

P. O. Box 110, Park City, UT 84050

For Recording Fee Code
Annex 1200 11-7-2

| | |
|-----------------|-----------------------------------|
| Entry No. | 241836 |
| REQUEST OF | WESTERN STATES TITLE |
| FEE | ALAN SPRIGGS, SUMMIT CO. RECORDER |
| \$ <u>52.00</u> | By <u>Susan Robinson</u> |
| RECORDED | <u>11-15-85</u> at <u>7:01</u> M |

SECOND SUPPLEMENTAL DECLARATION OF AND AMENDMENT TO CONDOMINIUM DECLARATION FOR FAWNGROVE CONDOMINIUMS

THIS SECOND SUPPLEMENTAL DECLARATION is made and executed this 7 day of November, 1985, by FIELDS-NIPKOW DEVELOPMENT COMPANY, a Utah corporation, successor in interest to the development rights of Fawngrove Associates, a Utah limited partnership (hereinafter referred to as "Declarant").

R E C I T A L S:

A. On December 11, 1980, Fawngrove Associates, a Utah limited partnership, made and executed a certain declaration of condominium entitled "Condominium Declaration for Fawngrove Condominiums," (hereinafter referred to as the "Declaration") thereby creating Fawngrove Condominiums (hereinafter referred to as the "Project"), which Declaration was recorded in the office of the County Recorder of Summit County, State of Utah, on the 17th day of December, 1980, in Book 174 at Page 773, et seq. as Entry No. 174105.

B. A related record of survey map entitled "FAWNGROVE CONDOMINIUMS, PHASE I" (hereinafter referred to as the "Map") was recorded concurrently with the Declaration as Entry No. 174104.

*Third Supplemental Declaration, etc.
#252811, Bk 388, P. 608-615
Fourth Supplemental Declaration
#322306 Bk. 561 P. 495*

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C. The Declaration and Map submitted to the provisions of the Utah Condominium Ownership Act, Utah Code Annotated, Section 57-8-1 et seq., (hereinafter referred to as the "Act"), certain real property owned by Declarant, situated in Park City, Summit County, Utah, and described in Paragraph A of the Recitals of the Declaration and in the Map.

D. The Declarant, as provided in Article XXXI of the Declaration and pursuant to Section 57-8-13.6 of the Act, has reserved the right to expand the Project from time to time by adding thereto all or any portion of that certain real property (hereinafter referred to as the "Additional Land") described in Exhibit "D" to the Declaration.

E. On the 1st day of March, 1982, Fawngrove Associates, a Utah limited partnership, made and executed that certain Supplemental Declaration of An Amendment to the Condominium Declaration for Fawngrove Condominiums (hereinafter referred to as the "First Supplement"), which First Supplement was recorded in the office of the County Recorder of Summit County, State of Utah, on the 12th day of March, 1982, in Book M214 at Page 531 et seq., as Entry No. 189404. Such Supplement resulted in an expansion of the Condominium Project to a total of 60 Units all in accordance with the terms and conditions hereinafter set forth.

F. The Declarant, is in part the successor to Fawngrove Association, a Utah limited partnership, having

acquired the rights of Fawngrove Associates to construct a portion of the Condominium Units which were to be added as a part of Phase II of the Project. As a subsequent Declarant, certain modifications were made to the plans and specifications of certain of the additional units and as a consequence thereof, it is necessary to further amend the Condominium Declaration for Fawngrove Condominiums all in accordance with the provisions hereinafter contained.

NOW, THEREFORE, in consideration of these recitals, Declarant amends the Condominium Declaration for Fawngrove Condominiums, as follows:

I. DEFINITIONS

When used in this Second Supplemental Declaration (including that portion hereof headed "Recitals"), the following terms shall have the meaning indicated:

1. "Second Supplemental Declaration" shall mean and refer to this "Second Supplemental Declaration of and Amendment to the Condominium Declaration for Fawngrove Condominiums.

2. "Amended Phase II Map" shall mean and refer to the Record of Survey Map of "Fawngrove Condominiums, Amended Phase II" of Fawngrove Condominium Project amending and redescribing Building F and the units located therein, executed and acknowledged by Fields-Nipkow Development Company, as Declarant, prepared and certified to by Kenneth W. Watson (a duly registered Utah Land Surveyor holding

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Certificate No. 5190) and filed for record in the office of the County Recorder of Summit County, Utah, concurrently with the filing of this Second Supplemental Declaration.

3. Other Definitions. Except as herein otherwise defined or as may be required by the context, all terms defined in Article II of the Declaration shall have such defined meanings when used in this Second Supplemental Declaration.

