

AFTER RECORDING, PLEASE RETURN TO:

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ROOKER, LARSEN, KIMBALL & PARR  
185 South State Street, Suite 1300  
Salt Lake City, Utah 84111

3882565

THIRD SUPPLEMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF THE  
SHADYBROOK CONDOMINIUM PROJECT

THIS SUPPLEMENT is made and executed this 8<sup>TH</sup> day of December, 1983, by MILLSTREAM ASSOCIATES, INC., a Utah corporation (hereinafter, the "Declarant").

I. RECITALS:

A. On July 29, 1982, Declarant created the Shadybrook Condominium Project (hereinafter, the "Project") by filing for record in the office of the Recorder of Salt Lake County, Utah: (i) an instrument entitled "Declaration of Condominium of the Shadybrook Condominium Project" (hereinafter, "Original Declaration") as Entry No. 3697564, in Book 5400, at Page 103; and (ii) an instrument styled "Record of Survey Map of the Shadybrook Condominium Project" (hereinafter, "Original Map") as Entry No. 3697563, in Book 82-7 of Plats, at Page 63. The Project, as so created, included the following-described real property located in Salt Lake County, State of Utah:

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

[Terms used herein that are defined in the Original Declaration shall have the meanings ascribed to them therein.]

B. On May 11, 1983, Declarant supplemented and amended the Original Declaration and Original Map by filing for record in the office of the Recorder of Salt Lake County, Utah: (i) an instrument entitled "First Supplement to Declaration of Condominium of the Shadybrook Condominium Project" (hereinafter, the "First Supplement") as Entry No. 3792104, in Book 5458, at Page 1280; and (ii) an instrument styled "Record of Survey Map of the Shadybrook Condominium Project, Phase II" (hereinafter, the "Phase II Map") as Entry No. 3792103, in Book 83-5 of Plats, at Page 58. Said First Supplement and Phase II Map added to the Project the following described real property located in Salt Lake County, Utah:

6400

*Spencer [Signature]*

GUARANTEE TITLE  
DEP

DEC 19 10 17 AM '83

KATIE L. DIXON  
RECORDER  
SALT LAKE COUNTY,  
UTAH

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All portions of the real property described on Exhibit "C" attached hereto and incorporated herein by this reference which, prior to the recordation of the First Supplement and Phase II Map, did not constitute a portion of the Shadybrook Condominium Project (i.e., which were not shown as part of said Project on the Original Map).

C. On July 11, 1983, Declarant further supplemented the Original Declaration and Original Map by filing for record in the office of the Recorder of Salt Lake County, Utah: (i) an instrument entitled "Second Supplement to Declaration of Condominium of the Shadybrook Condominium Project" (hereinafter, the "Second Supplement") as Entry 3816515, in Book 5473, at Page 2460; and (ii) an instrument styled "Record of Survey Map of the Shadybrook Condominium Project, Phase III" (hereinafter, the "Phase III Map") as Entry No. 3816514, in Book 83-7 of Plats, at Page 81. Said Second Supplement and Phase III Map added to the Project the following described real property located in Salt Lake County, Utah:

See Exhibit "D" attached hereto and incorporated herein by this reference.

D. As more fully set forth in Sections 36 through 40, inclusive, of the Original Declaration, Declarant reserved the unilateral right (i.e., without the consent of the Management Committee of the Shadybrook Condominium Project, any Unit Owner, or any other person or entity) to expand the Project by addition(s) of all or any part of the Additional Land to the Project in accordance with said Sections. Concurrently with recordation of this Supplement, there is being recorded in the office of the Recorder of Salt Lake County, Utah an instrument styled "Record of Survey Map of the Shadybrook Condominium Project, Phase IV" (hereinafter, the "Phase IV Map") which, together with this Supplement, adds to the Project the following-described real property (hereinafter, "Added Parcel") located in Salt Lake County, Utah:

See Exhibit "E" attached hereto and incorporated herein by this reference.

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## II. EXPANSION OF PROJECT

NOW, THEREFORE, in accordance with the procedure set forth in Section 38 of Article III of the Original Declaration for expansion of the Project and in conjunction with addition to the Project of the Added Parcel, Declarant hereby makes the following declarations and provides the following information.

