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REC FOR 1ST AMERICAN TITLE BOOK 206 PAGE 645-656
RECORDER OF DEAN NUMBER BY BRUCE BAILEY
BY LARSEN County, State of UTAH

THIRD AMENDMENT
TO DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
SCHNEITTER'S SWISS OAKS,
An Expandable Condominium Project

THIS THIRD AMENDMENT is made and entered into as of the 22nd day of January, 1989, by SCHNEITTER'S SWISS OAKS, LTD., a Utah limited partnership (hereinafter referred to as the "Declarant").

RECITALS:

A. The Declaration. The Declarant previously executed a Declaration of Covenants, Conditions, and Restrictions for Schneitter's Swiss Oaks, An Expandable Condominium Project (hereinafter referred to as the "Declaration"), dated September 24, 1985 and recorded September 26, 1985, Entry No. 136583, Book 175, Pages 418-482, at the Wasatch County Recorder's Office, submitting the Land and Buildings as described and defined therein to the provisions of the Utah Condominium Ownership Act (Title 57, Chapter 8, Utah Code Annotated).

B. The First Amendment. The Declaration was amended by a First Amendment dated December 21, 1985, and recorded January 14, 1986, Entry No. 137522, Book 178, Pages 142-145, at the Wasatch County Recorder's Office.

C. The Second Amendment. The Declaration was again amended by a Second Amendment dated January 6, 1987, and recorded January 13, 1987, Entry No. 140973, Book 186, Pages 717-722, at the Wasatch County Recorder's Office.

D. Equal Interests in Common Areas. The Declarant desires to further amend the Declaration in accordance with its powers reserved under Section 18.05 of the First Amendment. Moreover, all of the Owners, as of the January 22, 1989 effective date hereof, have consented as required under Section 5.05 of the Declaration to the amendment of the Declaration, so that each of the Units have an equal undivided interest in Common Areas and Limited Common Areas, and an equal assessment and an equal vote with each other Unit in the Project.

NOW, THEREFORE, the Declaration is hereby amended and supplemented as follows:

1. Reallocation of Undivided Interests. Section 4.04 of the Declaration is hereby amended in its entirety to read as follows:

"4.04 Reallocation of Undivided Interest. In the event the Project is expanded in accordance with the provisions of this Declaration and the Condominium Act, and in each such event, the undivided interests in the Common Areas and the votes appurtenant to the Units shall be reallocated among all of the Units of the Project, including the Units added to the Project. A part of the entire interest in the Common Areas shall be allocated to each Unit so that each Unit has an equal undivided interest in the Common Areas. The votes shall be similarly reallocated, so that each Unit has an equal vote, and the Total Votes of the Association so allocated to all of the Units in the Project may be increased."

2. Ownership of Common Areas. The first sentence of Section 5.05 of the Declaration, entitled "Ownership of Common Areas", is amended to read as follows:

"The undivided interest in the Common Areas appurtenant to each Unit in the Project shall be equal to that of each and every other Unit, as set forth in Exhibit A attached hereto."
[The added language is underlined].

3. Exhibit A. Exhibit A to the Declaration is amended and restated in its entirety. The undivided interest in Common Areas and those appurtenant to the Units are shown as set forth in new Exhibit A, attached hereto and incorporated herein by reference. The attached Exhibit A amends and supersedes Exhibit A to the Second Amendment.

4. Definitions and Confirmation. All terms used in this Third Amendment shall have the same meaning and import as given in the Declaration. Except as expressly and specifically amended herein, the Declaration is hereby confirmed as originally executed and recorded and as amended by the December 21, 1985 First Amendment and the January 6, 1987 Second Amendment.

5. Legal Description. The tract(s) of land covered by the Declaration and all subsequent Amendments (including this Third Amendment) is described in Exhibit B, attached hereto and incorporated herein by reference.

6. Consent. The consents of the Owners to this Third Amendment are set forth in Exhibit C (Consent to Amendment), attached hereto and incorporated herein by reference.

EXHIBIT A

(Attached to and forming part of the Third Amendment to the Declaration of Covenants, Conditions, and Restrictions for Schneitter's Swiss Oaks, an Expandable Condominium Project.)

