After Recording Return To: **Richards, Kimble & Winn, P.C.** 2040 F. Murray-Holladay Rd., Suite 106 Salt Lake City, UT 84117 10843916 11/23/2009 12:03:00 PM \$14.00 Book - 9782 Pg - 268-270 Gary W. Ott Recorder, Salt Lake County, UT RICHARDS LAW OFFICE BY: eCASH, DEPUTY - EF 3 P.

CORRECTION TO THE FIRST AMENDMENT TO THE HOMEOWNERS ASSOCIATION COVENANTS, CONDITIONS AND RESTRICTIONS OF

THE ARBORS, CONDOMINIUMS, Phase 1, Phase 2 & Phase 3

(A CONDOMINIUM CONTAINING CONVERTIBLE LAND)

This Corrective Amendment to the Homeowners Association Covenants, Conditions and Restrictions ("Declaration") that established a condominium project known as The Arbors, Condominiums is made on the date evidenced below by The Arbors, Condominiums Homeowners Association ("Association").

RECITALS

- A. Certain real property in Salt Lake County, Utah, known as The Arbors, Condominiums, was subjected to certain covenants, conditions, and restrictions pursuant to a "Homeowners Association Covenants, Conditions and Restrictions of The Arbors, Condominiums, Phase 1" ("Phase 1 Declaration"), recorded July 5, 2002, as Entry No. 8284855 in the Recorder's Office for Salt Lake County, Utah;
- B. The Phase 1 Declaration was amended by the "Homeowners Association Covenants, Conditions and Restrictions of The Arbors, Condominiums, Phase 1 & Phase 2 Supplement" ("Phase 1 & Phase 2 Supplement Declaration") and was recorded on June 11, 2003, as Entry No. 8684486 in the Salt Lake County Recorder's Office, Utah;
- C. The Phase 1 & Phase 2 Supplement Declaration was amended by the "Homeowners Association Covenants, Conditions and Restrictions of The Arbors, Condominiums, Phase 1, Phase 2 & Phase 3 Supplement" ("Phase 1, Phase 2 & Phase 3 Supplement Declaration") and was recorded on May 12, 2005, as Entry No. 9375033 in the Salt Lake County Recorder's Office, Utah;
- D. The Homeowners Association Covenants, Conditions and Restrictions of The Arbors, Condominiums, Phase 1, Phase 2 & Phase 3 Supplement (Phase 1, Phase 2 & Phase 3 Supplement Declaration) was amended by the "First Amendment To The Homeowners Association Covenants, Conditions and Restrictions of The Arbors, Condominiums, Phase 1, Phase 2 & Phase 3" ("A Condominium Containing Convertible Land") and was recorded on

May, 15 2009, as Entry No. 10703911 in the Salt Lake County Recorder's Office, Utah;

- E. This Corrective Amendment shall be binding against the property described in the Declaration and any annexation or supplement thereto, as described in **Exhibit "A."**
- F. The purpose of this Corrective First Amendment is to revise the percentage by which the maximum annual assessment may be increased each calendar year from fifteen percent (15%) to five percent (5%) as was intended in the First Amendment;

Now, THEREFORE, the Association, by and through its Board of Directors, hereby amends the Declaration to supersede and replace, in its entirety, Article V, Sections 5.3, as follows:

ARTICLE V. ASSESSMENTS

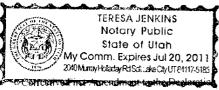
5.3 <u>Maximum Annual Assessment</u>. The maximum annual assessment may be increased each calendar year by not more than five percent (5%) above the annual assessment for the previous year without the affirmative vote of the majority of Owners entitled to vote.

IN WITNESS WHEREOF, THE ARBORS, CONDOMINIUMS HOMEOWNERS ASSOCIATION has executed this First Amendment to the Declaration as of the day of ______, 200_e.

THE ARBORS, CONDOMINIUMS HOMEOWNERS ASSOCIATION

Authorized Agent and A	torney for Association
John D. Richards, Esq.	
STATE OF UTAH)
) :ss
County of Salt Lake)

On the day of North Aday, 2009, personally appeared before me authorized agent of The Arbors, Condominiums Homeowners Association and that the seal affixed to the foregoing instrument is the seal of said Association and that said instrument was signed and sealed in behalf of said Association by authority of its Board of Directors; and each of them acknowledged said instrument to be their voluntary act and deed.



Dusa Juk Notary Public for Utah

EXHIBIT "A" THE ARBORS, CONDOMINIUMS PHASE 1, PHASE 2 & PHASE 3

Legal Description

Overall Boundary

A part of the East half of Section 15, Township 3 South, Range 1 West, Salt Lake Base & Meridian, U.S. Survey in South Jordan, Salt Lake County, Utah:

Beginning at a point 838.22 feet South 89°57'56" East along the Quarter Section Line from the Center of said Section 15; and running thence Northwesterly along the arc of a 367.00 foot radius curve to the right a distance of 89.14 feet (Central Angle equals 13°55'02" and Long Chord bears North 6°53'53" West 88.93 feet) to a point of tangency; thence North 0°03'38" East 74.65 feet to an existing Boundary Line Fence; thence South 89°50°00" east 1299.42 feet along said existing Boundary Line Fence to a point on the Westerly Line of the South Jordan Canal as it exists on the ground at 33.00 foot half-width; thence along said Westerly Line of canal as it exists on the ground the following three courses: South 34°19"31" West 538.13 feet to a point of curvature; Southwesterly along the arc of a 2533.00 foot radius curve to the left a distance of 757.73 feet (Central Angle equals 17°08'23" and Long Chord bears South 25°45'20" West 754.91 feet) to a point of reverse curvature; and Southwesterly along the arc of a 917.26 foot radius curve to the right a distance of 32.17 feet (Central Angle equals 2°00'34" and Long Chord bears South 18°11'25" West 32.17 feet); thence West 163.95 feet; thence North 0°03'10" East 302.44 feet; thence North 89°57'56" West 585.71 feet to the Easterly Line of Beckstead Lane as exists at 33.00 foot half-width; thence along said Easterly Line the following six courses: North 51°31'34" East 16.15 feet to a point of curvature: thence Northeasterly along the arc of a 433 foot radius curve to the left a distance of 389.40 feet (Central Angle equals 51°31'34" and Long Chord bears North 25°45'46" East 376.41 feet); thence North 57.7 feet to a point of curvature; thence Northwesterly along the arc of a 433.00 foot curve to the left a distance of 151.26 feet (Central Angle equals 20°00'56" and Long Chord bears North 10°00'56" West 150.50 feet); thence North 20°00'56" West 106.72 feet to a point of curvature; and Northwesterly along the arc of a 367.00 foot radius curve to the right a distance of 39.45 feet (Central Angle equals 6°09'32" and Long Chord bears North 16°56'10" West 39.43 feet) to the point of beginning.

> Contains 902,482 sq. ft. Or 20.718 acres

First Amendment to the Declaration