

AFTER RECORDING PLEASE RETURN TO:

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Recorded JAN 30 1979 at 10⁰⁹A
Request of Backman Abstract & Title Company
KATIE L. DIXON, Recorder
Salt Lake County, Utah
By [Signature] Deputy
REF. [Signature] Deputy

SUPPLEMENT NUMBER ONE (1)
TO THE
REVISED AND RESTATED
DECLARATION OF CONDOMINIUM
OF THE CAPSTONE
CONDOMINIUM PROJECT

(An Expandable Condominium)

NOTE: This instrument acts as a supplement to the Revised and Restated Declaration of Condominium for the Capstone Condominium project. In every way this supplement seeks to comply with the expansion provisions provided in that document which received county approval by Gary Palmer and Clayne J. Ricks on the 28th day of September 1976. Which Revised and Restated Declaration was recorded in the County of Salt Lake, State of Utah on the _____ day of _____ 19____. It is to that certain Declaration and no other Declaration that this supplement applies.

It is further intended that the attached Survey of Record Map (Exhibit S1-C) constitutes an expansion to the previously recorded Record of Survey Maps. These instruments appear of record in Salt Lake County, State of Utah as follows:

<u>Title of Instrument</u>	<u>Dated</u>	<u>Recorded</u>	<u>Entry No.</u>	<u>Book, Page</u>
1. Record of Survey Map of "Capstone" (Phase No. 1), a Utah Condominium Project (6 Sheets)	9-17-70	11-5-70	2357253	II, 27
2. Record of Survey Map of "Capstone" (Phase No. 2), a Utah Condominium Project (6 Sheets)	12-30-71	2-24-72	2438958	KK, 83

I. PURPOSE OF SUPPLEMENT

1. Expansion of Project. There currently exists in Phases No. 1 and 2 of the project 26 units which are individually owned and applicable common areas which contain a clubhouse and a swimming pool. As required in the Restated Declaration of the project (Sec. 36 item (D)) this new or third phase, brings in both - 10 new units to be individually owned and a tennis court. More particularly described in exhibit S1-C that no change, addition or deletion is made to the existing clubhouse.

2. Continued Effectiveness of Deeds and Bylaws. The additional units added to the project become subject to the presently effective Declaration and Bylaws to the project. All definitions, Submissions, Covenants, Conditions and Restrictions have their full force and effect upon this addition.

DOCUMENT NOT LEGIBLE FOR MICROFILM

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II. SUBMISSION

There is hereby submitted to the provisions of the Act, as the additional tract associated with the Capstone Condominium Project, the following - described parcel of real property situated in Salt Lake County, State of Utah.

See Exhibit S1-B attached hereto and incorporated herein by this reference.

TOGETHER WITH all easements, right-of-ways, and other appurtenances and rights incident to appurtenant to, or accompanying the above-described parcel of real property.

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

ALSO SUBJECT TO: An easement and/or right-of-way granted to Declarant herein for the enabling development of, such of the Additional Land as has not yet been added to the Project.

III. COVENANTS, CONDITIONS, AND RESTRICTIONS

The foregoing submission is made upon and under the following covenants, conditions and restrictions:

1. Description of Improvements. The improvements included in the Project are new or will be located upon the Tract. The significant improvements contained in the Project (other than improvements located on or otherwise associated with portions of the Additional Land) include five (5) buildings, asphalt roadways, open parking spaces, ten (10) fully enclosed two-car garages, concrete sidewalks or walkways, brick sidewalks or walkways, wooden fences, concrete patios, cedar porches, and a tennis court. The location and configuration of the improvements referred to in the foregoing sentence is depicted on the Survey Map. The project also contains other improvements of a less significant nature, such as outdoor lighting and landscaping. The Survey Map shows the basements, the number of stories, and the number of Units which are contained in the five (5) buildings now added to the Project. Said Buildings are composed of the following materials: Wooden frame with load and non-load bearing walls studded with wood; basement floor of concrete; first floor of wooden joists; roof of truss type (except where interior ceiling is slanted, in which case roof is of vaulted rafter type) covered with plywood roofs surfaced with asphalt shingles; interior walls surfaced with gypsum board; and exterior surfaced with brick veneer and cedar siding.

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2. Description and Legal Status of Units. The record of Survey Map shows the Unit Number of each Unit located within the boundaries of the Addition, its location, dimensions from which its size may be determined, and the Common Areas and Facilities to which it has immediate access. Each Unit shall be capable of being separately owned, encumbered, and conveyed.

3. Limited Common Areas. The Limited Common Areas and Facilities which are contained in this Supplement and/or Addition, and the respective Units to which the exclusive use of such Limited Common Areas is reserved, are as follows: (i) Each of the various patios and/or porches, which are attached or adjacent to a Building is a Limited Common Area. On the Survey Map each patio and porch is immediately adjacent and/or attached to the Unit to which it is reserved. The exclusive use of each such patio, and/or porch is reserved to that adjacent unit. (ii), Each of the two (2) car garages which is labelled with its corresponding unit number followed by a "G" (so as to indicate garage reserved for use by the corresponding numbered unit) is a Limited Common Area. The exclusive use of each such garage is strictly reserved to the Unit which has the corresponding Unit Number.

4. Effective Date. This supplement Number 1 to the Revised and Restated Declarations of Condominium of the Capstone Project shall take effect upon its being filed for record in the office of the County Recorder of Salt Lake County, Utah.

5. Unit Number. Shall mean and refer to the number, letter, or combination thereof which designates a Unit in the attached Exhibit "S1-A" and in Exhibit "S1-C" on the Record of Survey Map.

