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YOUNG AND YOUNG PC  
PO BOX 672  
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REC BY: SHARON WEST , DEPUTY

RATIFICATION, CONFIRMATION AND AMENDMENT OF  
DECLARATION FOR MIDLAND COURT CONDOMINIUMS

This ratification, confirmation and amendment is made and executed by Ebrahim Madadi; Deseret Federal Savings and Loan, F.A.; Kevin E. and Chris Unander; Commerce Financial, Inc., a Utah corporation, fka Cottonwood Thrift and Loan; and, Jayne Adrieana Stander.

It is executed by the undersigned in the following capacities:

1. Ebrahim Madadi as owner of Units 1A, 2A, 3A, 4A, 5A and 6A located in the Midland Court Condominiums.

2. Kevin E. and Chris Unander as owners of a buyer's interest in an unrecorded real estate contract in Unit 7A as disclosed by a Notice of Contract dated June 30, 1983, and recorded July 11, 1983, as Entry No. 3813055 in Book 5471 at Page 2361 in the official records of the Salt Lake County Recorder.

3. Jayne Adrieana Stander as owner of a buyer's interest in an unrecorded real estate contract in Unit 8A as disclosed by a Notice of Contract recorded July 1, 1983, as Entry No. 3813054 in Book 5471 at Page 2359 in the official records of the Salt Lake County Recorder.

4. Deseret Federal Savings and Loan, F.A., as successor-in-interest to the beneficiary under certain deeds of trust which affect condominium units 1A - 8A. Those trust deeds are recorded in the office of the Salt Lake County recorder as:

- a. Entry No. 3020584 in Book 4576 at Page 53.
- b. Entry No. 3020585 in Book 4576 at Page 58.
- c. Entry No. 3020586 in Book 4576 at Page 63.
- d. Entry No. 3020587 in Book 4576 at Page 68.

5. Cottonwood Thrift and Loan nka Commerce Financial Inc., a Utah corporation, as owner of the seller's interest in two unrecorded real estate contracts as to the Units 7A and 8A described more particularly in paragraphs 2 and 3 above, respectively, as a

consequence of those Assignments of Contract dated July 1, 1983, and recorded as Entry No. 3813056 in Book 5471 at Page 2363 and Entry No. 3183057 in Book 5471 at Page 2366 in the official records of the Salt Lake County Recorder.

6. This ratification is executed to correct certain deficiencies with the Midland Court Condominiums as reflected in the chain of title and the public record. The specific defects intended to be remedied by this ratification are set forth as follows:

a. The Declaration of Covenants, Conditions, Restrictions and by-laws for the Midland Court Condominiums is misnamed as the "Declaration of Covenants, Conditions, Restrictions, and By-Laws for TIVCO Development, a Utah Limited Partnership" which was recorded as Entry No. 3386129, on January 8, 1980, in Book 5021, beginning at page 717. The Declaration has other defects, including the fact that the named declarant, TIVCO Properties, a Utah general partnership, was not the record owner of the property subject to the Declaration on the date of the Declaration, as discussed more fully below, and the fact that the Declaration was executed by TIVCO Properties, a Utah Corporation, which corporation has never existed under the laws of the state of Utah, and the fact that Deseret Federal Savings and Loan did not consent to said declaration as a lien holder.

b. The Declaration of Covenants, Conditions, Restrictions and By Laws (Entry No. 3386129) was executed by TIVCO Properties, a Utah corporation. There is not and has never been a TIVCO Properties, a Utah corporation. There were two dba's in which the name TIVCO appears, the principals of which were Richard H. Turner. Those entities are TIVCO Properties, a dba of Richard H. Turner, and TIVCO Development Company also a dba of Richard H. Turner. Additionally, TIVCO Properties, a general partnership, appears as a grantor under quit-claim deed, Entry No. 4241350 in Book 5764 at Page 291. It is the intent of the undersigned owners and lien

