

AMENDMENT TO THE DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
OF  
THE SUNDOWNER CONDOMINIUM  
PHASE 5

This amendment is made to the Declaration of Covenants, Conditions, and Restrictions of the Sundowner Condominium Phase 5, recorded October 19, 1979 as entry # 548037, in Book 797, page 412, hereinafter called the "Declaration". This amendment is made by COUNTRY HILLS, INC., a Utah Corporation hereinafter referred to as "Declarant", and who was also referred to as "Declarant" in the foregoing described "Declaration." This amendment is made in conjunction with the Management Committee and Association of Unit Owners, hereinafter called the "Association", pursuant to the provisions of the Utah Condominium Ownership Act and the provisions of paragraph 15 of the "Declaration".

A. Declarant and Association are the owners of all that certain real property subject to this Declaration or have authority to act in amending the "Declaration", pursuant to the "Declaration." The property is located in Clearfield, Davis County, Utah, and more particularly described as follows, hereinafter referred to as the "Real Property":

BEGINNING at the Northwest corner of Sundowner Condominium Phase 4, being South 70 degrees 14'04" West 2108.67 feet from the Northeast corner of Section 7, T.4N., R.1W., S.L.B.&M., U.S. Survey, and running thence South 32 degrees 35'25" West 50.47 feet; thence North 57 degrees 24'35" West 352.07 feet; thence South 89 degrees 54'15" West 314.93 feet; thence North 00 degrees 06'30" East 45.00 feet; thence North 89 degrees 54'15" East 274.29 feet; thence North 00 degrees 06'30" East 237.17 feet; thence North 89 degrees 54'15" East

180.00 feet; thence South 00 degrees 08'33" West  
120.00 feet; thence South 57 degrees 24'35" East  
147.80 feet; thence North 89 degrees 54'15" East  
60.27 feet; thence South 00 degrees 08'33" West  
230.00 feet to the point of BEGINNING. Containing  
2.67 acres.

RESERVING therefrom an easement for road and utilities over the Southerly 35 feet of the above described parcel. Said easement being 35 feet in width measured at right angles. The South line of said easement is described as follows: BEGINNING at the Southeast corner of the above described parcel, from which point the Northeast corner of Section 7, T.4N., R.1W., S.L.B.&M. bears the following two (2) courses and distances: 1) North 32 degrees 35'25" East 50.47 feet; 2) North 70 degrees 14'04" East 2108.67 feet; thence from said point of beginning North 57 degrees 24'35" West 352.07 feet; thence South 89 degrees 54'15" West 314.93 feet.

The Declaration is hereby amended in the following particulars:

1. The total number of units in Phase 5 are hereby reduced from 28 to 21. Said units are described more fully in Exhibit A attached hereto.

2. The percentage of ownership of common area for each unit is also amended as described in Exhibit A.

3. Unit 30 and 31 shall have garages as a separate portion from the common area. Said garages are attached to the respective condominium and shall be a part of the title ownership of the individual condominium unit owner. The garage interiors and exteriors shall have the same relationship to the condominium project as the interiors and exteriors of all other units as described in the "Declaration".

4. The "Map" is hereby amended as described in Exhibit B.

Said amendment is to bring the "Map" into compliance with the reduction of the number of over all units.

4. It is hereby declared that Phase 5 is the final phase of the Sundowner Condominiums and there shall be no further merger of units after the completion of Phase 5.

5. All other portions of the Declaration previously filed shall henceforth remain in full force and effect. The "Declaration" is only modified in those respects wherein the express provisions of this amendment are in conflict with the "Declaration."

DATED this 11 day of August, 1988.

COUNTRY HILLS, INC.

BY: [Signature]  
PRESIDENT

BY: Jacqueline M. Johnson  
SECRETARY

SUNDOWNER'S UNIT OWNERSHIP ASSOC.