1. Identification of Documents. Data sufficient to identify the Original Declaration, the Original Map, the First Supplement, the Phase II Map, the Second Supplement and the Phase III Map is set forth in Recitals "A" through "C" above.

2. Legal Description. The legal description for the portion of the Additional Land being added to the Project (herein referred to as the "Added Parcel") is set forth in Recital "D" above.

3. Description of Added Parcel Improvement. The significant improvements located upon the Added Parcel include Buildings M, N, O, P and Q containing Units 63 through 86, inclusive, a tennis court, asphalt and concrete driveways and parking areas, fencing, and landscaping. The location and configuration of such improvements are depicted on the Phase IV Map. The Phase IV Map shows the location, number of stories, and dimensions of the Units located on the Added Parcel. Each of the Buildings located on the Added Parcel is composed of the same materials as the Buildings originally contained in the Project, which materials are described in detail in the last sentence of Section 1 of Article III of the Original Declaration.

4. Limited Common Areas. The Limited Common Areas created within the Added Parcel consist of all of the following which are labeled as such on the Phase IV Map: (i) All patios, porches, balconies, and decks, if any, attached or adjacent to a Unit; and (ii) The private yard area, if any, adjacent to a Unit. The exclusive use of each patio, porch, balcony, deck, or private yard area is reserved to the Unit which it adjoins, with which it is associated, or as designated on the Phase IV Map.

5. Status of Title and Reservations for Declarant. The Added Parcel is submitted to the provisions of the Act and added to the Project together with the appurtenances and subject to the restrictions, reservations, and other matters set forth on Exhibit "F" attached hereto and incorporated herein by this reference.

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6. Amended Exhibit "A". Exhibit "A" attached hereto and incorporated herein by this reference furnishes the information described in Section 3 of Article III of the Original Declaration for each Unit contained in the Project from and after the addition of the Added Parcel to the Project. The undivided ownership interests in the Common Areas and Facilities set forth on said Exhibit "A" have been computed and derived as described in Section 4 of Article III of the Original Declaration. From and after the effective date of this Supplement, Exhibit "A" attached hereto shall automatically become effective for all purposes and shall completely supersede the Exhibit "A" attached to the Original Declaration, the Exhibit "A" attached to the First Supplement and the Exhibit "A" attached to the Second Supplement.

EXECUTED the day and year first above written.

"Declarant":

MILLSTREAM ASSOCIATES, INC.,  
a Utah corporation

By Jerrald K. Boone  
Its President

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

On this 8<sup>TH</sup> day of DECEMBER, 1983, personally appeared before me JERRALD K. BOONE, who being by me duly sworn did say that he is the PRESIDENT of MILLSTREAM ASSOCIATES, INC., a Utah corporation, and that the foregoing Third Supplement to Declaration of Condominium was signed in behalf of said corporation by authority of its bylaws or of a

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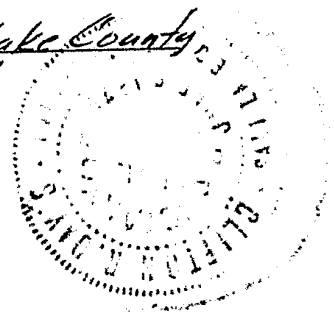
resolution of its board of directors, and said JERRALK K. BOONE  
acknowledged to me that said corporation executed the same.

My Commission Expires:

July 6, 1984

Clifton R. Davis  
NOTARY PUBLIC

Residing at: Salt Lake County  
Utah



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EXHIBIT "A"  
 TO  
 THIRD SUPPLEMENT  
 TO  
 DECLARATION OF CONDOMINIUMS  
 OF THE  
 SHADYBROOK CONDOMINIUM PROJECT  
 (An Expandable Condominium)

