

296764

AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM

GARDENS SOUTH CONDOMINIUMS, PHASES I-III

Gardens South Development, Inc., a Utah corporation, Declarant under the certain Declaration of Condominium of Gardens South Condominiums Phase I, filed of record on November 16, 1984, as Entry No. 268617, Book 363, Pages 40 - 85, Official Washington County Records, as amended under that certain Amendment to Declaration of Condominium of Gardens South Condominiums, Phase I, dated recorded October 4 1985 as Entry No. 282520 Book 389, Pages 935-943, Official Washington County Records, as supplemented by the Supplemental Declaration of Record of Survey Map for Phase II, recorded October 4 1985, as Entry No. 282522, Book 389, Pages 945-950, Official Washington County Records, as further supplemented by the Supplemental Declaration and Record of Survey Map for Phase III, recorded March 31, 1986 as Entry No. 291572, Book 407, Pages 404-408 Official Washington County Records, hereby exercises its rights and privileges under said Declaration as follows:

2. Pursuant to Declarant's rights under amended paragraph 35(o), Declarant hereby amends the Declaration of Condominium (as amended and supplemented) referred to above as follows:

(a) Declarant has determined that the legal description found on Exhibit A to the Supplemental Declaration for Phase II, referred to above, contained an erroneous legal description due to clerical error. Accordingly, attached hereto is an Amended Exhibit A for Phase II of Gardens South Condominiums, which legal description conforms to the same legal description filed and contained on the Record of Survey Map of Gardens South Condominiums Phase II. The originally filed Exhibit A to the Supplemental Declaration of Gardens South Condominiums Phase II is hereby deemed deleted and in its place the attached Amended Exhibit A hereto is substituted.

3. Pursuant to its rights under amended paragraph 35(o)(iv) Declarant further amends the Declaration of Condominium (as amended and supplemented) to conform the Declaration and amendments and supplements thereto to the Utah Condominium Act as follows:

(a) The legal description of the affected property is as follows:

All of Gardens South Condominiums Phases I-III according to the Record of Survey Map and subject to the Declaration of Condominium of Gardens South Condominiums (as amended and supplemented) on file in the office of the Washington County Recorder.

(b) Amended paragraph 35 (n) is hereby amended as follows: Said subparagraph and is hereby deleted and in its place the following language is substituted: (The purpose of this amendment is to add the requirement of a Record of Survey Map in expansion as required by the Utah Condominium Act.)

(n) Supplemental Declaration. The annexation authorized under the foregoing paragraphs shall be made by filing of record a Supplemental Declaration of Conditions, Covenants and Restrictions, or similar instrument, and a Record of Survey Map, with respect to the additional property which shall extend the plan of this Declaration to such property.

Such Supplemental Declaration and Record of Survey Map contemplated above may contain such complementary additions and modifications of the Covenants, Conditions and Restrictions contained in this Declaration as may be necessary to reflect the different character, if any, of the added property and as are not inconsistent with the plan of this Declaration.

The recordation of such Supplemental Declaration and Record of Survey Map shall constitute and effectuate the annexation of said real property described therein, making said real property subject to this Declaration and subject to the functions, powers and jurisdiction of the Association, and thereafter all of the owners of units and said real property shall automatically be members of the Association.

IN WITNESS WHEREOF the Declarant has executed this Amendment to Declaration this 20 day of June, 1986.

Declarant:

THE GARDENS SOUTH DEVELOPMENT  
COMPANY, INC.

By Edward Burgess  
Edward Burgess  
President

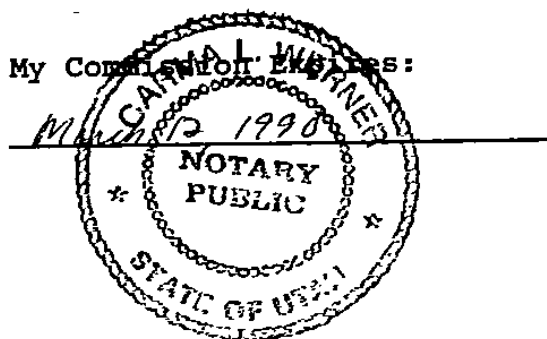
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STATE OF UTAH )  
 )  
COUNTY OF WASHINGTON ) ss.

On the 20<sup>th</sup> day of June, 1986, personally appeared before me Edward Burgess, who being by me duly sworn did say that he is the President of Gardens South Development Company, Inc., a Utah corporation, that foregoing instrument was signed on behalf of said corporation and the said person acknowledged to me that said corporation executed the same.

Carmel L. Wernert  
Notary Public

My Commission Expires:



Residing in:

St George, UT

AMENDED EXHIBIT A  
GARDEN SOUTH CONDOMINIUMS-PHASE II

Beginning at a point North 0°54'43" West 1092.83 feet along the Section line, and South 89°05'17" West 138.00 feet from the East quarter corner of Section 36, Township 42 South, Range 16 West, Salt Lake Base and Meridian, said point being on the southerly line of a 50' right-of-way for 950 South Street and running thence South 89°05'17" West 298.50 feet along said right-of-way to the easterly boundary of the Garden South Condominiums Phase I; thence along said boundary as follows:

South 0°54'43" East 149.50 feet; thence North 89°05'17" East 60.0 feet; thence South 57°45'00" East 100.0 feet; thence South 31°00' East 135.565 feet; thence leaving said Phase I boundary North 59°00' East 55.00 feet; thence South 31°00' East 13.47 feet; thence North 59°00' East 73.99 feet; thence North 31°00' West 36.97 feet; thence North 0°54'43" West 103.06 feet; thence South 89°05'17" West 5.57 feet; thence North 13°00' West 35.42 feet; thence North 0°54'43" West 98.76 feet to the point of beginning. Containing 1.616 acres.

DIXIE TITLE CO.  
REQUEST  
BOOK 416 PAGE 813-816  
FILE 20.00 ADS  
1986 JUN 20 PM 4:52  
DOCUMENT 296764  
HERBERT S. BENILEY  
WASHINGTON CITY RECORDER  
BY *Blup*