

Entry No. 169768	Book M-165
RECORDED 8-25-80 at 4:31 P.M	Page 167-77
REQUEST of WESTERN STATES TITLE	
FEE \$ 27.50	WANDA Y. SPRIGGS, SUMMIT CO. RECORDER
INDEXED	By <i>Wanda Y. Spriggs</i>
	ABSTRACT

FIRST AMENDED
 CONDOMINIUM DECLARATION
 FOR
 WINDRIFT CONDOMINIUMS
 A Utah Condominium Project

THIS FIRST AMENDED CONDOMINIUM DECLARATION is made and executed by WINDRIFT II, a Utah partnership, successor in interest to Windrift, a Utah partnership, pursuant to the provisions of the Utah Condominium Ownership Act, Utah Code Annotated §§ 57-8-1 through 57-8-36 (Repl. Vol. 1974) (Supp. 1977), and the provisions of Article XXXI of the Condominium Declaration for Windrift Condominiums (the "Declaration"), recorded on October 12, 1979, as Entry No. 160192 in the Official Records of Summit County, State of Utah, in Book M 143, beginning at page 331.

RECITALS

1. Windrift II ("Declarant") is the sole owner of that certain real property in Park City, Summit County, State of Utah, described on Exhibit "A" attached hereto and made a part hereof by this reference.
2. There have been or will be constructed five buildings, a tennis court, parking facilities, and other improvements thereon, in accordance with the plans and drawings set forth in the Record of Survey Map filed as Entry No. 160193 on October 12, 1979, and the First Supplemental Record of Survey Map filed concurrently herewith, both prepared by J.J. Johnson & Associates, Engineers and Surveyors, and certified by James G. West, a registered land surveyor.
3. Declarant desires by filing this First Amended Declaration and the First Supplemental Record of Survey Map to exercise its rights contained in Article XXXI of the Declaration to expand the Windrift Condominiums into the property described as Phase II in the Declaration, such that the project as now expanded shall contain 32 units. Declarant desires to submit the Phase II property as described in Article I hereof and the buildings and other improvements constructed thereon to the provisions of the Utah Condominium Ownership Act, along with the real property and buildings and improvements described in the Declaration as an expandable condominium project known as Windrift Condominiums.

See Second Amended Declaration
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4. Declarant desires to describe the individual units contained in the condominium project as now expanded and as hereinafter may be further expanded, together with the undivided ownership interests in common areas and facilities appurtenant thereto, subject to the covenants, limitations, and restrictions contained herein.

NOW, THEREFORE, for such purposes, Declarant hereby makes the following First Amended Condominium Declaration containing covenants, conditions, and restrictions relating to this condominium project which, pursuant to the provisions of the Condominium Ownership Act of the State of Utah, shall be enforceable, equitable servitudes, where reasonable, and shall run with the land:

ARTICLE I

DESCRIPTION OF PHASE II PROPERTY NOW INCLUDED WITHIN THE CONDOMINIUM PROJECT

There is added to the Windrift Condominium Project the following property:

Beginning at a point which is South 0°16'20" West along the section line, 849.49 feet from the Northeast corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 0°16'20" West 207.085 feet; thence North 85°30' West 416.41 feet to a point of a 100.00 foot radius curve to the left, (center bears South 4°30' West 100.00 feet); thence Southwesterly along the arc of said curve 44.971 feet to a point of tangency; thence North 21°16' West 50.00 feet; thence South 68°44' West 50.00 feet; thence North 21°16' West 100.77 feet; thence North 68°44' East 215.23 feet; thence South 14°12'40" East 20.15 feet; thence due East 355.98 feet to the point of beginning.

Together with and subject to the easements shown on the First Supplemental Record of Survey Map recorded concurrently herewith.

ARTICLE II

AMENDMENT TO THE DECLARATION

In conjunction with the first expansion of the Windrift Condominiums into the property described as Phase II in the Declaration, the Condominium Declaration for Windrift Condominiums is amended in and only in the following particulars:

1. Article II definition 2(g) is deleted and in its place the following Article II 2(g) is inserted:

(g) The word "Map" shall mean and refer to the Record of Survey Map of Windrift Condominiums recorded on October 12, 1979, as Entry No. 160193, and the First Supplemental Record of Survey Map recorded concurrently with this First Amended Condominium Declaration for Windrift Condominiums.