<u>Unit No.</u>	<u>Building No.</u>	<u>Size</u>	<u>Ownership Percentage</u>
1	A	1160	.91
2	A	1140	.90
3	A	1600	1.26
4	A	1600	1.26
5	A	1140	.90
6	A	1160	.91
7	B	1610	1.27
8	B	1600	1.26
9	B	1600	1.26
10	B	1610	1.27
11	C	1610	1.27
12	C	1600	1.26
13	C	1600	1.26
14	C	1610	1.27
15	D	1160	.91
16	D	1140	.90
17	D	1600	1.26
18	D	1600	1.26
19	D	1600	1.26
20	D	1600	1.26
21	D	1140	.90
22	D	1160	.91
23	E	1370	1.07
24	E	1340	1.05
25	E	1340	1.05
26	E	1370	1.07
27	F	1370	1.07
28	F	1340	1.05
29	F	1340	1.05
30	F	1370	1.07
31	G	1370	1.07
32	G	1340	1.05
33	G	1340	1.05

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34		1370	1.07
35	G	1610	1.27
36	H	1600	1.26
37	H	1600	1.26
38	H	1610	1.27
39	I	1160	.91
40	I	1140	.90
41	I	1600	1.26
42	I	1600	1.26
43	I	1600	1.26
44	I	1600	1.26
45	I	1140	.90
46	I	1160	.91
47	J	1160	.91
48	J	1140	.90
49	J	1600	1.26
50	J	1600	1.26
51	J	1600	1.26
52	J	1600	1.26
53	J	1140	.90
54	J	1160	.91
55	K	1370	1.07
56	K	1340	1.05
57	K	1340	1.05
58	K	1370	1.07
59	L	1370	1.07
60	L	1340	1.05
61	L	1340	1.05
62	L	1370	1.07
63	M	1370	1.07
64	M	1340	1.05
65	M	1340	1.05
66	M	1370	1.07
67	N	1370	1.07
68	N	1340	1.05
69	N	1340	1.05
70	N	1370	1.07
71	O	1610	1.27
72	O	1600	1.26
73	O	1600	1.26
74	O	1610	1.27
75	P	1160	.91
76	P	1140	.90
77	P	1600	1.26
78	P	1600	1.26
79	P	1140	.90
80	P	1160	.91

81	Q	1160	.91
82	Q	1140	.90
83	Q	1600	1.26
84	Q	1600	1.26
85	Q	1140	.90
86	Q	1160	.91
101	R	1030	.82
102	R	1010	.80
103	R	1030	.82
104	S	1030	.82
105	S	1010	.80
106	S	1010	.80
107	S	1030	.82
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		127,170	100.00

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EXHIBIT "B"  
TO  
THIRD SUPPLEMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF THE  
SHADYBROOK CONDOMINIUM PROJECT

[An Expandable Condominium]

The following described real property:

Beginning at a point which is S 89°56'44" W 165.99 ft. and N 0°11'21" E 242.24 ft. from the Southeast Corner of Lot 8, Block 20, Ten Acre Plat "A", B.F.S. and running thence S 89°56'44" W 432.38 ft.; thence N 0°11'40" E 139.04 ft.; thence S 89°55'33" W 166.333 ft. to the East Line of 700 East St.; thence N 0°11'40" E 60.00 ft. along said East Line; thence N 89°55'33" E 165.00 ft.; thence N 0°11'40" E 132.00 ft.; to the North Line of said Lot 8, Block 20; thence N 89°55'33" E 561.00 ft. along said North Line; thence S 0°11'21" W 66.00 ft.; thence S 89°55'33" W 141.00 ft.; thence S 0°11'21" W 132.95 ft.; thence N 89°55'33" E 13.683 ft.; thence S 0°11'21" W 132.24 ft. to the point of beginning.

Subject to a 24.75 ft. Right-of-Way described as follows: Beginning at the N.W. Corner of Lot 8, Block 21, Ten Acre Plat "A", B.F.S., and running thence N 89°55'33" E 495.00 ft.; thence S 0°11'40" W 24.75 ft.; thence S 89°55'33" W 495.00 ft.; thence N 0°11'40" E 24.75 ft. to the point of beginning.

Subject to all right-of-ways, easements and restrictions of record.