BY: [Signature]  
PRESIDENT

BY: [Signature]  
SECRETARY

STATE OF UTAH )  
 :SS  
COUNTY OF )

On this 17 day of Aug, 1988, personally appeared before me M Gerald Hund President and Marlys Loe, Secretary, who being by me duly sworn, did say that they are the President and Secretary, respectively, of COUNTRY HILL, INC., a Utah corporation, and that the foregoing amendment to "Declaration" was signed on behalf of said corporation by authority of its Bylaws or a resolution of its Board of Directors, and said Officers acknowledged to me that said corporation executed the same.

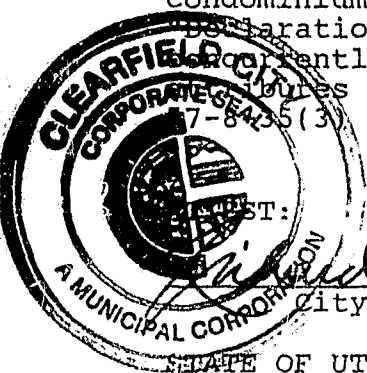
My Commissions Expires: 4/19/89

Marlys Loe  
NOTARY PUBLIC  
Residing At: Weber County

CITY APPROVAL

On this \_\_\_ day of \_\_\_\_\_, 1988, CLEARFIELD CITY CORPORATION, a body corporate and politic and the municipality in which The Sundowner Condominium Phase 5 is located or to be located, hereby gives final approval to said Condominium Project, and to the foregoing amendment to "Declaration", to the amended Record of Survey Map recorded pursuant to the amended Rules of said Condominium Project which are mentioned in Section 7-84.35(3) of the Utah Condominium Ownership Act (as amended.)

CLEARFIELD CITY CORPORATION



Richard B. Hunt  
City Recorder

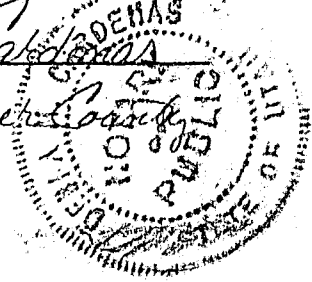
Weldon Hamble  
BY Mayor

STATE OF UTAH )  
 :SS  
COUNTY OF DAVIS )

On this 15<sup>th</sup> day of September, 1988, personally appeared before me Weldon Hamble and Richard White, known to me to be the Mayor and City Recorder, respectively, of CLEARFIELD CITY CORPORATION, a body corporate and politic, who duly acknowledged to me that they executed the foregoing instrument on behalf of said municipality pursuant to authority.

My Commissions Expires: 3/13/91

Debra M. Caldwell  
NOTARY PUBLIC  
Residing At: Weber County



CERTIFICATE OF APPROVAL OF AMENDMENT

TO CONDOMINIUM DECLARATION

M. Gerald Hurd, as President and Marlys Loe as Secretary of the Management Committee of the Sundowner Condominium Association of Unit Owners and certify that the amendment attached hereto amending Phase 5 of the "Declaration", recorded October 19, 1979 as entry # 548037, Book 797, page 412, has been approved by a vote in excess of two-thirds of those in attendance at a duly called and constituted meeting of the unit owners.

Dated this 17 day of August, 1988.

SUNDOWNER CONDOMINIUM ASSOCIATION OF UNIT OWNERS

M. Gerald Hurd  
President

Marlys Loe  
Secretary

STATE OF UTAH )  
 :SS  
COUNTY OF )

On this 17 day of Aug., 1988, personally appeared before me M. Gerald Hurd, President and Marlys Loe, Secretary, who being by me duly sworn, did say that they are the President and Secretary, respectively, of the SUNDOWNER CONDOMINIUM ASSOCIATION OF UNIT OWNERS, and that the foregoing Certificate of Approval of Amendment to "Declaration" was signed on behalf of said Association of Unit Owners, by authority of its Bylaws and a resolution of its Management Committee, and by a vote in excess of two-thirds of the unit owners of said condominiums and further said Officers acknowledged to me that said Association of Unit Owners executed the same.