2. The second sentence of Article V(b) is deleted and in its place and stead the following sentence is inserted:

The buildings are of wood frame construction, and contain a total of 32 units, consisting of sixteen (16) three-bedroom units and sixteen (16) two-bedroom units.

3. Article XXXI of the Declaration entitled "Declarant's Options To Expand" is modified to show the exercise of Declarant's option to expand into Phase II of the project as such option and associated rights are set forth in the said Article XXXI, with Declarant continuing to reserve all of its rights to expansion into Phase III of the project as such rights are set forth in Article XXXI of the Declaration.

4. Exhibit "A" to the Declaration is deleted in its entirety and in its place and stead Exhibit "A" attached to this First Amended Condominium Declaration is inserted.

5. Exhibit "C" to the Declaration is deleted in its entirety and in its place and stead Exhibit "C" attached to this First Amended Condominium Declaration is inserted.

6. Exhibit "D" to the Declaration is deleted insofar as it describes Phase II property now included within the project as expanded, and replaced by Exhibit "D" attached to this First Amended Condominium Declaration.

7. Except as specifically amended and modified herein, the Declaration is restated in its entirety and incorporated herein by reference as if fully set forth. Declarant asserts the application of the Declaration as here amended by this First Amended Condominium Declaration to be binding upon the entire property set forth on Exhibit "A" attached hereto.

ARTICLE III

EFFECTIVE DATE

This First Amended Condominium Declaration shall take effect upon recording.

IN WITNESS WHEREOF, the undersigned have caused this First Amended Condominium Declaration to be executed on their behalf this 12th day of Aug., 1980.

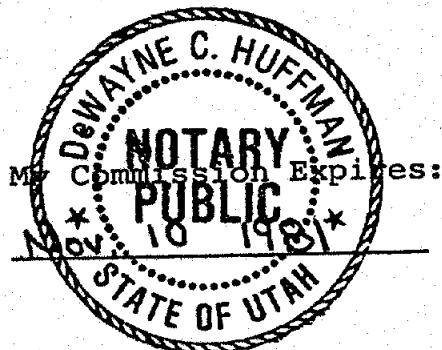
WINDRIFT II, a partnership

By *Harry J. Reed*
General Partner

By *Stephen M. Schief*
General Partner

STATE OF UTAH)
): ss.
COUNTY OF)

On the 12th day of AUGUST, 1980, personally appeared before me HARRY REED, a general partner of Windrift II, a Utah partnership, who being by me duly sworn acknowledged to me that he executed the foregoing instrument for and on behalf of said partnership.



Dewayne C. Huffman
NOTARY PUBLIC
Residing at: HEBER CITY, UTAH

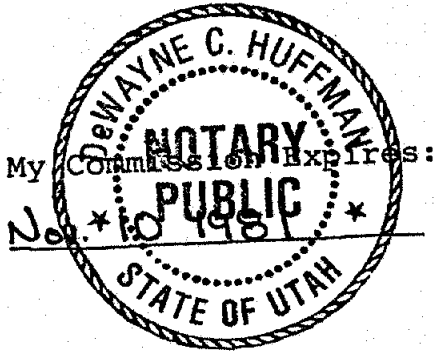
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STATE OF UTAH)

) : ss.

COUNTY OF)

On the 17th day of AUGUST, 1980, personally appeared before me STEPHEN M. SCHIRF, a general partner of Windrift II, a Utah partnership, who being by me duly sworn acknowledged to me that he executed the foregoing instrument for and on behalf of said partnership.



DeWayne C. Huffman

 NOTARY PUBLIC
 Residing at:

APPROVAL BY CITY

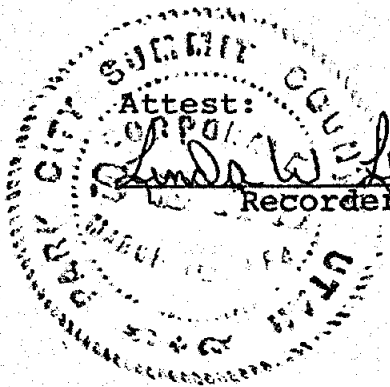
Park City, a body corporate and politic, and the City in which Windrift Condominiums, a Utah condominium project, is located, by and through its duly elected Mayor, has heretofore given final approval to the Windrift Condominiums as an expandable condominium project, to the Declaration and to the Record of Survey Map heretofore recorded with regard to such condominium project, and Park City does hereby give final approval to the expansion of the project as indicated in the foregoing First Amended Condominium Declaration and the First Supplemental Record of Survey Map recorded concurrently therewith, certifying that the attributes of the project as expanded comply with § 57-8-35(3) of the Utah Condominium Ownership Act, as amended and expanded by the laws of Utah, 1975, Chapter 173, § 18.

