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Paul H. Shaphren, Esquire  
PARSONS & CROWTHER  
455 South 300 East, Suite 300  
Salt Lake City, Utah 84111

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KATIE L. DIXON  
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THIRD SUPPLEMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF THE  
CROSSPOINTE CONDOMINIUM PROJECT

[Phase IV of an Expandable Condominium Project]

THIS SUPPLEMENT is made and executed this 21<sup>ST</sup> day of July, 1987, by San Francisco Construction, Inc., a Utah corporation (hereinafter referred to as "Declarant").

R E C I T A L S:

A. On August 1, 1985, Declarant created the Crosspointe 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 Crosspointe Condominium Project" (hereinafter, "Original Declaration") as Entry No. 4129902 in Book 5685, at Page 1682, and (ii) an instrument styled "Record of Survey Map for Crosspointe Condominiums" (hereinafter, "Original Map") as Entry No. 4129901 in Book 85-8 of Plats, at Page 146.

B. At the time of such recordation, there was also inadvertently recorded an instrument styled "Record of Survey Map of Crosspointe Condominiums, Phase IV" (the "Erroneous Map") as Entry 4129903 in Book 85-8 of Plats at Page 147. The real property described in the Erroneous Map was not described in the Original Declaration and was not intended to be made a part of the Project at that time, other than rights of ingress and egress for the Project.

C. Declarant subsequently expanded the Project 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 Crosspointe Condominium Project" ("First Supplement"), (ii) an instrument styled "Record of Survey Map of Crosspointe Condominiums, Phase 2" (the "Phase II Map"), (iii) an instrument entitled "Second Supplement to Declaration of Condominium of the Crosspointe Condominium Project" ("Second Supplement"), and (iv) an instrument styled "Record of Survey Map of Crosspointe Condominiums, Phase 3" (the

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"Phase III Map"). The Project, as expanded by the Second Supplement, includes the following-described real property located in Salt Lake County, State of Utah:

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

D. Declarant desires to add to the Project, as Common Area, a part of the real property described in the Erroneous Map. 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 Crosspointe 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 "Revised Record of Survey Map of Crosspointe Condominiums, Part 1 - Phase 4" (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 "C" attached hereto and incorporated herein by this reference.

#### I. 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 the 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 and the Original Map is set forth in Recital "A" 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 and Exhibit "C" attached hereto.

3. Description of Added Parcel Improvement. No Buildings containing Units are located on the Added Parcel. The significant improvements located on the Added Parcel include asphalt and brick roadways, concrete and brick planters, a club house, swimming pool and tennis courts. All such improvements are Common Areas. The location and configuration of such improvements are depicted on the Phase IV Map.

4. Limited Common Areas. No Limited Common Areas and Facilities are contained within the Added Parcel.

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Exhibit "A" is omitted inasmuch as no change to the number of units or percentage interest has occurred.

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Phase I:

BEGINNING at a point that is 140.0 feet South and 645.20 feet West from the Northeast Corner of Section 15, Township 2 South, Range 1 West, Salt Lake Base and Meridian, thence South 268.51 feet; to a point on a 122.00 foot radius curve (bearing to the center of curve bears South) thence 158.27 feet along the arc of said curve (chord bearing bears South 52°50'03" West); to a point on a 15.00 foot radius curve (bearing to the center of curve bears North 74°19'53" West) thence 19.46 feet along the arc of said curve (chord bearing bears South 52°50'04" West); thence West 147.79 feet; to a point on a 40.00 foot radius curve (bearing to the center of curve bears North) thence 23.21 feet along the arc of said curve (chord bearing bears North 73°22'44" West); to a point on a 70.00 foot radius curve (bearing to the center of curve bears South 33°14'32" West) thence 81.23 feet along the arc of said curve (chord bearing bears West); to a point on a 40.00 foot radius curve (bearing to the center of curve bears North 33°14'32" West) thence 23.21 feet along the arc of said curve (chord bearing bears South 73°22'44" West); thence West 76.79 feet; thence North 15°00'00" West 75.93 feet; thence North 22°27'17" West 32.09 feet; thence East 95.77 feet; thence North 12.23 feet; thence East 163.21 feet; thence North 159.08 feet; thence North 55°57'07" East 171.87 feet; to a point on a 23018.30 foot radius curve (bearing to the center of curve bears North 1°12'56" East); thence 107.62 feet along the arc of said curve (chord bearing bears South 88°55'06" East) to the point of beginning. Contains area of 102303.622 square feet or 2.34857 acres. BASIS OF BEARING IS FROM THE NORTH QUARTER CORNER TO THE NORTHEAST CORNER OF SECTION 15, WHICH IS N. 89°53'30" E.