My Commissions Expires: 4/19/89

Mark L. Santora  
NOTARY PUBLIC  
Residing At: Weber County  
OF UTAH

AMENDED  
EXHIBIT "A"  
TO  
DECLARATION  
OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
[THE SUNDOWNER CONDOMINIUM PHASE 5]

Apartment Unit No.	Location (Building No.)	Value*	% Ownership in Common Areas
a	Bldg. 1	23,702	0.7206
b	Bldg. 1	24,694	0.7507
c	Bldg. 1	24,694	0.7507
d	Bldg. 1	22,710	0.6903
a	Bldg. 2	23,702	0.7206
b	Bldg. 2	24,694	0.7508
c	Bldg. 2	24,694	0.7508
d	Bldg. 2	22,710	0.6903
a	Bldg. 3	23,702	0.7206
b	Bldg. 3	24,694	0.7508
c	Bldg. 3	24,694	0.7508
d	Bldg. 3	22,710	0.6903
a	Bldg. 4	23,702	0.7206
b	Bldg. 4	24,694	0.7508
c	Bldg. 4	24,694	0.7508
d	Bldg. 4	22,710	0.6903
a	Bldg. 5	23,702	0.7206
b	Bldg. 5	24,694	0.7508
c	Bldg. 5	24,694	0.7508
d	Bldg. 5	22,710	0.6903
a	Bldg. 6	23,702	0.7206
b	Bldg. 6	24,694	0.7508
c	Bldg. 6	24,694	0.7508
d	Bldg. 6	22,710	0.6903
a	Bldg. 7	23,702	0.7206
b	Bldg. 7	24,694	0.7508
c	Bldg. 7	24,694	0.7508
d	Bldg. 7	22,710	0.6903
a	Bldg. 8	23,702	0.7206
b	Bldg. 8	24,694	0.7508
c	Bldg. 8	24,694	0.7508
d	Bldg. 8	22,710	0.6903
a	Bldg. 9	23,702	0.7206
b	Bldg. 9	24,694	0.7508
c	Bldg. 9	24,694	0.7508

*Phase 1  
09-029-0001 to  
0032,  
09-029-0034  
to 0045*

<u>Apartment</u> <u>Unit No.</u>	<u>Bldg. 9</u> <u>Location</u> <u>(Building No.)</u>	<u>22,710</u> <u>Value*</u>	<u>0.6903</u> <u>% Ownership in</u> <u>Common Areas</u>
a	Bldg. 10	23,702	0.7206
b	Bldg. 10	24,694	0.7508
c	Bldg. 10	24,694	0.7508
d	Bldg. 10	22,710	0.6903
a	Bldg. 11	23,702	0.7206
b	Bldg. 11	24,694	0.7508
c	Bldg. 11	24,694	0.7508
d	Bldg. 11	22,710	0.6903
a	Bldg. 12	23,702	0.7206
b	Bldg. 12	24,694	0.7508
c	Bldg. 12	24,694	0.7508
d	Bldg. 12	22,710	0.6903
a	Bldg. 13	23,702	0.7206
b	Bldg. 13	24,694	0.7508
c	Bldg. 13	24,694	0.7508
d	Bldg. 13	22,710	0.6903
a	Bldg. 14	23,702	0.7206
b	Bldg. 14	24,694	0.7508
c	Bldg. 14	24,694	0.7508
d	Bldg. 14	22,710	0.6903
a	Bldg. 15	23,702	0.7206
b	Bldg. 15	24,694	0.7508
c	Bldg. 15	24,694	0.7508
d	Bldg. 15	22,710	0.6903
a	Bldg. 16	23,702	0.7206
b	Bldg. 16	24,694	0.7508
c	Bldg. 16	24,694	0.7508
d	Bldg. 16	22,710	0.6903
a	Bldg. 17	23,702	0.7206
b	Bldg. 17	24,694	0.7508
c	Bldg. 17	24,694	0.7508
d	Bldg. 17	22,710	0.6903
a	Bldg. 18	23,702	0.7206
b	Bldg. 18	24,694	0.7508
c	Bldg. 18	24,694	0.7508
d	Bldg. 18	22,710	0.6903
a	Bldg. 19	23,702	0.7206
b	Bldg. 19	24,694	0.7508
c	Bldg. 19	24,694	0.7508
d	Bldg. 19	22,710	0.6903

