

Entry No.	252811
REQUEST OF	WESTERN STATES TITLE
FEE	ALAN SPENCER, SUMMIT CO. RECORDER
S.	12
RECORDED	6-16-86 at 4:01 M

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

THIS THIRD SUPPLEMENTAL DECLARATION is made and  
 executed this 13th day of June, 1986, 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.

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*Third Supplemental Declaration to  
 #323326 W. 501 P. 495-499*

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.

On November 15th, 1985, the Second Supplemental Declaration was recorded.

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

#### I. DEFINITIONS

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

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

2. Declarant now desires to combine units formerly known as #61 and #54. Declarant recorded herewith an amended map eliminating Unit 61 and combining it with Unit 54.

#### II. 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

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. 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.

### III. 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.

IV. 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 Third Supplemental Declaration and Amended Phase II Map.

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

ATTEST:  
By [Signature]

FIELDS-NIPKOW DEVELOPMENT COMPANY, a Utah Corporation

By Miriam C. Hughes  
Its Secretary

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

On the 13<sup>th</sup> day of June, 1986, personally appeared before me Miriam C. Hughes and \_\_\_\_\_, who on oath did say that he, the said ~~Secretary~~ Miriam C. Hughes is the Secretary of Fields-Nipkow Development Company, and that she, the said \_\_\_\_\_ is the Secretary of said corporation, and the within and foregoing instrument was signed in behalf of said corporation by



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 OWNERSHIP 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	3,038.26	2.469	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

\*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.