EXHIBIT "C"  
TO  
THIRD SUPPLEMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF THE  
SHADYBROOK CONDOMINIUM PROJECT

[An Expandable Condominium]

The following described real property:

Beginning at the Northwest Corner of Lot 8, Block 20, Ten Acre, Plat "A", B.F.S., and running thence along the North Line of said Lot 8, N 89°55'33" E 165.00 feet; thence S 0°11'40" W 192.00 ft.; thence S 89°55'33" W 165.00 ft. to the West Line of said Lot 8, and the East Line of 700 East Street; thence N 0°11'40" E 192.00 ft. along said Line to the point of beginning.

Subject to a 24.75 ft. Right-of-Way described as follows: Beginning at the Northwest Corner of Lot 8, Block 20, Ten Acre Plat "A", B.F.S., and running thence N 89°55'33" E 165.00 ft., thence S 0°11'40" W 24.75 ft., thence S 89°55'33" W 165.00 ft.; thence N 0°11'40" E 24.75 ft. to the point of beginning.

Subject to all rights-of-ways, easements, and restrictions of record.

EXHIBIT "D"  
TO  
THIRD SUPPLEMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF THE  
SHADYBROOK CONDOMINIUM PROJECT

[An Expandable Condominium]

The following described real property:

Beginning at a point which is North 0°11'21" East 156.86 feet from the Southeast corner of Lot 8, Block 20, Ten Acre Plat "A", Big Field Survey, and running thence South 89°56'44" West 165.99 feet; thence North 0°11'21" East 217.62 feet; thence North 89°55'33" East 165.99 feet; thence South 0°11'21" West 0.80 feet; thence North 89°55'33" East 238.00 feet; thence South 0°11'21" West 159.25 feet; thence South 49°30'00" West 177.74 feet; thence North 34°41'23" West 70.00 feet; thence South 89°56'44" West 63.20 feet to the point of beginning.

EXHIBIT "E"  
TO  
THIRD SUPPLEMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF THE  
SHADYBROOK CONDOMINIUM PROJECT

[An Expandable Condominium]

The following described real property:

Beginning at a point which is North 0°11'21" East 156.86 feet and North 89°56'44" East 63.20 feet and South 34°41'23" East 70.00 feet from the Southeast corner of Lot 8, Block 20, Ten Acre Plat "A", Big Field Survey, and running thence North 49°30'00" East 177.74 feet; thence North 0°11'21" East 26.53 feet; thence North 89°55'33" East 26.00 feet; thence North 0°11'21" East 5.78 feet; thence North 89°55'33" East 235.26 feet; thence South 0°11'21" West 122.50 feet; thence South 89°55'33" West 64.00 feet; thence South 0°11'21" West 193.19 feet; thence South 89°56'47" West 193.81 feet; thence North 41°40'00" West 146.50 feet; thence North 34°41'23" West 70.77 feet to the Point of Beginning.

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EXHIBIT "F"  
TO  
THIRD SUPPLEMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF THE  
SHADYBROOK CONDOMINIUM PROJECT

[An Expandable Condominium]

The Added Parcel is submitted to the provisions of the Act and added to the Project together with the following appurtenances and subject to the following restrictions, reservations, and other matters:

TOGETHER WITH all easements, rights-of-way, 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 governmental or quasi-governmental authorities; all Patent reservations and exclusions; any mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described Tract or any portion thereof, including, without limitation, any mortgage or deed of trust; all visible easements and rights-of-way; all easements and rights-of-way of record; any easements, rights-of-way, encroachments, or discrepancies shown on or revealed by the Survey Map or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the above-described Tract at such time as construction of all Project improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cables, wires, utility lines, and similar facilities.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under the above-described Tract and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant or for any assignee

or successor of Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (i) To construct and complete each of the Buildings and all of the other improvements described in this Declaration or in the Survey Map recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; (ii) To construct and complete on the Additional Land or any portion thereof such improvements as Declarant or said assignee or successor shall determine to build in its sole discretion (and whether or not the Additional Land or said portion has been or thereafter will be added to the Project); and (iii) To improve portions of the Tract with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners as Declarant or as such assignee or successor may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the above-described Tract or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire 10 years after the date on which this Third Supplement is filed for record in the office of the County Recorder of Salt Lake County, Utah.

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