DATED this 12 day of August, 1980.

PARK CITY

By John E. Jones
Mayor

Attest:
Linda W. Leatham
Recorder



APPROVED

Date August 1, 1980
Michael J. [Signature]
City Attorney

Property located in Summit County, State of Utah.

Property owned by Windrift II (Phase II property).

Beginning at a point which is South $0^{\circ}16'20''$ West along the section line, 849.49 feet from the Northeast corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South $0^{\circ}16'20''$ West 207.085 feet; thence North $85^{\circ}30'$ West 416.41 feet to a point of a 100.00 foot radius curve to the left, (center bears South $4^{\circ}30'$ West 100.00 feet); thence Southwesterly along the arc of said curve 44.971 feet to a point of tangency; thence North $21^{\circ}16'$ West 50.00 feet; thence South $68^{\circ}44'$ West 50.00 feet; thence North $21^{\circ}16'$ West 100.77 feet; thence North $68^{\circ}44'$ East 215.23 feet; thence South $14^{\circ}12'40''$ East 20.15 feet; thence due East 355.98 feet to the point of beginning.

Together with and subject to a 50 foot easement over the following property; beginning at a point South 99.50 feet and West 1186.06 feet and South $21^{\circ}16'$ East along the Easterly right-of-way line of State Highway U-224 (U.S. 40 Alt.) 1064.30 feet from the Northeast corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian and said point being on a curve to the left, the radius point of which bears North $68^{\circ}44'$ East 15.00 feet and running thence Southeasterly along the arc of said curve 23.56 feet to the point of tangency; thence North $68^{\circ}44'$ East 320.00 feet to a point of a 150.00 foot radius curve to the right, thence Easterly along the arc of said curve 67.46 feet to the point of tangency; thence South $85^{\circ}30'$ East 412.71 feet to the East line of said Section 8; thence South $0^{\circ}16'20''$ West along said East line 50.14 feet; thence North $85^{\circ}30'$ West 416.41 feet to the point of a 100.00 foot radius curve to the left; thence Westerly along the point of said curve 44.97 feet to the point of tangency; thence South $68^{\circ}44'$ West 320.00 feet to the point of a 15.00 foot radius curve to the left; thence Southwesterly along the arc of said curve 23.56 feet to the point of tangency, said point being

EXHIBIT "A"

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on the Easterly right-of-way line of State Highway U-224; thence North 21°16' West along said right-of-way line 80.00 feet to the point of beginning.

Also together with a 20.00 foot wide utility easement the centerline of which is described as follows: beginning at a point South 833.58 feet and West 374.30 feet from the Northeast corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 10°30' East 176.02 feet; thence South 63°30' East 93.24 feet thence South 1°00' East 150.00 feet; thence South 68°00' West 143.63 feet.

Property on which is located Phase I of Windrift Condominiums.

Beginning at a point which is South 0°16'20" West along the Section Line 1006.44 feet from the Northeast corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 0°16'20" West along said Section Line 214.94 feet thence South 68°44' West (358.70) feet, thence North 1°50' West 143.52 feet; Thence North 31°30' West 49.96 feet; thence North 41°16' West 170.00 feet, thence North 21°16' West 50.00 feet; thence North 68°49' East 30.00 feet to a point on a 150.00 foot radius curve to the right, the radius point of which bears South 21°16' East East 150.00 feet; thence Northeasterly along the arc of said curve 67.46 feet to a point of tangency, thence South 85°30' East 412.71 feet to the point of beginning. Contains 2.743 acres.

