

ENT 21168 BK 3652 PG 475
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1995 APR 6 3:55 PM FEE 145.00 BY JD
RECORDED FOR HALLMARK BROKERAGE INC

A M E N D M E N T

M 190 W 800 N

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OF PARK
AVENUE CONDOMINIUMS

84601

This first amendment to declaration of condominium of Park Avenue Condominiums is made on the date hereinafter set forth and is drafted to comply with the requirements of the Utah Condominium Ownership Act, Title 57, Chapter 8, Utah Code Annotated 1953.

WITNESSETH

Whereas, Hallmark Brokerage, Inc., a Utah Corporation (hereinafter referred to as "Declarant) caused a declaration of condominium of Park Avenue Condominiums to be filed of record in the office of the Utah County Recorder, Utah County, State of Utah, as entry No. 12074, Book 3367, Pages 612 through 642 (hereinafter referred to as the "property").

Whereas, under this amendment the declarant certifies that the declarant is in control of the homeowners association and has not yet held any meeting to transfer control to buyers. Declarant has transferred deeds to seventy one (71) of the total one hundred twenty six (126) condominiums, leaving 56.3% of the condominium ownership in the hands of the declarant. Conveyance of title to the first unit was delivered on July 19, 1995.

NOW, THEREFORE, the declarant amends Paragraph #35 under Article III as set forth under authority of that certain recorded document entry 12074, book 3367, Page 632, Paragraph 24, of the Declaration of Condominium of Park Avenue Condominiums to read as follows:

35. Expandable Additional land scribed as follows may be annexed by the Declarant without the consent of the members within five years of the date of this instrument. If not expanded within five years this expandable option shall expire. All expansions and improvements shall be consistent in quality of construction and principle materials. All structures erected on any portion of additional land added to the project will be compatible with structures on the land originally within the project in terms of architectural style. Each building will conform to exterior architecture of Phases I, II, III, IV & V. The floor plan sizes are 778 sq. ft. in the small unit, 798 sq. ft. in the medium unit and 822 sq. ft. in the largest unit. All units are restricted to residential use. Parking shall be immediately behind or alongside each building with one covered park stall and one uncovered park stall assigned to each unit. Any annexed land is restricted exclusively to residential use. Phase VI shall consist of four attached townhouses with full basements. The ground level has a kitchen, dining area, living area and a half bath with a total of 576 sq. ft. The upper level consists of two bedrooms with two (2) full baths, with a total area of 612 sq. ft. The total area of both floors is 1,188 sq. ft.

When annexed Phase II will have a minimum and a maximum of 18 units which will then make a total of 45 units in Phases I and II and will give each unit owner a minimum and a maximum percentage of 2.22% interest in all common area. Construction to start March 15, 1994 and be completed September, 1994. The aggregate building area in Phase II is 5,328 square feet or 888 square feet per unit. Phase II aggregate land area is 1.33 acres or 57,795 square feet. Percentage of land area per unit is .074 acres or 3,210 square feet.

When annexed Phase III will have a minimum and a maximum of 33 units which will then make a total of 78 units in Phases I, II and III and will give each unit owner a minimum and a maximum percentage of 1.28% interest in all common area. Construction to start September 15, 1994 and be completed April 1995. The aggregate building area in Phase III is 9,546 square feet or 888 square feet per unit. Phase III aggregate land area is 2.10 acres or 91,359 square feet. Percentage of land area per unit is .064 acres or 2,768 square feet.

When annexed Phase IV will have a minimum and a maximum of 27 units which will then make a total of 105 units in Phases I, II, III and IV and will give each unit owner a minimum and maximum percentage of 0.95% interest in all common area. Construction to start March 15, 1995 and be completed September 1995. The aggregate building area in Phase IV is 7,992 square feet or 888 square feet per unit. Phase IV aggregate land area is 1.64 acres or 71,595 square feet. Percentage of land area per unit is .061 acres or 2,652 square feet.

When annexed Phase V will have a minimum and maximum of 21 units. The aggregate building area in Phase V is 6,106 square feet or 872 square feet per unit. Phase V aggregate land area is 2.80 acres or 121,797 square feet. Percentage of land area per unit is .13 acres or 5,780 square feet. All Phase I, II, III, IV and V have 9.70 acres aggregate with each unit having .076 acres or each unit having 3,353 square feet aggregate. There will be a total of 126 total units in Phases I, II, III, IV and V and will give each unit owner a minimum and maximum percentage of 0.79% interest in all common area. Construction on Phase V to start June 15, 1995 and be completed December 1995.

When annexed, Phase VI will have a minimum and maximum of four (4) units which will then make a total of 130 units in Phases I, II, III, IV, V & VI and will give each unit owner a minimum and maximum percentage of .769 interest in all common areas. Construction will start May 1, 1995 and will be completed in October of 1995. The aggregate building area in Phase VI is 4,752 sq. ft. or 1188 sq. ft. per unit. Phase VI aggregate land area is .272 acres or 11,842 sq. ft. The percentage of land area per unit is .068 acres or 2,960 sq. ft. Phases I, II, III, IV, V & VI have an aggregate land area of 9.94 acres. Each unit has .076 acre or each unit has 3,330 sq. ft. There will be a total of 130 units in Phases I, II, III, IV, V & VI.