<u>Building</u>	<u>Unit Number</u>	<u>Undivided Interest in Common Areas</u>	<u>Number of Votes</u>	<u>Parking Stall or Garage</u>
A	1	2.38%	2.38	A-1
A	2	2.38%	2.38	A-2
A	3	2.38%	2.38	A-3
A	4	2.38%	2.38	A-4
A	5	2.38%	2.38	A-5
A	6	2.38%	2.38	A-6
A	7	2.38%	2.38	A-7
A	8	2.38%	2.38	A-8
B	1	2.38%	2.38	B-1
B	2	2.38%	2.38	B-2
B	3	2.38%	2.38	B-3
B	4	2.38%	2.38	B-4
B	5	2.38%	2.38	B-5
B	6	2.38%	2.38	B-6
B	7	2.38%	2.38	B-7
B	8	2.38%	2.38	B-8
J	1	2.38%	2.38	J-1
J	2	2.38%	2.38	J-2
M	1	2.38%	2.38	M-1
M	2	2.38%	2.38	M-2
N	1	2.38%	2.38	N-1

<u>Building</u>	<u>Unit Number</u>	<u>Undivided Interest in Common Areas</u>	<u>Number of Votes</u>	<u>Parking Stall or Garage</u>
N	2	2.38%	2.38	N-2
C	1	2.38%	2.38	C-1
C	2	2.38%	2.38	C-2
D	1	2.38%	2.38	D-1
D	2	2.38%	2.38	D-2
H	1	2.38%	2.38	H-1
H	2	2.38%	2.38	H-2
H	3	2.38%	2.38	H-3
H	4	2.38%	2.38	H-4
H	5	2.38%	2.38	H-5
H	6	2.38%	2.38	H-6
H	7	2.38%	2.38	H-7
H	8	2.38%	2.38	H-8
I	1	2.38%	2.38	I-1
I	2	2.38%	2.38	I-2
I	3	2.38%	2.38	I-3
I	4	2.38%	2.38	I-4
I	5	2.38%	2.38	I-5
I	6	2.38%	2.38	I-6
I	7	2.38%	2.38	I-7
I	8	2.38%	2.38	I-8
Totals	42 Units	<u>100.00%*</u>	<u>100.00*</u>	

* With .04% rounding error

EXHIBIT "B" TO THIRD AMENDMENT

PLAT A:

COMMENCING at a point South 566.0 feet from the West Quarter corner of Section 27, Township 3 South, Range 4 East of the Salt Lake Base and Meridian. Thence South 72°57'42" East 93.87 feet; thence South 68°42'50" East 99.94 feet thence South 61°30'35" East 241.61 feet; thence south 40°33'39" East 135.30 feet; thence South 35°15'35" East 143.15 feet; thence South 85°41'22" East 123.64 feet; thence North 32°50'20" East 40.88 feet; thence North 79°43'58" East 155.18 feet; thence South 86°56'50" East 136.19 feet; thence South 99.62 feet; thence North 75°03'38" West 201.68 feet; thence south 52°57'46" West 85.60 feet; thence North 84°38'48" West 116.83 feet; thence North 71°50'41" West 19.21 feet; thence North 85°41'22" West 9.97 feet; thence along the arc of an 82.00 foot radius curve to the Right 47.91 feet; thence North 71°50'41" West 8.15 feet; thence North 83°57'57" West 17.26 feet thence North 89°12'00" West 58.18 feet; thence North 27°00'00" East 34.23 feet; thence North 35°15'35" West 67.79 feet; thence South 27°00'00" West 95.31 feet; thence North 89°12'00" West 158.60 feet thence South 59°47'26" West 105.60 feet; thence North 19°00'00" West 214.99 feet; thence North 37°32'00" East 102.35 feet; thence North 52°28'00" West 95.97 feet; thence West 65.00 feet; thence North 120.00 feet; thence South 69°13'56" West 858.08 feet; thence South 765.81 feet; thence North 89°59'18" West 200.00 feet thence North 765.77 feet; thence East 200.00 feet; thence North 89°13'56" East 858.08 feet to the point of beginning.

This description also includes a road commonly referred to a "Lime Canyon Road" which provides access to the property and other property.

PLAT B:

COMMENCING at a point South 1064.92 feet and West 239.40 feet from the West Quarter corner of Section 27, Township 3 South, Range 4 East of the Salt Lake Base and Meridian; thence North 71°00'00" East 378.50 feet; thence South 19°00'00" East 91.99 feet; thence South 59°47'26" West 256.39 feet; thence North 19°00'00" West 112.83 feet; thence South 71°00'00" West 127.00 feet; thence along the arc of a 512.00 feet radius curve to the Left 17.92 feet thence South 14°05'00" 142.17 feet; thence South 61°25'34" West 130.14 feet; thence North 14°05'00" West 203.07 feet thence North 75°55'00" East 100.0 feet thence along the arc of a 483.00 feet radius curve to the Left 41.45 feet to the point of beginning.

PLAT C:

COMMENCING at a point South 832.13 feet and West 85.50 feet from the West Quarter corner of Section 27, Township 3 South, Range 4 East of the Salt Lake Base and Meridian. Thence along the arc of a 262.00 feet radius curve to the Left 35.95 feet; thence North 78°51'54" East 132.55 feet; thence along the arc of a 29.00 feet

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78°51'54" East 132.55 feet; thence along the arc of a 29.00 feet radius curve to the Left 19.35 feet thence South 37°32'00" West 32.24 feet; thence South 19°00'00" East 123.00 feet; thence South 71°00'00" West 157.19 feet; thence North 19°00'00" West 170.00 feet to the point of beginning.