6. Computation of Undivided Interests. The fraction of undivided ownership interest in the Common Areas and Facilities which is a appurtenant, at any point in time, to a given Unit shall be equal to the integer one (1) divided by the total number of Units then included in the Project. The fraction of undivided ownership interest which becomes appurtenant, with this Supplement Number 1 to the project, has been recomputed in the aforesaid manner and is depicted in Exhibit "S1-A". From time to time in the future and under the circumstances described in Sections 35 through 39 of the Article Number Four (4) of the Revised and Restated Declaration of the Project, to which this supplement attaches, the undivided ownership interest appurtenant to each unit theretofore contained in the Project may be recomputed and redetermined, but always through use of the formula described at the outset of this Section 6.

EXECUTED on this Twenty-Second (22nd) day of November 1978.

7. Declarant Statement. Declarant for the addition to the Capstone Condominium project, commonly referred to as Phase III, is Canyon Park Investment, a joint venture investment group, consisting of the following principals: Alma Mansell, David L. Mansell, Randolph S. Mellor, S. Roger Marchant, and Gary H. Smith. The above partnership exists and is doing business in the State of Utah.

EXECUTED by Declarant on this 22nd day of November, 1978.

"Declarant":

CANYON PARK INVESTMENT

Alma Mansell
Alma Mansell

David L. Mansell
David L. Mansell

Randolph S. Mellor
Randolph S. Mellor

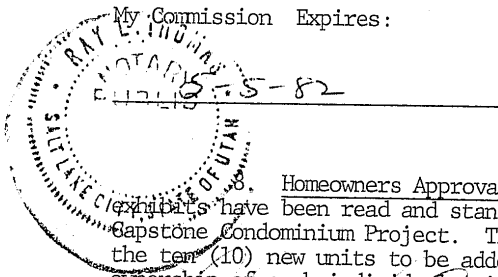
S. Roger Marchant
S. Roger Marchant

Gary H. Smith
Gary H. Smith

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On this 22 day of January, 1978 personally appeared before me ALMA MANSELL, DAVID L. MANSELL, RANDOLPH S. MELLOR, S. ROGER MARCHANT, GARY H. SMITH, partners in CANYON PARK INVESTMENT, a Utah Joint Venture, and that the foregoing Supplement #1 to the Revised and Restated Declaration was signed on behalf of said partnership.

My Commission Expires:



Ray E. Thomas
Notary Public

Residing At: Salt Lake City, Utah

Homeowners Approval. The foregoing supplement and pertinent exhibits have been read and stand approved by the existing homeowners of the Capstone Condominium Project. The Homeowners further agree to the addition of the ten (10) new units to be added and the subsequent change to the fractional ownership of each individual unit.

[Signature]
Witness

John Bates
John Bates, President
Homeowners Association

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EXHIBIT S1-A

TO

SUPPLEMENT NUMBER #1 AN AMENDED EXHIBIT "A"
REVISED AND RESTATED DECLARATION
OF CONDOMINIUM OF THE
CAPSTONE CONDOMINIUM PROJECT

<u>Unit No.</u>	<u>Fractional Ownership</u>
1	1/36
2	1/36
3	1/36
4	1/36
5	1/36
6	1/36
7	1/36
8	1/36
9	1/36
10	1/36
201	1/36
202	1/36
203	1/36
204	1/36
205	1/36
206	1/36
207	1/36
208	1/36
209	1/36
210	1/36
211	1/36
212	1/36
213	1/36
214	1/36
215	1/36
216	1/36
301	1/36
302	1/36
303	1/36
304	1/36
305	1/36
306	1/36
307	1/36
308	1/36
309	1/36
310	1/36
Total	36 Units
	1.0000

EXHIBIT S1-B

TO

SUPPLEMENT NO. 1 TO REVISED AND RESTATED DECLARATION
OF CONDOMINIUM OF THE CAPSTONE CONDOMINIUM PROJECT

The "Tract" of real property immediately adjacent to existing phases I and II, known as phase III, and more particularly described as follows:

Beginning at a point N89°53'40"W 869.00 Feet along the Section line from the South-East Corner of Section 28, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running thence N89°53'40"W 139.90 Feet along the Section line to the Southeast Corner of "Capstone - Phase No. 1", A Utah Condominium project as filed in the office of the Salt Lake County Recorder; thence along the following five courses along the Eastern Boundary of said "Capstone - Phase No. 1": N0°06'20"E 64.00 Feet, N89°53'40"W 25.00 Feet, N0°06'20"E 185.25 Feet, S89°53'40"E 11.00 Feet, N0°06'20"E 81.00 Feet to the Northeast Corner of said "Capstone-Phase No. 1", which point also lies on the Southern Boundary of "Capstone - Phase No. 2", a Utah Condominium Project as filed in the office of the Salt Lake County Recorder; thence along the following five courses along the Southern and Eastern Boundaries of the said "Capstone-Phase No. 2": S89°56'40"E 77.08 Feet, N0°04'00"E 21.00 Feet, S89°56'00"E 64.00 Feet, N0°04'00"E 107.20 Feet, S89°56'00"E 26.00 Feet to the Southeast corner of said "Capstone - Phase No. 2", which point also lies on the Western Boundary of "East Mill Creek Subdivision"; thence along the Western Boundary of said "East Mill Creek Subdivision" S0°04'00"W 121.00 Feet to the Southwest corner of said subdivision; thence N89°56'00"W 13.18 Feet; thence S0°06'20"W 337.50 Feet to the point of BEGINNING. Containing 1.298 Acres.

Subject to Covenants, conditions, restrictions and easements of record and also those set forth in the Declaration of Covenants, conditions and Restrictions of "Capstone Condominiums - Phase Three" to be recorded concurrently herewith.