

**WHEN RECORDED RETURN TO:**

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DECLAR - DECLARATION  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: KEVIN RINDLISBACHER



**THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR  
ALBION VILLAGE**

In Salt County, Utah

THIS THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR ALBION VILLAGE (this "Third Amendment") is hereby adopted by the Albion Village Homeowners Association, Inc. ("Association") for and on behalf of its Members and made effective as of the date recorded in the Salt Lake County Recorder's Office.

In the event of conflict between this Third Amendment and the Enabling Declaration as amended, this Third Amendment shall control with regard to the Lots and Owners within the Association.

**RECITALS:**

This Third Amendment affects real property in Salt Lake County, known as Albion Village Condominiums and better described in Exhibit A attached.

The Declaration of Condominium for Albion Village Condominium Phase 1, an expandable Utah condominium project, was recorded in the office of the County Recorder of Salt Lake County, Utah on August 25, 2003, as Entry No. 8788136 in Book 8869 at Pages 440495 of the official records (the "Declaration").

Whereas, the related Plat Map(s) for Building 3 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Amendment to the Declaration was recorded in the office of the County Recorder of Salt Lake County, Utah on November 6, 2003 as Entry No. 8883087 in Book 8907 at Pages 8874-8882 of the official records (the "First Amendment").

Whereas, the Affidavit of Withdrawal was recorded in the office of the County Recorder of Salt Lake County, Utah on December 5, 2003, as Entry No. 8917332 in Book 8920 at Pages 7730-7733 of the official records (the "Affidavit of Withdrawal").

Whereas, the Second Amendment to the Declaration was recorded December 5, 2003 as Entry No. 8917333 in Book 8920 at Pages 7734-7738 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Second Amendment").

Whereas, the Corrected Affidavit of Withdrawal was recorded in the Office of the County Recorder of Salt Lake County, Utah on January 9, 2004, as Entry No. 8945444 in Book 8932 at Page 4022 of the Official Records (the "Corrected Affidavit").

Whereas, the Corrected Second Amendment was recorded in the Office of the County Recorder of Salt Lake County, Utah on January 9, 2004, as Entry No. 8946129 in Book 8932 at Page 6556 of the Official Records (the "Corrected Second Amendment").

Whereas, the First Supplement to the Declaration was recorded in the Office of the County Recorder of Salt Lake County, Utah on January 15, 2004, as Entry No. 8951446 in Book 8934 at Page 4448 of the Official Records (the "First Supplement").

Whereas, the Second Supplement to the Declaration was recorded in the Office of the County Recorder of Salt Lake County, Utah on January 15, 2004 as Entry No. 8951447 in Book 8934 at Page 4455 of the Official Records (the "Second Supplement").

Whereas, the Corrected First Supplement to the Declaration of Condominium for Albion Village Condominium, Phase 1 was recorded in the Office of the County Recorder of Salt Lake County, Utah on June 1, 2004 as Entry No. 9077261 in Book 8995 at Pages 3760-3766 of the Official Records (the "Corrected First Supplement").

Whereas, the related Corrected Plat Map(s) for Building 2 of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.

Whereas, the Corrected Second Supplement to the Declaration of Condominium for Albion Village Condominium, Phase 3 was recorded in the Office of the County Recorder of Salt Lake County, Utah on August 25, 2004 as Entry No. 9155177 in Book 9029 at Pages 6485-6491 of the Official Records (the "Corrected Second Supplement").

Whereas, the related Plat Map(s) for Building 1 of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.

Whereas, the Third Supplement to the Declaration of Condominium for Albion Village Condominium, Phase 4 was recorded in the Office of the County Recorder of Salt Lake County, Utah on March 7, 2006 as Entry No. 9655675 in Book 9263 at Pages 6487-7495 of the Official Records (the "Third Supplement").

