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1/2 / 10/96

E 1293260 B 2074 P 871
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1996 DEC 16 9:02 AM FEE 112.00 DEP DJW
REC'D FOR ASSOCIATED TITLE COMPANY

AMENDMENT TO

**AMENDED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
COUNTRY OAKS CONDOMINIUMS
Dated: May 21, 1993**

Date of this document: July 8, 1996

*Country Oaks Condo
Phase 1, 2, 3, 4, 5 amnd, 6, 7-1, 7-2, 7-2 amnd, 7-3, 8*

This amendment to the Amended Declaration of covenants, Conditions and Restrictions For Country Oaks Condominiums dated May 21, 1993 changes the size, the basic shape, configuration and adjusts the site location of the 7 units originally platted for Phase Seven-2 along with the abandoning two building sites in the same original phase. This amendment will be referred to as "Phase 7-2 Amended" which will complete the Country Oaks Condominium Phase Seven-2 as originally planned and projected.

The original design called for 24 units to be built in Phase Seven-2. Nine(9) building sites were not used at the time the 15 units now occupied were constructed. All 24 units of Phase Seven-2 were sited and platted with specific architectural designs and were officially approved for this phase. Since the first 15 units were constructed the Country Oaks Condominium Association obtained title to building sites 13 and 14 as recorded in the original Phase Seven-2. These properties have been used as common properties owned by the Unit owners generally. The remaining 7 building sites consisting of two duplexes and one triplex numbers 8, 9, 10, 11, 12 15, and 16 were purchased by several individuals for future development.

A Broker/Developer obtained these building sites for construction of the planned units. The Broker/Developer negotiated a trade with the Condominium Association exchanging sites 8 and 9 for sites 13 and 14 as originally platted in Phase Seven-2. The Broker/Developer redesigned the buildings and adjusted the site locations. The individual Unit owners agreed to the developers proposal. The developer was then given permission to built six (6) new units (three duplexes) on the sites originally scheduled for seven (7) units (two duplexes and one triplex) in Phase Seven-2.

The Broker/Developer has developed a drawing describing how the area originally planned for units 8, 9, 10, 11, 12, 13, 14, 15 and 16 was actually used. This drawing is to be the official drawing depicting what is now called "Phase 7-2 Amended". The new duplex containing the units numbered 25 and 26 was the original site for the triplex containing the units numbered 10, 11 and 12. The new duplex containing units numbered 27 and 28 was the original site for the duplex containing the units numbered 13 and 14. The new duplex containing units numbered 29 and 30 was the original site for the duplex containing the units numbered 15 and 16. The Country Oaks Condominium Association doe not plan on using building sites 8 and 9

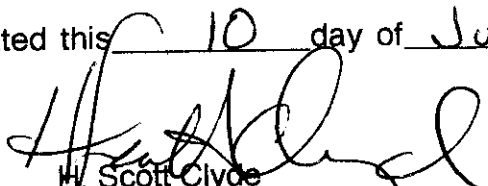
as originally planned and is abandoning them as building sites and converting these sites to common properties owned by the Unit owners. There shall be no units built with numbers 8, 9, 10, 11, 12, 13, 14, 15 and 16 in either Phase Seven-2 or Phase 7-2 Amended.

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All prior declarations and amended declarations are hereby amended as set forth in Appendix A and B attached. The real property subject to this amended declaration is located in Davis County, Utah and more specifically described in Appendix A. The percent of ownership in the common area of the Country Oaks Condominium of each unit owner is set forth in appendix B.

IN WITNESS WHEREOF, the undersigned president of the Country Oaks Condominium hereby signs this document as authorized by the paragraph 24C. of the "AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COUNTRY OAKS CONDOMINIUMS" dated May 21, 1993.

Dated this 10 day of July 1996


H. Scott Clyde
President of The Country Oaks Condominium

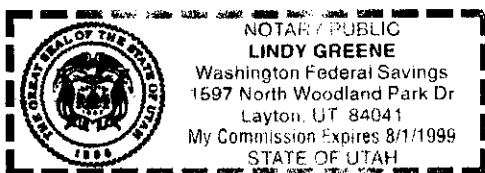
STATE OF UTAH)
 : SS.
COUNTY OF DAVIS)


On the 10 day July 1996, personally

appeared before me _____

H. Scott Clyde
_____ who being duly sworn, did say he was the president of the Country Oaks

Management Committee and that the within and foregoing instrument was signed on behalf of said management committee and duly acknowledged to me that he was the signer of the above instrument.




