

FIFTH AMENDMENT TO THE RESTATED AND AMENDED  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
AT THE BRIARWOOD CONDOMINIUM PROJECT  
(AN EXPANDABLE CONDOMINIUM PROJECT)

WHEREAS, the Declarant herein recorded the Amended and restated Declaration of Covenants, Condition and Restrictions for the Briarwood Springs Condominium Project (the "Declaration") with the Salt Lake County Recorder's Office on December 12, 1986 as Entry No. 4365955, Book 5851, Pages 3090 through 3137.

WHEREAS, The Declarant herein has previously recorded with the Salt Lake County Recorder's Office the Amendments to the Restated and amended Declaration of Covenants, Conditions and Restrictions for the Briarwood Springs Condominium Project relative to the expansion and inclusion within the project of amended Phase 4, Phase 5, Phase 6 and Phase 7.

WHEREAS, the Declarant, pursuant to Sections 20.3 and 17.05 of the Declaration now desires to amend such Declaration to include Phase 8 as follows:

1. Paragraph A of the Recitals of the Declaration shall be amended to include the following property description, denoted as Phase 8 of the Project;

PHASE 8:

Beginning at a Point which is NORTH 00°02'05" EAST along the Section Line 723.09 feet and WEST 663.06 feet from the Southeast Corner of Section 30, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence SOUTH 89°59'55" WEST 203.99 feet; thence NORTH 14°00'00" WEST 71.669 feet to a point on the Arc of a 89.00 foot radius curve to the Right (chord bears NORTH 07°00'00" WEST 21.69 feet); thence along the Arc of said curve 21.75 feet; thence NORTH 23.57 feet; thence EAST 28.00 feet to a point on the Arc of a 15.00 foot radius curve to the Left (chord bears SOUTH 56°39'51" EAST 25.06 feet); thence along the Arc of said curve 29.67 feet; thence NORTH 66°40'18" EAST 111.46 feet to a point on the Arc of a 183.54 foot radius curve to the Right (chord bears NORTH 69°35'04" EAST 18.66 feet); thence along the Arc of said curve 18.67 feet; thence SOUTH 20 degrees 00'58" EAST 161.25 feet to the Point of Beginning. Contains 0.549 Acres.

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2. Paragraph 2.04 of the Declaration relative to the property description for expandable area shall be amended as follows:

EXPANDABLE AREA

Beginning at a Point which is NORTH 00°02'05" EAST along the Section Line 998.79 feet and WEST 33.00 feet from the Southeast Corner of Section 30, Township 2 South, Range 1 East, Salt Lake Base and Meridian; said point also being on the Westerly Right-of-Way line of 700 East Street; and running thence SOUTH 00°02'05" WEST along said Westerly Right-of-Way line 80.37 feet; thence SOUTH 41°46'04" WEST 130.36 feet; thence SOUTH 20°27'59" WEST 81.14 feet; thence NORTH 44°00'00" WEST 114.65 feet; thence SOUTH 84°30'00" WEST 13.57 feet; thence NORTH 05°30'00" WEST 136.12 feet; thence NORTH 84°17'22" WEST 19.64 feet; thence WEST 50.09 feet to a point on the Arc of a 16.00 foot radius curve to the left (chord bears SOUTH 45°00'00" WEST 22.63 feet); thence Southwesterly along the arc of said curve 25.13 feet; thence WEST 14.00 feet; thence SOUTH 8.29 feet to a point on the arc of a 75.00 foot radius curve to the left (chord bears SOUTH 02°45'00" EAST 7.19 feet); thence Southwesterly along the arc of said curve 7.20 feet; thence SOUTH 05°30'00" EAST 36.72 feet; thence SOUTH 84°30'00" WEST 70.00 feet; thence SOUTH 72°12'06" WEST 23.66 feet; thence SOUTH 12°00'00" WEST 100.00 feet; thence WEST 125.00 feet; thence SOUTH 50.56 feet; thence SOUTH 89°59'55" WEST 75.00 feet; thence NORTH 20°00'58" WEST 161.25 feet to a point on the arc of a 183.54 foot radius curve to the left (chord bears SOUTH 69°35'04" WEST 18.66 feet); thence Southwesterly along the arc of said curve 18.67 feet; thence SOUTH 66°40'18" WEST 111.46 feet to a point on the arc of a 15.00 foot radius curve to the right (chord bears NORTH 56°39'51" EAST 25.06 feet); thence Northwesterly along the arc of said curve 29.67 feet; thence WEST 28.00 feet; thence SOUTH 23.57 feet to a point on the arc of a 89.00 foot radius curve to the left (chord bears SOUTH 07°00'00" EAST 21.69 feet); thence Southeasterly along the arc of said curve 21.75 feet; thence SOUTH 14°00'00" EAST 71.669 feet; thence SOUTH 89°59'55" WEST 67.89 feet; thence NORTH 01°24'17" EAST 607.10 feet; thence EAST 315.64 feet; thence SOUTH 106.60 feet; thence EAST 190.22 feet; thence SOUTH 117.14 feet; thence NORTH 29°53'18" EAST 78.89 feet; thence SOUTH 117.63 feet; thence EAST 302.47 feet to the Point of Beginning. Contains 7.125 Acres.