holders of Units 1A, 2A, 3A, 4A, 5A, 6A, 7A and 8A to ratify and confirm the Declaration of Covenants, Conditions, Restrictions and By-Laws as written and to confirm that said "Declaration of Covenants, Conditions, Restrictions and By-Laws for TIVCO Development, a Utah limited partnership", is the Declaration of Covenants, Conditions, Restrictions and By-Laws for the Midland Court Condominiums and to further amend the "Declaration of Covenants, Conditions, Restrictions and By-Laws for TIVCO Development, a Utah limited partnership", (Entry #3386129) so that the name of said document shall henceforth be the "Declaration of Covenants, Conditions, Restrictions and By-Laws for the Midland Court Condominiums".

c. At the time the Declaration was executed, January 3, 1980, the owner of record title of the property subject of the Declaration was Transland Corporation, a Utah corporation, by reason of that Warranty Deed, Entry No. 3039199 in Book 4596 at Page 1044, dated December 16, 1977. The grantor under that warranty deed was RAC Construction Corporation, a Utah corporation. Subsequent to the execution and recordation of Warranty Deed #3039199, RAC Construction Corporation attempted to convey the property to TIVCO Properties on June 30, 1978, by special warranty deed, Entry No. 3142413 in Book 4771 at Page 567. In view of the prior conveyance from RAC Construction Corporation to Transland Corporation (Entry No. 3039199), said special warranty deed to TIVCO (Entry No. 3142413) was ineffective. Therefore, title continued to be held by Transland at the time of the recordation of the Declaration. The undersigned are the current owners of to Units 1A, 2A, 3A, 4A, 5A, 6A, 7A and 8A. This ratification is intended to confirm and ratify the Declaration of Covenants, Conditions, Restrictions and By-Laws and the Record Map of Survey and to amend the Declaration in name only.

d. On October 26, 1979, the Record Map of Survey for the

Midland Court Condominiums was executed by Richard H. Turner as President of TIVCO Properties. This Record Map of Survey was recorded on October 29, 1979, as Entry No. 3356945 in Book 79-10 at Page 340 in the official records of the Salt Lake County Recorder. At the time of the execution and recordation of the Record Map of Survey, TIVCO Properties was not the owner of record title to the subject property. The owner of record title was Transland Corporation, a Utah corporation, by reason of a warranty deed dated December 16, 1977, from RAC Construction Corporation, a Utah corporation. This warranty deed was recorded in the records of the Salt Lake County Recorder as Entry No. 3039199 in Book 4596 at Page 1044 also on December 16, 1977. As a consequence of this prior conveyance (Entry #3039199), the Record Map of Survey was not executed by the owners of record title. This document is intended to confirm and ratify the Record Map of Survey in all respects as if it had been properly recorded in the first instance.

NOW, THEREFORE, in view and consideration of the above, it is agreed as follows:

A. The undersigned by these presents hereby ratify and confirm said Declaration of Covenants, Conditions, Restrictions and By-Laws for the Midland Court Condominiums (formerly known as the Covenants, Conditions, Restrictions and By-Laws for TIVCO Development, a Utah limited partnership) filed for record on January 8, 1980, as Entry No. 3386129, in Book 5021, at Page 717, as well as any and all amendments thereto. The undersigned do hereby ratify and confirm the Record Map of Survey recorded as Entry No. 3356945 in Book 79-10 at Page 340 on October 29, 1979, as if there had been no defect in the original Map, said ratification of said Declaration and Map to be fully and completely effective for all purposes as set forth in the Declaration and Record Map of Survey as of the date of the execution thereof.

B. The undersigned by these presents hereby amend said

Declaration in name only. Henceforth the document shall be known as the "Declaration of Covenants, Conditions, Restrictions and By-Laws for the Midland Court Condominiums". Such amendment shall also extend to and be effective as to the Record Map of Survey recorded as Entry No. 3356945 in Book 79-10 at Page 340 on October 29, 1979. Such amendment shall be retroactive to date of execution and recordation, as if there had been no defect in the original Declaration or Map to be fully and completely effective for all purposes in equity or law.