NOTARY PUBLIC Layton, Utah
Commission expires 8/1/99

APPENDIX A
LAND DESCRIPTION FOR
COUNTRY OAKS CONDOMINIUMS

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Beginning at a point which is South 39°49' 30" West 2021.10 feet along the Section line, and South 555.18 feet from the Northeast corner of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence North 79° East 199.357 feet; thence North 27° West 29.578 feet; thence North 74° East 132.439 feet; thence South 27° East 190.318 feet; thence South 63° West 100.0 feet; thence South 26°07' 40" West 75.0 feet; thence North 27° West 111.312 feet; thence South 79° West 218.74 feet; thence North 11° West 122.0 feet to the point of beginning. Containing 1.3408 acres. (Known as Phase One)

TOGETHER WITH: Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, beginning at a point located East 1161.13 feet and South 510.39 feet from the North quarter corner of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, thence North 16° West 137.00 feet; thence South 74° West 137.56 feet; thence North 16° West 92.00 feet; thence South 74° West 173.30 feet; thence South 16° East 107.00 feet; thence North 74° East 111.00 feet; thence South 27° East 190.32 feet; thence North 63° East 25.39 feet; thence North 25° West 60.73 feet; thence North 74° East 148.12 feet to the point of beginning. Contains 1.038 acres. (Known as Phase Three)

TOGETHER WITH: Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, beginning at a point located North 89°49' 30" East 611.13 feet and South 555.18 feet from the North quarter corner of said Section 14, thence North 79° East 199.36 feet; thence North 27° West 100 feet; thence North 11° West 145.87 feet; thence South 79° West 200 feet; thence South 11° East 112 feet; thence South 79° West 92.44 feet; thence South 11° East 130 feet; thence North 79° East 120.64 feet to the point of beginning. Contains 1.42 acres. (Known as Phase Two).

TOGETHER WITH: Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, beginning at a point located East 1161.13 feet and South 510.39 feet from the North quarter corner of said Section 14, thence North 16° West 137 feet; thence South 74° West 137.56 feet; thence North 16° West 92 feet; thence North 74° East 187.56 feet; thence South 16° East 248.40 feet; thence North 84°47' 37" West 53.63 feet to the point of beginning. (Known as Phase Four).

TOGETHER WITH: Part of the North 1/2 of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian. U.S. Survey: Beginning at a point located 1049.94 feet East and 304.04 feet South from the North 1/4 corner of said Section 14; running thence North 10° East 200.0 feet; thence South 80° East 122.68 feet; thence South 27° East 167.76 feet; thence South 13° East 210.0 feet; thence South 74° West 118.96 feet; thence North 16° West 248.40 feet; and thence 74° West 100.0 feet to the point of beginning. Contains 1.32 acres. (known as Phase Five).

TOGETHER WITH: Beginning at a point located 784.17 feet South and 623.65 feet East from the North quarter corner of Section 14, Township 4 North, Range 1 West; Salt Lake Base and Meridian; running thence North 79° East 281.18 feet to the South corner of Country Oaks Condominiums, Phase I; thence North 27° West 111.31 feet; thence South 79° West 218.74 feet; thence North 11° West 30.00 feet; thence South 79° West 30.00 feet; thence South 11° East 36.07 feet; thence South 10° East 100.95 feet to the point of beginning. (Known as Phase Six)

APPENDIX A

Page 2

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TOGETHER WITH: Beginning at a point 776.63 feet East and 72.25 feet South from the North quarter corner, Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, running thence S 83°33' 00" East 310.00 feet; thence South 10°00'00" West 200.00 feet; thence South 74°00' 00" West 260.86 feet; thence South 16°00' 00" East 107.00 feet; thence South 74°00' 00" West 36.71 feet; thence North 27°00' 00" West 70.42 feet; thence North 11°00' 00" West 145.87 feet; thence North 11°30' 54" East 215.22 feet to the point of beginning. (Known as Phase 7-1).