Whereas, the Fourth Supplement to the Declaration of Condominium for Albion Village Condominium, Phase 5 was recorded in the Office of the County Recorder of Salt Lake County, Utah on November 27, 2007 as Entry No. 10284692 in Book 9541 at Pages 2750-2766 of the Official Records (the "Fourth Supplement").

Whereas, Phase 5 was never developed and a Notice of Approval of Property Line Adjustment, removing land to be used for Phase 5, was recorded in the Office of the County Recorder of Salt Lake County, Utah on December 28, 2020, as Entry No. 11105747 in Book 9892 at Pages 9618-9627.

Whereas, under Article III, Section 48 of the Declaration, provides the right for amendment by an owner, as approved by the Board of Directors for the HOA, for the purpose of combining multiple units owned by owner into a single unit. Section 48 allows for such an amendment upon approval of the attorney for the HOA and upon Board vote as long as the interests in common area for each owner, other than the combining owner, is not affected.

Whereas, ever since Phase 5 was abandoned after the Notice of Approval of Property Line Adjustment was recorded, the "Fourth Revised Exhibit C" attached to the Third Supplement became the effective document reflecting per owner interest in common areas and a complete and accurate list of units and buildings.

Whereas, the owners of Units 405 and 406 (Building 3) have received prior approval of the Association to combine Units 405 and 406 into a single Unit 405 Building 3 which shall have the undivided interest in common area of 1.8692%, which is the combined total previously held by the two units being combined. This Third Amendment is for the purpose of effectuating the change to the Declaration to reflect the combined units, as allowed under Article III, Section 48.

### **CERTIFICATION**

By signing below, the Board hereby certifies that the above described attorney approval was obtained, approving, and consenting to the recording of this Third Amendment, as requested by the affected unit owner.

NOW, THEREFORE, pursuant to the foregoing, the Board of Directors of the Albion Village Homeowners Association hereby makes and executes this Third Amendment, which shall be effective as of its recording date.

### **COVENANTS, CONDITIONS AND RESTRICTIONS**

1. Recitals. The above Recitals are incorporated herein by reference and made a part hereof.

2. No Other Changes. Except as otherwise expressly provided in this Third Amendment, the Declaration, as amended, remains in full force and effect without modification.

3. Authorization. The individuals signing for the respective entities make the following representations: (i) he/she has read the Third Amendment, (ii) he/she has authority to act for the entity designated below, and (iii) he/she shall execute the Third Amendment acting in said capacity.

4. Conflicts. In the case of any conflict between the provisions of this Third Amendment and the provisions of the Declaration, or any prior amendments and supplements, the provisions of this Third Amendment shall in all respects govern and control for the Property. In the case of any existing provisions that could be interpreted as prohibiting the modifications set forth in this Third Amendment, such provision is hereby modified in order to accomplish the purpose and intent of Article III, Section 48 of the Declaration.

### **AMENDMENTS**

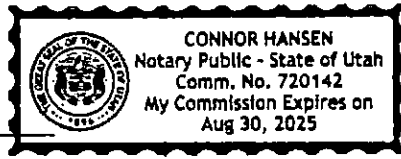
5. **Fifth Revised Exhibit C** of the Fourth Supplement is deleted in its entirety and hereby replaced with a new "**Sixth Revised Exhibit C**", attached hereto and incorporated herein.

ALBION VILLAGE HOMEOWNERS ASSOCIATION, INC.

Jay Sanders  
By: JAY SANDERS  
Its: President

STATE OF UTAH )  
 : ss  
COUNTY OF Salt Lake )

On this 13<sup>th</sup> day of January, 2022, personally appeared before me Jay Sanders, who being by me duly sworn, did say that he/she is the President of Albion Village Homeowners Association, Inc., a Utah non-profit corporation and that the within and foregoing instrument was signed on behalf of said corporation by authority and said individual duly acknowledged to me that said corporation approved the same.



