, containing up to two hundred and twenty six (226) Units. The Buildings in the Project will be of a contemporary architectural style and will be of wood-frame construction, with, a least in part, veneers of brick, stucco or siding, asphaltic composition shingle roofs and concrete foundations, and will contain either four (4) or six (6) Units. There will also be certain Common Area and Facilities, including but not limited to an entry way, roads, streets, parking areas, swimming pool, clubhouse, maintenance shed, playgrounds, basketball court, volleyball area, picnic area, walking path, sidewalks, walkways, utility systems, landscaping and green space. Electricity and natural gas will be separately metered and billed to each Unit. Water, sewage disposal and garbage removal will not be separately metered or billed, but will be paid for as part of the Common Expenses. The Project will also contain other improvements of a less significant nature.

2. Description and Legal Status of the Property. The Units shall be individually owned and the Common Areas shall be owned by the Association.

3. Membership in the Association. A Unit Owner's membership in the Association is and shall be appurtenant to the ownership of the Unit and may not be separated or partitioned therefrom.

4. Conveyancing. Any deed, lease, mortgage, deed of trust, or other instrument conveying or encumbering a Unit shall describe the interest or estate involved substantially as follows:

All of Unit No. _____ in Building No. _____ contained within TUSCANY TOWNHOMES, a Utah Condominium Project, as the same is identified in the Record of Plat Map recorded in Salt Lake County, Utah as Entry No. _____, in Book _____, at Page _____ (as said Record of Plat Map may have heretofore been amended or supplemented) and in the Declaration of Condominium for TUSCANY TOWNHOMES, a Utah Condominium Project, recorded in Salt Lake County, Utah as Entry No. _____, in Book _____, at Page _____, (as said Declaration may have heretofore been amended or supplemented), together with an undivided percentage of ownership interest in the Common Areas appurtenant thereto.

Regardless of whether or not the description employed in any such instrument is in the above-specified form, all provisions of this Declaration shall be binding upon and shall inure to the

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REVISED EXHIBIT "B"

<u>Phase</u>	<u>Bldg. & Unit No.</u>	<u>Percentage of Ownership Interest</u>
1	1-1	1.5625%
1	1-2	1.5625%
1	1-3	1.5625%
1	1-4	1.5625%
1	2-1	1.5625%
1	2-2	1.5625%
1	2-3	1.5625%
1	2-4	1.5625%
1	3-1	1.5625%
1	3-2	1.5625%
1	3-3	1.5625%
1	3-4	1.5625%
1	4-1	1.5625%
1	4-2	1.5625%
1	4-3	1.5625%
1	4-4	1.5625%
1	5-1	1.5625%
1	5-2	1.5625%
1	5-3	1.5625%
1	5-4	1.5625%
1	5-5	1.5625%
1	5-6	1.5625%
1	6-1	1.5625%
1	6-2	1.5625%
1	6-3	1.5625%
1	6-4	1.5625%
1	7-1	1.5625%
1	7-2	1.5625%
1	7-3	1.5625%
1	7-4	1.5625%
1	8-1	1.5625%
1	8-2	1.5625%
1	8-3	1.5625%
1	8-4	1.5625%
1	9-1	1.5625%
1	9-2	1.5625%
1	9-3	1.5625%
1	9-4	1.5625%

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<u>Phase</u>	<u>Bldg. & Unit No.</u>	<u>Percentage of Ownership Interest</u>
1	10-1	1.5625%
1	10-2	1.5625%
1	10-3	1.5625%
1	10-4	1.5625%
1	11-1	1.5625%
1	11-2	1.5625%
1	11-3	1.5625%
1	11-4	1.5625%
1	12-1	1.5625%
1	12-2	1.5625%
1	12-3	1.5625%
1	12-4	1.5625%
1	12-5	1.5625%
1	12-6	1.5625%
1	13-1	1.5625%
1	13-2	1.5625%
1	13-3	1.5625%
1	13-4	1.5625%
1	13-5	1.5625%
1	13-6	1.5625%
1	14-1	1.5625%
1	14-2	1.5625%
1	14-3	1.5625%
1	14-4	1.5625%
1	14-5	1.5625%
1	14-6	<u>1.5625%</u>
		100.00%

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