C. The undersigned do hereby make this certificate; that we have ratified and confirmed the making and recording of the Record Map of Survey described immediately above; that we consent to, ratify and confirm the recordation of said Map in accordance with the Utah Condominium Act and ratify and confirm the submission of the land described therein to said Condominium Act, as fully and as effectively, as had the Record Map of Survey been fully and properly executed by the owners of record title in the first instance.

Dated: \_\_\_\_\_

EBRAHIM MADADI

DESERET FEDERAL SAVINGS AND  
LOAN, F.A.

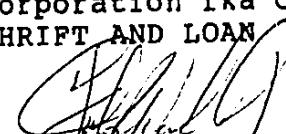
By \_\_\_\_\_

Its \_\_\_\_\_

KEVIN E. UNANDER

CHRIS UNANDER

COMMERCE FINANCIAL, a Utah  
corporation fka COTTONWOOD  
THRIFT AND LOAN

  
By JAYNE ADRIEANA STANDER  
Its 1/10/89

JAYNE ADRIEANA STANDER

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) : ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 1989, personally  
appeared before me Ebrahim Madadi, personally known to me or proved  
to me on the basis of satisfactory evidence to be the person who  
name is signed on the preceding document, and acknowledged to me  
that he signed it voluntarily and for its stated purpose.

My Comm. Exp.: \_\_\_\_\_ NOTARY PUBLIC  
Residing at \_\_\_\_\_

STATE OF UTAH )  
County of Salt Lake ) : ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 1989, personally  
appeared before me \_\_\_\_\_, personally known to me  
or proved to me on the basis of satisfactory evidence, and who,  
being by me duly sworn, did say that he/she is  
the \_\_\_\_\_ of Deseret Federal Savings  
and Loan, F.A., and that said document was signed by him/her in  
behalf of said corporation by authority of its bylaws or a  
resolution of its board of directors, and said  
acknowledged to me that said corporation executed the same.

My Comm. Exp.: \_\_\_\_\_ NOTARY PUBLIC  
Residing at \_\_\_\_\_

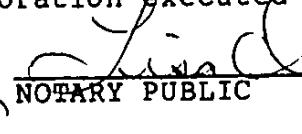
STATE OF UTAH )  
: ss.  
County of Salt Lake )

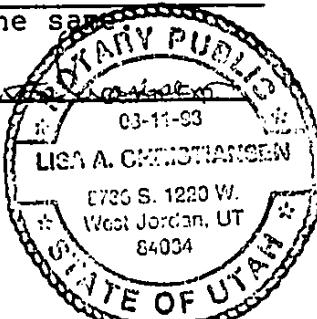
On this \_\_\_\_\_ day of \_\_\_\_\_, 1989, personally appeared before me Kevin E. Uander and Chris Unander, personally known to me or proved to me on the basis of satisfactory evidence to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

My Comm. Exp.: \_\_\_\_\_ NOTARY PUBLIC  
Residing at \_\_\_\_\_

STATE OF UTAH )  
: ss.  
County of Salt Lake )

On this 27<sup>th</sup> day of November, 1989, personally appeared before me John P. Woods Jr., personally known to me or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he/she is the Receiving Agent of Commerce Financial, Inc., a Utah corporation, and that said document was signed by him/her in behalf of said corporation by authority of its bylaws or a resolution of its board of directors, and said acknowledged to me that said corporation executed the same.

My Comm. Exp.: 8-11-93   
Residing at Salt Lake City, Utah NOTARY PUBLIC



STATE OF UTAH )  
: ss.  
County of Salt Lake )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1989, personally appeared before me Hayne Adrieana Stander, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily and for its stated purpose.

My Comm. Exp.: \_\_\_\_\_ NOTARY PUBLIC  
Residing at \_\_\_\_\_