TOGETHER WITH: Beginning at a point 776.63 feet East and 72.25 feet from the North 1/4 corner of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, running thence North 83°33' 00" West 200.00 feet; thence South 80°40' 00" West 160.00 feet; thence South 36°00' 00" West 240.00 feet; thence South 279.66 feet; thence South 88°02' 57" East 210.06 feet; thence North 11°00' 00" West 110.00 feet; thence North 79°00' 00" East 92.44 feet; thence North 11°00' 00" West 112.00 feet; thence North 79°00' 00" East 200.00 feet and thence North 11°30' 54" East 215.22 feet. (Known as Phase 7-2) Excepting therefrom that property known as Phase 7-2 Amended.

TOGETHER WITH: Beginning at a point N 89° 49' 30" E 419.46 feet and South 81.88 feet from the North quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base & Meridian, said point also beginning on the East line of Rolling Oaks NO. 3 recorded sub plat; thence S 23°29'11" E 154.50 feet; thence along a curve having a radius of 70.88 feet, arc length 16.08 feet, delta angle 12°59'40", a cord bearing of S 28°38'8" W, and a cord length of 16.04 feet; thence S 21° 50'54" W 154.58 feet; thence S 34° 56'31" E 89.96 feet; thence S 11° 00'00" E 110 feet; thence N 88° 02'57" W 210.06 feet; thence North 279.66 feet; thence N 36° 00'00" E 240 feet to the point of beginning. Contains 1.61 acres. (Known as 7-2 Amended)

TOGETHER WITH: Beginning at a point 540.00 South 0°10' 00" West along the quarter section line from the North 1/4 corner, Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian continuing along said quarter section line 250.19 feet to the North of Lot 218, Country Oaks Subdivision No. 2.; thence South 66°00' 00" East 105.99 along said North of Lot 218; thence South 72°30' 00" East 34.81 feet, said point being 843.77 feet East and 127.72 feet East from said North quarter of Section 14; thence North 13°00' East 155.25 feet; thence North 89°00' East 443.54 feet; thence North 11°00' 00" West 36.07 feet; thence North 79°00' 00" East 30.00 feet; thence North 11°00' 00" West 92.00 feet; thence South 79°00' 00" West 120.64 feet; thence North 11°00' 00" West 20.00 feet; thence North 83°02' 57" West 490.74 feet to the point of beginning. (Known as Phase 7-3).

TOGETHER WITH: Beginning at a point located 843.17 feet South and 127.72 feet East of the North quarter corner of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, running thence South 72°30' East 248.81 feet along the North line of Country Oaks Subdivision, Phase 8 ; thence North 230.00 feet along the West line of said Subdivision; thence South 89° West 203.54 feet, South 13° West 155.25 feet to the point of beginning.

**Appendix B
Country oaks Condominiums**

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Unit Number	Size in Square Feet	Undivided interest in Common Areas
<u>09-094-</u>		
Phase One		
1A 0001	1650	1.447
1B 0002	1740	1.526
1C 0003	1680	1.473
1D 0004	1475	1.294
2A 0005	1650	1.447
2B 0006	1500	1.316
2C 0007	1500	1.316
2D 0008	1650	1.447
	<u>12845</u>	<u>11.266</u>
<u>09-093-</u>		
Phase Two		
1 0001	1364	1.196
2 0002	1364	1.196
3 0003	1491	1.308
4 0004	1491	1.308
5 0005	1491	1.308
6 0006	1491	1.308
7 0007	1491	1.308
8 0008	1491	1.308
9 0009	1524	1.336
10 0010	1524	1.336
	<u>14722</u>	<u>12.912</u>
<u>09-094-</u>		
Phase Three		
1 0009	1519	1.332
2 0010	1519	1.332
3 0011	1519	1.332
4 0012	1519	1.332
5 0013	1519	1.332
6 0014	1163	1.020
7 0015	1163	1.020
8 0016	1163	1.020
	<u>11084</u>	<u>9.720</u>
<u>09-094-</u>		
Phase Four		
1 0017	1524	1.336
2 0018	1524	1.336
3 0019	1524	1.336
	4572	4.008
Page Sub Totals	43223	37.906