3. Exhibit "A" relative to the identification of respective units and their undivided interest in common areas shall be amended to read as follows:

PLANS COPY  
CA RECORDS

BOOK 6075 PAGE 1411

EXHIBIT "A"

Rldg.# / Unit #	Sq. Footage	% Ownership	Votes
AMENDED PHASE 1			
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1-1	1078	1.0086	1078
1-2	1057	0.9889	1057
1-3	1078	1.0086	1078
1-4	1057	0.9889	1057
1-5	1078	1.0086	1078
1-6	1057	0.9889	1057
2-1	1078	1.0086	1078
2-2	1070	1.0011	1070
2-3	1078	1.0086	1078
2-4	1070	1.0011	1070
2-5	1078	1.0086	1078
2-6	1070	1.0011	1070
3-1	1078	1.0086	1078
3-2	1057	0.9889	1057
3-3	1078	1.0086	1078
3-4	1057	0.9889	1057
3-5	1078	1.0086	1078
3-6	1057	0.9889	1057
4-1	1078	1.0086	1078
4-2	1057	0.9889	1057
4-3	1078	1.0086	1078
4-4	1057	0.9889	1057
4-5	1078	1.0086	1078
4-6	1057	0.9889	1057
28-1	1078	1.0086	1078
28-2	1070	1.0011	1070
28-3	1078	1.0086	1078
28-4	1070	1.0011	1070
28-5	1078	1.0086	1078
28-6	1070	1.0011	1070
PHASE 2 A			
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5-1	1078	1.0086	1078
5-2	1078	1.0086	1078
5-3	1078	1.0086	1078
5-4	1078	1.0086	1078
5-5	1078	1.0086	1078
5-6	1078	1.0086	1078
6-1	1078	1.0086	1078
6-2	1078	1.0086	1078
6-3	1078	1.0086	1078
6-4	1078	1.0086	1078
6-5	1078	1.0086	1078
6-6	1078	1.0086	1078

PHASE 2 R

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25-1	1078	1.0086	1078
25-2	1078	1.0086	1078
25-3	1078	1.0086	1078
25-4	1078	1.0086	1078
25-5	1078	1.0086	1078
25-6	1078	1.0086	1078
26-1	1078	1.0086	1078
26-2	1078	1.0086	1078
26-3	1078	1.0086	1078
26-4	1078	1.0086	1078
26-5	1078	1.0086	1078
26-6	1078	1.0086	1078
27-1	1078	1.0086	1078
27-2	1078	1.0086	1078
27-3	1078	1.0086	1078
27-4	1078	1.0086	1078
27-5	1078	1.0086	1078
27-6	1078	1.0086	1078

PHASE 3

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29-1	1546	1.4464	1546
29-2	1412	1.3210	1412
29-3	1308	1.2237	1308
29-4	1546	1.4464	1546
29-5	1546	1.4464	1546
29-6	1412	1.3210	1412

AMENDED PHASE 4

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30-1	1412	1.3210	1412
30-2	1308	1.2237	1308
30-3	1412	1.3210	1412

PHASE 5

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31-1	1677	1.3670	1677
31-2	1308	1.2237	1308
31-3	1412	1.3210	1412
31-4	1546	1.4464	1546

PHASE 6

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34-1	1312	1.2275	1312
34-2	1060	0.9917	1060
34-3	907	0.8486	907
34-4	1085	1.0151	1085
34-5	1130	1.0572	1130
34-6	1312	1.2275	1312
34-7	1060	0.9917	1060

PHASE 7

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32-1	1312	1.2275	1312
32-2	1060	0.9917	1060
32-3	907	0.8486	907
32-4	1085	1.0151	1085
32-5	1130	1.0572	1130
32-6	1312	1.2275	1312
32-7	1060	0.9917	1060

PHASE 8

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36-1	1312	1.2275	1312
36-2	1060	0.9917	1060
36-3	907	0.8486	907
36-4	1085	1.0151	1085
36-5	1130	1.0572	1130
36-6	1312	1.2275	1312
36-7	1060	0.9917	1060

TOTALS

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IN WITNESS WHEREOF, the undersigned being the representative of the Declarant has heretofore set his hand 25<sup>TH</sup> day of October, 1988.

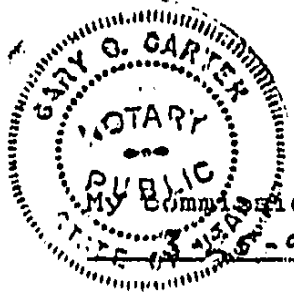
WOODBINE LAND CORPORATION

BY: David E. Kavanagh  
ITS: \_\_\_\_\_

STATE OF UTAH            )  
                                  )    SS  
COUNTY OF SALT LAKE )

This day, before me, a Notary Public of the State and County aforesaid, personally appeared David E. Kavanagh who being by me duly sworn, did say that he is the attorney in fact of Woodbine Land Corporation a Utah corporation, and that said instrument was signed in behalf of said corporation by authority of its bylaws and said David E. Kavanagh acknowledged to me that said corporation executed the same.

Witness my hand and official seal this 25 day of October, 1988.



My Commission expires: 12-31-90

Mary Ruts  
NOTARY PUBLIC  
Residing in: Salt Lake Co.

5850

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25 OCTOBER 88 02:57 PM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
WOODBINE LAND CORP.  
REC BY: MARSHA WILLIAMS, DEPUTY

B904 6075 REC-1415