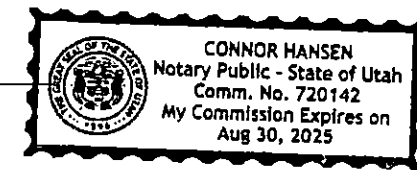
[Signature]  
Notary Public

ALBION VILLAGE HOMEOWNERS ASSOCIATION, INC.

Amanda Hechler  
By: Amanda Hechler  
Its: Secretary

STATE OF UTAH )  
 : ss  
COUNTY OF )

On this 13<sup>th</sup> day of January, 2022, personally appeared before me Amanda Hechler, who being by me duly sworn, did say that he/she is the Secretary of Albion Village Homeowners Association, Inc., a Utah non-profit corporation and that the within and foregoing instrument was signed on behalf of said corporation by authority and said individual duly acknowledged to me that said corporation approved the same.



[Signature]  
Notary Public

**EXHIBIT "A"**  
**ALBION VILLAGE CONDOMINIUM LEGAL DESCRIPTION**

REMAINDER OF THE OVERALL OF ALBION SUBDIVISION AFTER LOT LINE ADJUSTMENT

BEGINNING ON THE WEST LINE OF STATE STREET, AT A POINT WHICH IS NORTH 89°4'12" EAST 40.59 FEET AND SOUTH 00°11'00" EAST 2574.06 FEET AND NORTH 70°28'00" WEST 3.19 FEET FROM THE MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG FENCES NORTH 70°28'00" WEST 1055.95 FEET; THENCE NORTH 19°32'00" EAST 139.15 FEET; THENCE NORTH 63°43'31" WEST 24.17 FEET; THENCE NORTH 26°2'45" EAST 7.56 FEET; THENCE NORTH 63°07'15" WEST 30.54

FEET TO THE POINT OF A 499.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT, ALONG SAID CURVE 62.02 FEET (CHORD BEARS NORTH 59°33'36" WEST 61.98 FEET) TO THE SOUTHWESTERLY CORNER OF ALBION VILLAGE PHASE 1 AMENDING LOT 1 OF ALBION VILLAGE SUBDIVISION, THENCE ALONG THE EASTERLY LINE OF SAID ALBION VILLAGE PHASE I THE FOLLOWING TWO (2) COURSES, NORTH 33°59'08" EAST 46.10 FEET , NORTH 20°49'07" EAST 108.41 FEET TO A POINT ON THE SOUTHERLY LINE OF THE EAST JORDAN CANAL, THENCE ALONG SAID SOUTHERLY LINE OF EAST JORDAN CANAL THE FOLLOWING SIX (6) COURSES, SOUTH 69°25'12" EAST 110.29 FEET, SOUTH 80°11'57" EAST 279.32 FEET, SOUTH 47°51'52" EAST 125.57 FEET, SOUTH 62°52'23" EAST 241.70 FEET, SOUTH 66°55'08" EAST 168.15 FEET, SOUTH 87°23'42" EAST 140.95 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE STREET, THENCE SOUTH 00°11'00" EAST 333.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 328,644 SQUARE FEET

**SIXTH REVISED EXHIBIT "C"**  
**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

Phase No.	Bldg. No.	Floor	Unit No.	Percentage of Ownership
1	3	1st	101	0.9346%
1	3	1st	102	0.9346%
1	3	1st	103	0.9346%
1	3	1st	104	0.9346%
1	3	1st	105	0.9346%
1	3	1st	106	0.9346%
1	3	2nd	201	0.9346%