Together with and subject to a 50.00 foot easement over the following property: beginning at a point South 99.50 feet and West 1186.06 feet and South 21°16' East along the Easterly right-of-way line of State Highway U-224 (u.S. 40 Alt.) 1064.30 feet from the Northeast corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and said point being on a curve to the left, the radius point of which bears North 68°44' East 15.00 feet and running thence Southeasterly along the arc of said curve 23.56 feet to the point of tangency; thence North 68°44' East 320.00 feet to a point of a 150.00 foot radius curve to the East 412.71 feet to the East line of said Section 8; thence South 0°16'20" West along said East line 50.14 feet;

thence North 85°30' West 416.41 feet to the point of a 100.00 foot radius curve to the left; thence Westerly along the point of said curve 44.97 feet to the point of tangency; thence South 68°44' West 320.00 feet to the point of a 15.00 foot radius curve to the left; thence Southwesterly along the arc of said curve 23.56 feet to the point of tangency, said point being on the Easterly right-of-way line of State Highway U-224; thence North 21°16' West along said right-of-way line 80.00 feet to the point of beginning. Contains 0.927 acres.

Also together with a non-exclusive easement described as follows: beginning at a point South 1034.67 feet and West 482.89 feet from the Northeast corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 41°16' East 170.00 feet; thence South 31°30' East 49.96 feet, thence South 1°50' East 11.79 feet, thence North 44°00' West 238.55 feet, thence North 68°44' East 29.09 feet to the point of beginning. Contains 4703 square feet.

Also together with a 20.00 foot wide utility easement the centerline of which is described as follows: beginning at a point South 833.58 feet and West 374.30 feet from the Northeast corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 10°30' East 176.02 feet; thence South 63°30' East 93.24 feet; thence South 1°00' East 150.00 feet; thence South 68°00' West 143.63 feet.

EXHIBIT "C"

OWNERSHIP OF COMMON AREAS AND ASSIGNMENT OF
PARKING SPACES AS LIMITED COMMON AREA

Associated with and appurtenant to each Unit in the Project shall be an undivided percentage interest in the Common Areas and Facilities as set forth below.

The parking spaces in the Project, as designated on the Map, are assigned to the Units as Limited Common Area as follows:

	<u>Unit No.</u>	<u>Square Footage Size of Unit</u>	<u>Percentage Ownership in Common Areas and Facilities</u>	<u>Initial Monthly Assessment</u>	<u>Stall No.</u>
<u>BUILDING 1</u>	1	1152	2.48	\$ 95.00	P1
	2	1152	2.48	95.00	P2
	3	1580	3.40	131.00	P3
	4	1580	3.40	131.00	P4
<u>BUILDING 2</u>	5	1152	2.48	95.00	P5
	6	1152	2.48	95.00	P6
	7	1580	3.40	131.00	P7
	8	1580	3.40	131.00	P8
<u>BUILDING 3</u>	9	1152	2.48	95.00	P9
	10	1176	2.53	97.00	P10
	11	1152	2.48	95.00	P11
	12	1176	2.53	97.00	P12
	13	1512	3.25	125.00	P13
	14	1728	3.72	143.00	P14
	15	1512	3.25	125.00	P15
	16	1728	3.72	143.00	P16
<u>BUILDING 4</u>	17	1152	2.48	95.00	P17
	18	1176	2.53	97.00	P18
	19	1152	2.48	95.00	P19
	20	1176	2.53	97.00	P20
	21	1622	3.48	134.00	P21
	22	2160	4.64	178.00	P22
	23	1622	3.48	134.00	P23
	24	2160	4.64	178.00	P24
<u>BUILDING 5</u>	25	1152	2.48	95.00	P25
	26	1176	2.53	97.00	P26
	27	1152	2.48	95.00	P27
	28	1176	2.53	97.00	P28
	29	1622	3.48	134.00	P29
	30	2160	4.64	178.00	P30
	31	1622	3.48	134.00	P31
	32	2160	4.64	178.00	P32

Property located in Summit County, State of Utah
(Phase III Expandable Property).

Beginning at a point which is South $0^{\circ}16'20$ West, along the section line, 1221.38 feet and South $68^{\circ}44'$ West 358.70 feet from the Northeast corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South $68^{\circ}44'$ West 159.27 feet; thence North $21^{\circ}16'$ West 394.25 feet; thence North $68^{\circ}44'$ East 140.00 feet; thence South $21^{\circ}16'$ East 50.00 feet; thence South $41^{\circ}16'$ East 170.00 feet; thence South $31^{\circ}30'$ East 49.96 feet; thence South $1^{\circ}50'$ East 143.52 feet to the point of beginning.

EXHIBIT "D"

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