II. PROPERTY SUBMISSION

The real property which is hereby re-submitted to the provisions of the Act and which shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, as supplemented or amended by this Second Supplementary Declaration and which was heretofore submitted to the Act by the First Supplemental Declaration consists of the following described real property situated in Summit County, State of Utah:

Beginning at a point which is South 687.79 feet and East 2949.62 feet of the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence North 60°00' East 134.87 feet to a point on a 8032.00 foot radius curve to the left, the radius point of which bears North 30°00' West 8032.00 feet; thence Northeasterly along the arc of said curve 397.19 feet; thence South 26°00' East 339.655 feet; thence South 40°30' West 89.09 feet; thence South 47°53' West 442.74 feet; thence North 28°54'10" West 451.76 feet to the point of beginning.

TOGETHER WITH all easements, rights-of-way, and other appurtenances rights incident to, appurtenant to, or accompanying the tract.

ALL OF THE FOREGOING IS SUBJECT TO: all liens for current and future taxes, assessments and charges imposed or levied by governmental or quasi-governmental bodies; any patent reservation or exclusions; any mineral reservations or record and rights incident thereto; and any easements or rights-of-way which are enforceable at law or in equity.

III. EFFECT OF FOREGOING RE-SUBMISSION

Declarant hereby declares that the real property described in Article II of this Second Supplemental Declaration and on the Amended Phase II Map has previously been annexed to and become subject to the Declaration, with all previous amendments thereto, which upon recordation of this Second Supplemental Declaration and Amended Phase II Map shall constitute and effectuate the expansion of the Project (including Phases I and II as amended), making the real property described in Article II of this Second Supplemental Declaration subject to the functions, powers, rights, duties and jurisdiction of the Association of Unit Owners. Specifically, this Second Supplemental Declaration and the Amended Phase II Map redescrines and redefines the location, size, configuration, etc. of Building F and the units located therein.

IV. UNITS CREATED BY EXPANSION AND AMENDMENT TO DECLARATION

As shown on the Amended Phase II Map, thirty-one (31) additional Units are created on the real property described in Article II of this Second Supplemental Declaration. Said

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additional Units are located within a portion of the Additional Land. Upon the recordation of the Amended Phase II Map and this Second Supplemental Declaration, the total number of Units in the Project will be sixty-one (61). Said Additional Units are compatible with all Units presently within the Project but are dissimilar in design with part of such Units. The Additional Units are constructed of substantially the same materials used for all previous Units and are of equal or better quality and of equal or higher value.

V. REALLOCATION OF PERCENTAGE INTERESTS

Under the Act and by Section 5 Article XXXI of the Declaration, in connection with an amendment such as that accomplished by this instrument, Declarant is required to amend the Declaration so as to reallocate the percentage interest appurtenant to each Unit. Accordingly, Exhibit "C" to the Declaration is amended in its entirety to become the "Second Amended Exhibit "C" - Phase II" attached to this Second Supplemental Declaration and made a part hereof by this reference. The reallocated percentage interests which are contained in said Second Amended Exhibit "C", as required by Section 5 of Article XXXI of the Declaration, have been computed on the basis of the size that each of the Units bears to the aggregate size of all the Units.

VI. EFFECTIVE DATE

The effective date of this Second Supplemental Declaration and of Amended Phase II Map shall be the date on which said instruments are filed for record with the office of the County Recorder of Summit County, State of Utah. From and after said date the Declaration and Amended Phase II Map of Fawngrove Condominium Project shall consist of the Declaration and Map as supplemented and amended by this Second Supplemental Declaration and Amended Phase II Map.

IN WITNESS WHEREOF, Declarant has executed this instrument on the day and year first above written.

FIELDS-NIPKOW DEVELOPMENT COMPANY, a Utah Corporation

ATTEST:

By Miriam C. Hughes
Its Secretary

By [Signature]
Its President

STATE OF UTAH)
) : SS
COUNTY OF SALT LAKE)

On the 7th day of November, 1985, personally appeared before me Randall K. Bields and Miriam C. Hughes, who on oath did say that he, the said Randall K. Bields is the President of Fields-Nipkow Development Company, and that she, the said Miriam C. Hughes is the Secretary of said corporation, and the within and foregoing instrument was signed in behalf of said corporation by

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authority of a resolution of its board of directors and the
said Randall K. Gaults and
Miriam C. Hughes each duly acknowledged to me that
said corporation executed the same.