1	3	2nd	202	0.9346%
1	3	2nd	203	0.9346%
1	3	2nd	204	0.9346%
1	3	2nd	205	0.9346%
1	3	2nd	206	0.9346%
1	3	3rd	301	0.9346%
1	3	3rd	302	0.9346%
1	3	3rd	303	0.9346%
1	3	3rd	304	0.9346%
1	3	3rd	305	0.9346%
1	3	3rd	306	0.9346%
1	3	4th	401	0.9346%
1	3	4th	402	0.9346%
1	3	4th	403	0.9346%
1	3	4th	404	0.9346%
1	3	4th	405*	1.8692%
1	2	1st	101	0.9346%
1	2	1st	102	0.9346%
1	2	1st	103	0.9346%
1	2	1st	104	0.9346%
1	2	1st	105	0.9346%
1	2	1st	106	0.9346%
1	2	2nd	201	0.9346%
1	2	2nd	202	0.9346%
1	2	2nd	203	0.9346%
1	2	2nd	204	0.9346%
1	2	2nd	205	0.9346%
1	2	2nd	206	0.9346%

Phase No.	Bldg. No.	Floor	Unit No.	Percentage of Ownership
1	2	3rd	301	0.9346%
1	2	3rd	302	0.9346%
1	2	3rd	303	0.9346%
1	2	3rd	304	0.9346%
1	2	3rd	305	0.9346%
1	2	3rd	306	0.9346%
1	2	4th	401	0.9346%
1	2	4th	402	0.9346%
1	2	4th	403	0.9346%
1	2	4th	404	0.9346%
1	2	4th	405	0.9346%
1	2	4th	406	0.9346%
3	1	1st	101	0.9346%
3	1	1st	102	0.9346%
3	1	1st	103	0.9346%
3	1	1st	104	0.9346%
3	1	1st	105	0.9346%

\* Building 3 Unit 406 was eliminated through this Third Amendment and combined with Building 3 Unit 405, leaving a total of 107 Units in Albion Village.

3	1	1st	106	0.9346%
3	1	2nd	201	0.9346%
3	1	2nd	202	0.9346%
3	1	2nd	203	0.9346%
3	1	2nd	204	0.9346%
3	1	2nd	205	0.9346%
3	1	2nd	206	0.9346%
3	1	3rd	301	0.9346%
3	1	3rd	302	0.9346%
3	1	3rd	303	0.9346%
3	1	3rd	304	0.9346%
3	1	3rd	305	0.9346%
3	1	3rd	306	0.9346%
4	1	4th	401	0.9346%
4	1	4th	402	0.9346%
4	1	4th	403	0.9346%
4	1	4th	404	0.9346%
4	1	4th	405	0.9346%
4	1	4th	406	0.9346%

Phase No.	Bldg. No.	Floor	Unit No.	Percentage of Ownership
4	4	1st	101	0.9346%
4	4	1st	102	0.9346%
4	4	1st	103	0.9346%
4	4	1st	104	0.9346%
4	4	1st	105	0.9346%
4	4	1st	106	0.9346%
4	4	2nd	201	0.9346%
4	4	2nd	202	0.9346%
4	4	2nd	203	0.9346%
4	4	2nd	204	0.9346%
4	4	2nd	205	0.9346%
4	4	2nd	206	0.9346%
4	4	3rd	301	0.9346%
4	4	3rd	302	0.9346%
4	4	3rd	303	0.9346%
4	4	3rd	304	0.9346%
4	4	3rd	305	0.9346%
4	4	3rd	306	0.9346%
4	5	1st	101	0.9346%
4	5	1st	102	0.9346%
4	5	1st	103	0.9346%
4	5	1st	104	0.9346%
4	5	1st	105	0.9346%
4	5	1st	106	0.9346%
4	5	2nd	201	0.9346%

4	5	2nd	202	0.9346%
4	5	2nd	203	0.9346%
4	5	2nd	204	0.9346%
4	5	2nd	205	0.9346%
4	5	2nd	206	0.9346%
4	5	3rd	301	0.9346%
4	5	3rd	302	0.9346%
4	5	3rd	303	0.9346%
4	5	3rd	304	0.9346%
4	5	3rd	305	0.9346%
4	5	3rd	306	0.9346%
<b>TOTAL:</b>				100.00%