Phase II:

BEGINNING at a point that is 126.5 feet South and 1140.64 feet West from the Northeast Corner of Section 15, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence South 15°00'00" West 91.00 feet; thence South 181.14 feet; to a point on a 10.00 foot radius curve (bearing to the center of curve bears East) thence 15.71 feet along the arc of said curve (chord bearing bears South 45°00'00" East); thence South 22°27'17" East 32.09 feet; thence South 15°00'00" East 75.93 feet; thence West 162.91

feet; thence North 388.00 feet; to a point on a 23018.30 foot radius curve (bearing to the center of curve bears North  $2^{\circ}32'30''$  East) thence 144.68 feet along the arc of said curve (chord bearing bears South  $87^{\circ}38'19''$  East) to the point of beginning. Contains area of 50536.312 square feet or 1.16015 acres. BASIS OF BEARING IS FROM THE NORTH QUARTER CORNER TO THE NORTHEAST CORNER OF SECTION 15, WHICH IS N.  $89^{\circ}53'30''$  E.

Phase III

BEGINNING at a point that is 138.0 feet South and 752.80 feet West from the Northeast Corner of Section 15, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence South  $55^{\circ}57'07''$  West 171.87 feet; thence South 159.08 feet; thence West 163.21 feet; thence South 12.23 feet; thence West 95.77 feet; to a point on a 10.00 foot radius curve (bearing to the center of curve bears North) thence 15.71 feet along the arc of said curve (chord bearing bears North  $45^{\circ}00'00''$  West); thence North 181.14 feet; thence North  $15^{\circ}00'00''$  East 91.00 feet; to a point on a 23018.30 foot radius curve (bearing to the center of curve bears North  $2^{\circ}10'53''$  East) thence 388.01 feet along the arc of said curve (chord bearing bears South  $88^{\circ}18'05''$  East) to the point of beginning. Contains area of 78053.801 square feet or 1.79187 acres. BASIS OF BEARING IS FROM THE NORTH QUARTER CORNER TO THE NORTHEAST CORNER OF SECTION 15, WHICH IS N. 89 53 30 E.

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Phase IV

BEGINNING at a point that is 430.59 feet South and 600.20 feet West from the Northeast Corner of Section 15, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence South 70.00 feet; thence East 65.00 feet; thence South 125.00 feet; thence West 156.42 feet; thence North  $85^{\circ}57'10''$  West 33.57 feet; thence North  $45^{\circ}00'00''$  West 9.00 feet; to a point on a 122.00 foot radius curve (bearing to the center of curve bears North  $45^{\circ}00'00''$  East) thence 62.46 feet along the arc of said curve (chord bearing bears North  $30^{\circ}20'03''$  West); to a point on a 15.00 foot radius curve (bearing to the center of curve bears South  $74^{\circ}19'53''$  West) thence 19.46 feet along the arc of said curve (chord bearing bears North  $52^{\circ}50'04''$  West); thence West 147.79 feet; to a point on a 40.00 foot radius curve (bearing to the center of curve bears South) thence 23.21 feet along the arc of said curve (chord bearing bears South  $73^{\circ}22'44''$  West); to a point on a 70.00 foot radius curve (bearing to the center of curve bears North  $33^{\circ}14'32''$  West) thence 81.23 feet along the arc of said curve (chord bearing bears West); to a point on a 40.00 foot radius curve (bearing to the center of curve bears South  $33^{\circ}14'32''$  West) thence 23.21 feet along the arc of said curve (chord bearing bears North  $73^{\circ}22'44''$  West); thence West 239.70 feet; thence North 44.00 feet; thence East 239.70 feet; to a point on a 40.00 foot radius curve (bearing to the center of curve bears North) thence 23.21 feet along the arc of said curve (chord bearing bears North  $73^{\circ}22'44''$  East); to a point on a 70.00 foot radius curve (bearing to the center of curve bears South  $33^{\circ}14'32''$  East) thence 81.23 feet along the arc of said curve (chord bearing bears East); to a point on a 40.00 foot radius curve (bearing to the center of curve bears North  $33^{\circ}14'32''$  East) thence 23.21 feet along the arc of said curve (chord bearing bears South  $73^{\circ}22'44''$  East); thence East 147.79 feet; to a point on a 15.00 foot radius curve (bearing to the center of curve bears North) thence 19.46 feet along the arc of said curve (chord bearing bears North  $52^{\circ}50'04''$  East); to a point on a 122.00 foot radius curve (bearing to the center of curve bears South  $74^{\circ}19'53''$  East) thence 158.27 feet along the arc of said curve (chord bearing bears North  $52^{\circ}50'03''$  East); thence South 22.00 feet; thence East 45.00 feet to the point of beginning. Contains area of 64090.749 square feet or 1.47132 acres. Basis of bearing is from the North Quarter Corner to the Northeast Corner of Section 15, which is North  $89^{\circ}53'30''$  East.

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EXHIBIT "D"  
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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 Added Parcel 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 Phase IV 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 Added Parcel 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 Added Parcel 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 Supplement or in the Phase IV Map recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; (ii) To improve portions of the Added Parcel 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; and (iii) To allow rights of ingress and egress over developed roads on the Added Parcel to and from parts of the Additional Land not made part of the Project. If, pursuant to the foregoing reservations, the Added Parcel or any improvements 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 seven (7) years after the date on which this Supplement is filed for record in the office of the County Recorder of Salt Lake County, Utah.