PLAT D:

COMMENCING at a point South 832.13 feet and West 85.50 feet from the West Quarter Corner of Section 27, Township 3 South, Range 4 East of the Salt Lake Base and Meridian. Thence along the arc of a 262.00 radius curve to the right 35.96 feet; thence North 11°08'06" West 30.00 feet; thence North 01°58'12" East 133.42 feet; thence East 52.00 feet; thence South 26.00 feet; thence East 65.00 feet; thence South 52°28'00" East 95.57 feet; thence South 37°32'00" West 70.11 feet; thence along the arc of a 29.00 radius curve to the Left 19.35 feet; thence South 78°51'54" West 132.55 feet; thence along the arc of a 262.00 radius curve to the Left 35.96 feet; thence South 19°00'00" East 170.00 feet; thence South 71°00'00" West 221.31 feet; thence along the arc of a 483.00 feet radius curve to the Right 41.45 feet; thence South 75°55'00" West 169.00 feet; thence North 14°05'00" West 154.30 feet; thence North 71°00'00" East 417.86 feet to the point of beginning. Contains 2.1185 acres (20 units).

EXHIBIT C
to THIRD AMENDMENT

CONSENT TO AMENDMENT OF
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
SCHNEITTER'S SWISS OAKS,
AN EXPANDABLE CONDOMINIUM PROJECT

The undersigned, constituting all of the Owners under the Declaration, Conditions and Restrictions for Schneitter's Swiss Oaks (the "Declaration") understand and acknowledge that the Declaration, as presently recorded at the Wasatch County Recorder's office, allocates among the Owners votes, assessments, and undivided interests in common areas and limited common areas according to the relative size of their Units (as defined in the Declaration). The Owners desire to consent to amendment of the Declaration so that each of the Units has an equal undivided interest in common areas and limited common areas, an equal assessment, and an equal vote with each other Unit in the Project. The Owners hereby consent to the following amendments to the Declaration:

(a) each Unit (regardless of size, type, or cost) shall have an equal undivided interest in the common areas and limited common areas;

(b) each Unit shall have an equal vote, with Total Votes of the Association (as defined in the Declaration) being equal to the total number of Units in the Project; and

(c) assessments shall be shared equally among all the Units of the Project, just as all Units will own equal undivided interests in the common areas and limited common areas.

Owners:

Dated: July 26, 1987

Lutz A. Fuller

Dated: July 26, 1987

Hannes Lewand

Dated: July 26, 1987

Grayson Cochran

Dated: 7/26/87

Mrs. R. L. (Florence) Dalgleish
Callie Dalgleish (P.O.A.) daughter

Dated: July 29, 1987

Robert R. Skene
Helen A. Hansen

Dated: 7/29/87

Steven W. Caldwell
Wendy Caldwell

Dated: 8/2/87

Fred Andersen
Oliver S. Andersen

Dated: 8-15-87

Norman Thorsen
Mortimer P. Van Wageningen

Dated: 8/22/87

A. J. P. New
A. J. P. New

Dated: 8/22/87

L. J. Hill
L. J. Hill

Dated: 10-15-87

Layton Ocker
Lew J. Ocker

Dated: 11-11-87

Ray A. Jensen
Wayne J. Jensen

Dated: 10-23-87

A & K Building Materials Inc.
One Larson Building, N. 1st St.

Dated: 10/23/87

Noel Robertson
Janice Robertson

Dated: 11/14/87

James W. Amicus
Travis D. Simon

Dated: 11/14/87

Richard D. North
Bette T. North

Dated: 11-14-87

Janis D. Blum
Steph. Wald

Dated: 11/14/87

James J. [unclear]
Robert [unclear]

Dated: 7-3-88

L. Ross Hightower

Dated: 11-12-88

Paul Van Leeuwen

Dated: 11-12-88

Jane Ternan

Dated: 11-12-88

Aaron, Ron. Malvin Turner

Dated: 11-12-88

Wayne & Kay [unclear]

Dated: 11-12-88

Charles [unclear]

Dated: Nov 19, 1988

Paul P. Selby

Dated: DEC 6/1988

B.K. Perestera
Dorothy Perestera

Dated: JAN 3-1989

Anthony M. Giac
Martina Giac

Dated: JAN 7, 1989

William L. Danner
Colander J. Bonner

Dated: J 22 Jan 1989

Richard W. Lygare
Jane E. Lygare

Dated: 22 Jan 1989

Steven R. Brown
Jean L. Brown

Dated: January 22, 1989

Stuart D. Stidds

Dated: _____

Dated: _____

Dated: _____

Dated: 16 Nov 87

Karen A. Edwards
Huan B. Edwards

Dated: _____

Dated: _____

Dated: _____

Dated: _____

Dated: _____

Dated: _____

Dated: _____