Unit Number**Size in Square Feet****Undivided Interest in
Common Areas**

09-094-

Phase Five *Amd*

10020	1440	1.263
20021	1440	1.263
30022	1440	1.263
40023	1440	1.263
50024	1440	1.263
60025	1440	1.263
70026	1440	1.263
80027	1410	1.237
90028	1410	1.237

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12900**11.315****Phase Six** *09-094-*

10029	1524	1.336
20030	1524	1.336
30031	1524	1.336
40032	1524	1.336
50033	1524	1.336
	7620	6.680

Phase Seven-1 *09-094-*

10034	1440	1.263
20035	1440	1.263
30036	1440	1.263
40037	1440	1.263
50038	1440	1.263
60039	1440	1.263
70040	1440	1.263
80041	1440	1.263
90042	1410	1.237
100043	1410	1.237
110044	1410	1.237
120045	1440	1.263
130046	1440	1.263
	18630	16.341

Page Sub Totals**39150****34.336**

Unit Number

Size in Square Feet

Undivided Interest in
Common Areas

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09-093-

Phase Seven-2

✓10011	1440	1.263
✓20012	1440	1.263
✓30013	1440	1.263
✓40014	1440	1.263
✓50015	1440	1.263
✓60016	1410	1.237
✓70017	1410	1.237

no units numbered 8, 9, 10, 11, 12, 13, 14, 15 and 16

✓170027	1440	1.263
✓180028	1440	1.263
✓190029	1410	1.237
✓200030	1410	1.237
✓210031	1410	1.237
✓220032	1410	1.237
✓230033	1410	1.237
✓240034 ⁹⁹	1410	1.237
25	1722	1.510
26	1722	1.510
27	1710	1.500
28	1710	1.500
29	1710	1.500
30	1710	1.500
	<u>31644</u>	<u>27.757</u>

Phase Eight 09-093-0049

Page Sub Totals 31644 27.757

TOTAL 114017 square feet 100.00 percent

Phase 7-2 Amd

Units 25, 26, 27, 28, 29, 30
09-254 +

Phase 7-3 09-093

Units	Units
✓1 0035	✓10 0044
✓2 0036	✓11 0045
✓3 0037	✓12 0046
✓4 0038	✓13 0047
✓5 0039	✓14 0048
✓6 0040	
✓7 0041	
✓8 0042	
✓9 0043	

AGREEMENT AND NOTICE

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Country Oaks Condominium Management Committee and WIT Management agree that this Agreement and Notice shall be recorded at the Davis County recorder's office against the units described below, which are some of the units WIT Management is building at Country Oaks Condominiums. This document is being recorded to provide notice to potential buyers and to establish the responsibility for various improvements and expenses associated with the common area and the units at Country Oaks. Any party purchasing one of the units described herein at Country Oaks Condominiums agrees to be bound by the terms hereof:

The following units are subject to the terms and provisions stated herein:

Units 11, 12, 13, 14, 15, and 16, Phase 7-2, Country Oaks Condominiums, Davis County, Utah

The following units have a single water serving two units and share a common sewer line:

Units 11, 12, 13, 14, 15, and 16, Phase 7-2, Country Oaks Condominiums, Davis County, Utah

These are the only units subject to this agreement. All other existing units and all units to be built in the future will be constructed with one water line and one sewer line servicing each unit.

The unit owners of the above-described units shall be responsible for the repair and maintenance of the common water line servicing their unit from the point beginning at the shutoff valve near the street. This is the same responsibility shared by all other unit owners at Country Oaks since each unit owner is responsible for the repair and maintenance of the water line and sewer servicing only that unit owner's unit. The intent of this agreement is to have all unit owner's take responsibility in an equal manner for the expenses associated with the water and sewer line. The unit owners of the units described herein shall also be responsible for the repair and maintenance of the common sewer line servicing two units on the same terms as the existing owners.

The declaration governing Country Oaks Condominiums provides at paragraph 3, d, 4, that:

... The common areas and facilities shall include the following, whether located within the bounds of a unit or not: any utility pipe or line or system servicing more than a single unit....