*Phase 2*  
09-030-0146 to  
0053

*Phase 3*  
09-030-0154  
to 0193

<u>Apartment Unit No.</u>	<u>Location (Building No.)</u>	<u>Value*</u>	<u>% Ownership in Common Areas</u>
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a	Bldg. 20	23,702	0.7206
b	Bldg. 20	24,694	0.7508
c	Bldg. 20	24,694	0.7508
d	Bldg. 20	22,710	0.6903

*Phase 3*

a	Bldg. 21	23,702	0.7206
b	Bldg. 21	24,694	0.7508
c	Bldg. 21	24,694	0.7508
d	Bldg. 21	22,710	0.6903

a	Bldg. 22	23,702	0.7206
b	Bldg. 22	24,694	0.7508
c	Bldg. 22	24,694	0.7508
d	Bldg. 22	22,710	0.6903

a	Bldg. 23	23,702	0.7206
b	Bldg. 23	24,694	0.7508
c	Bldg. 23	24,694	0.7508
d	Bldg. 23	22,710	0.6903

a	Bldg. 24	25,830	0.7853
b	Bldg. 24	24,935	0.7581
c	Bldg. 24	24,935	0.7581
d	Bldg. 24	25,830	0.7853

a	Bldg. 25	25,830	0.7853
b	Bldg. 25	24,935	0.7581
c	Bldg. 25	24,935	0.7581
d	Bldg. 25	25,830	0.7853

*Phase 4*  
*09-031-0094*  
*to 0115*

a	Bldg. 26	27,720	0.8428
b	Bldg. 26	26,805	0.8150
c	Bldg. 26	26,805	0.8150
d	Bldg. 26	27,720	0.8428

a	Bldg. 27	27,720	0.8428
b	Bldg. 27	26,805	0.8150
c	Bldg. 27	26,805	0.8150
d	Bldg. 27	26,805	0.8150
e	Bldg. 27	26,805	0.8150
f	Bldg. 27	27,720	0.8428

a	Bldg. 28	27,720	0.8428
b	Bldg. 28	26,805	0.8150
c	Bldg. 28	26,805	0.8150
d	Bldg. 28	27,720	0.8428

*09-183-0001*  
*to 0021*  
*2 shows*

a	Bldg. 29	24,400	0.7418
b	Bldg. 29	23,650	0.7190
c	Bldg. 29	23,650	0.7190



*Phase 5*

<u>Apartment Unit No.</u>	<u>Bldg. Location (Building No.)</u>	<u>Value*</u>	<u>% Ownership in Common Areas</u>
d	Bldg. 29	24,400	0.7418
e	Bldg. 29	20,800	0.6324
f	Bldg. 29	20,300	0.6172
g	Bldg. 29	20,300	0.6172
h	Bldg. 29	20,800	0.6324
a	Bldg. 30	27,720	0.8428
b	Bldg. 30	26,805	0.8150
a	Bldg. 31	24,400	0.7418
b	Bldg. 31	23,650	0.7190
c	Bldg. 31	23,650	0.7190
a	Bldg. 32	25,830	0.7853
b	Bldg. 32	24,935	0.7581
c	Bldg. 32	24,935	0.7581
d	Bldg. 32	25,830	0.7853
a	Bldg. 33	23,702	0.7206
b	Bldg. 33	24,694	0.7508
c	Bldg. 33	24,694	0.7508
d	Bldg. 33	22,710	0.6903
		<u>3,289,075</u>	<u>100.0000</u>

*Phase 5*

\*Each value indicated is the estimated value that the Unit concerned would have had if it had been in existence, and if said value had been determined, at the time the Phase 1 Declaration (as originally constituted) was filed for record.

NOTE: The Percentages of Ownership shown hereon are subject to periodic change as to both magnitude and the Common Areas to which they relate.