The above minimum number of units to be built should be adequate to reasonably support the common elements in each phase.

The maximum number of units to be built should not overload the capacity of the common facilities as each phase is annexed.

Description of lands to be annexed in Phases II, III, IV and V & VI is as follows: Any annexed parcel shall be done in numerical order as shown herein.

PHASE II

Commencing at a point located S 89° 22' 43" East along the $\frac{1}{4}$ Section line 788.69 feet and N 353.00 feet from the West $\frac{1}{4}$ corner of Section 26, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence; N 00° 44' 36" West 157.49 Feet thence; S 89° 28' 21" East 371.48 Feet thence; S 00° 35' 42" West 42.99 Feet thence; S 89° 28' 28" East 11.09 Feet thence; S 00° 37' 17" West 54.47 Feet thence; West 4.54 Feet thence; South 53.08 Feet thence; N 89° 22' 43" West 56.04 Feet thence; S 89° 09' 48" West 246.56 Feet thence: S 89° 40' 04" West 72.37 Feet to the point of beginning.

AREA = 1.33 Acres

PHASE III

Commencing at a point located S 89° 22' 32" East along the $\frac{1}{4}$ Section Line 786.64 feet and north 510.45 feet from the West $\frac{1}{4}$ corner of Section 26, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence; N 00° 44' 36" West 10.33 feet thence; S 89° 23' 36" East 2.80 feet thence; N 00° 44' 36" West 138.40 feet thence; S 89° 05' 12" East 55.86 feet thence; S 38° 32' 27" East 30.57 feet thence; N 66° 13' 43" East 86.77 feet thence; S 89° 22' 43" East 190.14 feet thence; S 78° 53' 32" East 62.01 feet thence; S 88° 41' 57" East 130.22 feet thence; S 10° 08' 54" West 36.07 feet (ARC Length 81.93 feet Chd. Bears S 05° 23' 06" West 81.83 feet R= 492.70 feet) thence; S 00° 37' 17" West 72.71 feet thence N 89° 28' 28" West 150.51 feet thence; N 00° 35' 42" East 42.99 feet thence; N 89° 28' 21" West 371.48 feet to the point of beginning.

AREA = 1.98 Acres

The legal description of Phase IV is as follows:

Commencing at a point located S 89° 22' 43" E along the $\frac{1}{4}$ Section Line 673.00 feet and North 625.71 feet from the West $\frac{1}{4}$ corner of Section 26, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence N00° 44' 36" W 165.71'; thence N88° 12' 23" E 347.99'; thence S89° 22' 43" E 169.75'; thence S00° 52' 36" E 146.39'; thence N78° 58' 32" W 62.01' along Phase III Park Avenue Condominiums; thence N89° 22' 43" W 190.14' along Phase III Park Avenue Condominiums; thence S66° 13' 43" W 86.77' along Phase III Park Avenue Condominiums; thence N38° 32' 27" W 30.57' along Phase III Park Avenue Condominiums; thence N89° 05' 12" W 55.86' along Phase III Park Avenue Condominiums; thence S00° 44' 36" E 33.41; thence N89° 23' 36" W 112.80 to the point of beginning.

AREA = 1.73 Acres

The legal description of Phase V is as follows:

Commencing at a point located S89° 22'43"E along the $\frac{1}{4}$ Section Line 673.00 feet and north 791.38 feet from the West $\frac{1}{4}$ Corner of Section 26, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence N00° 44' 36" W 58.22'; thence S89° 23' 08" E 11.23'; thence N00° 32' 39" W 305.42'; thence S89° 20' 19" E 344.05'; thence S00° 37' 17" W 348.66'; thence S88° 12' 23" W 347.99' to the point of beginning.

AREA = 2.80 Acres

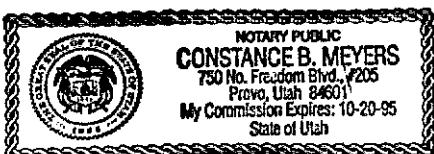
PHASE VI

Commencing at a point located S 89° 22' 43" East along the $\frac{1}{4}$ Section Line 675.15 feet and north 625.71 feet from the west $\frac{1}{4}$ corner of Section 26, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence N 00° 44' 36" West 104.98 feet; thence S 89° 23' 36" East 112.80 feet; thence S 00° 44' 36" East 104.98 feet; thence N 89° 23' 36" West 112.80 feet to the point of beginning.

AREA = 0.27 Acres

IN WITNESS WHEREOF, the undersigned, Hallmark Brokerage, Inc., (John A. Riding - president and Cleo B. Mason - secretary), being the Declarant, has caused this instrument to be executed this 5th day of April 1995.

NOTARY Constance B. Meyers
Residing Provo Ut
Commission Expires 10-20-95



HALLMARK BROKERAGE, INC.

John A. Riding - President

Pres.