The declaration also provides at paragraph 3, c, 5, in its description of a unit that:

Each unit shall consist of: All utility pipes or lines or systems, and fixtures or appliances connected thereto, servicing a single unit or connecting a single unit to a main or central utility.

This Agreement and Notice is recorded to modify the above provisions of the declaration and to establish that the buyer of the units described herein will be responsible and the association will not be responsible for any maintenance and repairs associated with the water and sewer lines except as the association would normally be responsible for these matters for the existing units. The buyers of the units herein described expressly waive any claim or action against the Country Oaks Condominium Management Committee for any failure to repair or maintain the water or sewer lines referred to herein and covered by the terms of this agreement.

WIT Management agrees to inform each buyer of the units described herein of the terms of this agreement and to provide a copy of this agreement prior to the sale of any unit by WIT Management.

It is understood the units subject to this notice are either 1710 or 1722 square feet in size and will have an interest of 1.239% and 1.2248% respectively in the common area. The common fee for these units will be \$157.86 and \$158.97 per month in common expenses.

Genevieve K. Sampson, having already purchased a unit in phase 7-2, agrees to the terms hereof and acknowledges she was aware of the terms herein prior to purchasing her unit.

COURTESY RECORDING
This document is being recorded solely as a courtesy and an accommodation to the parties named therein. It is not intended to create any liability or expressly disclaim any responsibility or liability for the accuracy of the information contained herein.

COURTLY RECORDED

This document is being recorded solely as a courtesy and no warranty is made to the parties named therein. WIT Company hereby expressly disclaims any responsibility or liability for the accuracy of the content thereof.

**ADDENDUM
TO
AGREEMENT AND NOTICE**

E 1293260 B 2074 P 880

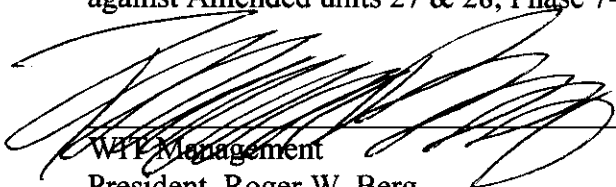
WIT Management and Genevieve K. Sampson agree that the following is an Addendum to the signed AGREEMENT AND NOTICE recorded at the Davis County Recorder's office.


WIT Management agrees to accept ALL responsibility and warranty the common water/sewer line servicing Units 13 & 14, of Country Oaks Condominiums, Phase 7-2 Amended, for the duration of 5 years from the signing of this addendum. The responsibility absorbed by WIT Management will include only the common water/sewer line from the street to the Units, no interior plumbing will be the responsibility of WIT Management.

Both parties agree that a water pressure test will be performed by a disinterested third party of the water pressure servicing units 13 & 14 and be approved by the Layton City Inspector for Country Oaks Condominiums. If the water pressure does not meet the Inspectors criteria, WIT Management will solve the problem by bringing the water pressure up to the desired amount required by the Layton City Inspector. If the water pressure test does meet the criteria, WIT Management will have 60 days to solve the water pressure problem and bring the pressure to the City Requirements.

After the 5 year warranty is up the responsibility of the common water/sewer line will be a shared expensed between the owners of Units 13 & 14, Amended to units 27 & 28.

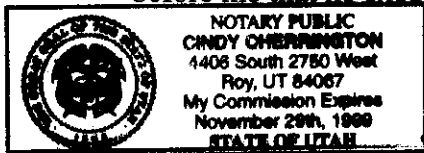
The undersigned hereby agree to the above mentioned terms and conditions and acknowledge that this addendum will be recorded at the Davis County's recorders office against Amended units 27 & 28, Phase 7-2 Amended, Country Oaks Condominiums.


WIT Management
President, Roger W. Berg


Genevieve K. Sampson

STATE OF UTAH
COUNTY OF DAVIS,

On the 18th day of July, 1996, personally appeared before me Genevieve K. Sampson and Roger W. Berg, and Roger W. Berg who being duly sworn by me did say that he is the president of WIT Management, and acknowledged before me that he executed the forgoing on behalf of WIT Management.




NOTARY PUBLIC