My Commission Expires:

8-18-86

Rosa M. Ad
NOTARY PUBLIC, Residing at:

Salt Lake County Utah



AMENDED EXHIBIT "C"

Fawngrove Condominium Project
(After Phase II Expansion)

(Attached to and forming a part of the Supplemental Declaration of and Amendment to the Condominium Declaration for Fawngrove Condominiums, a Utah condominium project.)

| <u>UNIT NO.</u> | <u>SIZE</u> <u>(SQUARE FEET)</u> | <u>UNDIVIDED</u> <u>OWNERSHIP</u> <u>INTERESTS*</u> <u>(PERCENTAGE)</u> | <u>PARKING</u> <u>(SPACE NO.)</u> |
|-----------------|-------------------------------------|--|--------------------------------------|
| 1 | 1,965.95 | 1.598 | P-1 |
| 2 | 1,211.72 | .985 | P-2 |
| 3 | 1,211.72 | .985 | P-3 |
| 4 | 2,110.94 | 1.715 | P-4 |
| 5 | 2,001.27 | 1.626 | P-5 |
| 6 | 1,211.72 | .985 | P-6 |
| 7 | 1,211.72 | .985 | P-7 |
| 8 | 2,110.94 | 1.715 | P-8 |
| 9 | 2,819.93 | 2.292 | P-9 |
| 10 | 2,001.27 | 1.626 | P-10 |
| 11 | 1,965.95 | 1.598 | P-11 |
| 12 | 1,211.72 | .985 | P-12 |
| 13 | 1,211.72 | .985 | P-13 |
| 14 | 2,110.94 | 1.715 | P-14 |
| 15 | 2,001.27 | 1.626 | P-15 |
| 16 | 1,211.72 | .985 | P-16 |
| 17 | 1,211.72 | .985 | P-17 |
| 18 | 2,110.94 | 1.715 | P-18 |
| 19 | 2,819.83 | 2.292 | P-19 |
| 20 | 2,001.27 | 1.626 | P-20 |
| 21 | 1,965.95 | 1.598 | P-21 |
| 22 | 1,211.72 | .985 | P-22 |
| 23 | 1,211.72 | .985 | P-23 |
| 24 | 2,110.94 | 1.715 | P-24 |
| 25 | 2,001.27 | 1.626 | P-25 |
| 26 | 1,211.72 | .985 | P-26 |
| 27 | 1,211.72 | .985 | P-27 |
| 28 | 2,110.94 | 1.715 | P-28 |
| 29 | 2,819.83 | 2.292 | P-29 |
| 30 | 2,001.27 | 1.626 | P-30 |
| 31 | 2,314.68 | 1.881 | P-31 |
| 32 | 1,265.72 | 1.028 | P-32 |
| 33 | 1,261.65 | 1.025 | P-33 |
| 34 | 2,607.32 | 2.119 | P-34 |

| | | | |
|----|----------|-------|------|
| 35 | 4,073.64 | 3.311 | P-35 |
| 36 | 1,265.72 | 1.028 | P-36 |
| 37 | 1,265.00 | 1.028 | P-37 |
| 38 | 2,307.00 | 1.875 | P-38 |
| 39 | 3,516.26 | 2.858 | P-39 |
| 40 | 4,073.64 | 3.311 | P-40 |
| 41 | 2,314.68 | 1.881 | P-41 |
| 42 | 1,265.72 | 1.028 | P-42 |
| 43 | 1,261.65 | 1.025 | P-43 |
| 44 | 2,607.32 | 2.119 | P-44 |
| 45 | 4,073.64 | 3.311 | P-45 |
| 46 | 1,265.72 | 1.028 | P-46 |
| 47 | 1,265.00 | 1.028 | P-47 |
| 48 | 2,307.00 | 1.875 | P-48 |
| 49 | 3,516.26 | 2.858 | P-49 |
| 50 | 4,073.64 | 3.311 | P-50 |
| 51 | 2,265.58 | 1.841 | P-51 |
| 52 | 2,487.64 | 2.052 | P-52 |
| 53 | 2,116.53 | 1.720 | P-53 |
| 54 | 2,089.54 | 1.698 | P-54 |
| 55 | 2,089.54 | 1.698 | P-55 |
| 56 | 2,243.66 | 1.823 | P-56 |
| 57 | 1,331.40 | 1.082 | P-57 |
| 58 | 1,331.40 | 1.082 | P-58 |
| 59 | 2,299.81 | 1.869 | P-59 |
| 60 | 2,340.25 | 1.902 | P-60 |
| 61 | 948.72 | .771 | P-61 |

*Undivided Ownership Interest Percentages have been computed on the basis of the approximate number of square feet of floor space within each respective unit of the Project taken as a percentage of the approximate aggregate number of square feet of floor space within all units in the Project.