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19 NOVEMBER 90 03:26 PM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
METRO NATIONAL TITLE  
REC BY: KARMA BLANCHARD : DEPUTY

WHEN RECORDED, RETURN TO:

WALTER J. PLUMB, III  
411 EAST 100 SOUTH  
SALT LAKE CITY, UTAH 84111

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM  
OF THE SUGARPLUM PHASE II CONDOMINIUMS

4990808

THIS FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF THE SUGARPLUM PHASE II CONDOMINIUMS ("Fifth Amended Declaration") is executed pursuant to the Utah Condominium Ownership Act (the "Act") and the original Declaration this 19<sup>th</sup> day of November, 1990, by SUGARPLUM ASSOCIATES, a joint venture ("Declarant").

RECITALS

A. Declarant has heretofore filed for record on January 16, 1985 a Declaration of Condominium ("Declaration") of the Sugarplum Phase II Condominiums with the Salt Lake County Recorder, as Entry No. 4039541, Book 5622, Pages 2266-2309, together with a Record of Survey Map ("Map"), Entry No. 4039540.

B. The Declaration contains provisions for expansion of the Sugarplum Phase II Condominiums to include additional units within the Additional Land as defined in the Declaration.

C. Pursuant to such expansion provisions, the Declarant executed the First Amended Declaration of Condominium of the Sugarplum Phase II Condominiums on December 16, 1985 ("First Amended Declaration"), recorded with the Salt Lake County Recorder as Entry No. 4180108, Book 5720, Pages 1913-1918. The Declarant subsequently executed a Second Amendment to the Declaration of Condominium of the Sugarplum Phase II Condominiums on February 23, 1988 ("Second Amended Declaration"), recorded with the Salt Lake County Recorder as Entry No. 4590120, Book 6006, Pages 1824-1828; a Third Amendment to the Declaration of Condominium of the Sugarplum Phase II Condominiums on August 24, 1988 ("Third Amended Declaration"), recorded with the Salt Lake County Recorder as Entry No. 4667206, Book 6058, Pages 1039-1043; and a Fourth Amendment to the Declaration of Condominium of the Sugarplum Phase II Condominiums on November 21, 1989 ("Third Amended Declaration"), recorded with the Salt Lake County Recorder as Entry No. 4850746, Book 6177, Pages 2402-2406.

D. Declarant desires by filing this Fifth Amended Declaration, together with a supplemental Record of Survey Map ("Supplementa' Map") to expand Sugarplum Phase II Condominiums to

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include portions of the Additional Land, to be known as the Village at Sugarplum, Part 6 of Sugarplum Phase II Condominiums, and to adjust the percentages of undivided interest of all units in the Sugarplum Phase II Condominiums as permitted by the Declaration.

DECLARATION

1. Declarant hereby incorporates that portion of the Additional Land as described in Appendix B attached hereto and incorporated herein by this reference into the Sugarplum Phase II Condominiums, together with the buildings located thereon containing a total of three units, and designated on the Supplemental Map as Units 24, M and N, which buildings are similar in construction to the original buildings described in the Declaration, and consist of two stories.

2. Attached hereto and incorporated by reference is an Amended Appendix A to the Declaration, which reallocates the undivided interest in the Common Areas and Facilities among all Units in the Sugarplum Phase II Condominiums, including the Units described in the Declaration, the First Amended Declaration, the Second Amended Declaration, the Third Amended Declaration and the Fourth Amended Declaration, as well as Units added hereby, all in accordance with Section 57-8-13.6 and 57-8-13.10 (2) of the Act.

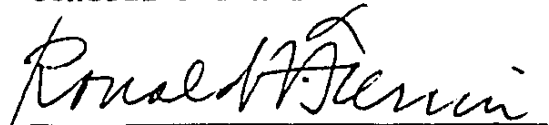
3. Both this Fifth Amended Declaration and the Supplemental Map shall be considered supplemental to the Declaration, the First Amended Declaration, the Second Amended Declaration, the Third Amended Declaration, the Fourth Amended Declaration, and to the Map and any supplements or additions thereto, and except as expressly amended by this Fifth Amended Declaration and the Supplemental Map, the Declaration, First Amended Declaration, Second Amended Declaration, Third Amended Declaration, Fourth Amended Declaration, and the Map and its supplements shall remain in full force and effect and shall not be cancelled, suspended or otherwise abrogated by the recording of this Fifth Amended Declaration and the Supplemental Map.

DATED the year and day first above written.

SUGARPLUM ASSOCIATES,  
a Joint Venture:

By MADISON COMPANY, a  
Utah Corporation, its  
General Partner

By R.A. FERRIN COMPANY, INC.  
a Utah Corporation, its  
General Partner

  
By: Ronald Ferrin, President

  
By: Ronald Ferrin, President

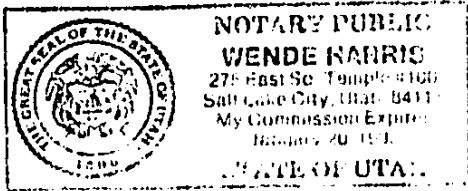
STATE OF UTAH            )  
                                  :  
County of Salt Lake )

On this 19<sup>th</sup> day of November, 1990, personally appeared before me Ronald Ferrin, who being by me duly sworn, did say that he is the President of Madison Company and R.A. Ferrin Company, Inc., Utah Corporations and joint venturers in Sugarplum Associates, and the foregoing instrument was signed in behalf of such joint venture by authority of its joint venture agreement, and he acknowledged to me that the corporations and the joint venture executed the same.

My Commission Expires:

1-20-93

Wende Harris  
NOTARY PUBLIC  
Residing In: SLC, Utah



AMENDED APPENDIX A  
SUGARPLUM PHASE II CONDOMINIUMS

<u>Unit Number</u>	<u>Approximate Sq. Footage</u>	<u>Share of Ownership of Common Areas and Facilities</u>
1	3430	.0480
2	2126	.0307
3	2323	.0325
4	2126	.0307
5	2126	.0307
6	2323	.0325
7	1938	.0272
8	1538	.0216
9	1803	.0253
10	1598	.0224
11	2323	.0325
12	1938	.0272
13	2323	.0325
14	2126	.0307
15	2323	.0325
16	1553	.0218
17	2323	.0325
18	2028	.0284
19	2028	.0284
20	2028	.0284
21	2075	.0291
22	2126	.0307
23	2323	.0325
24	2028	.0284
A	1440	.0202
B	1440	.0202
C	1440	.0202
D	1440	.0202
E	1440	.0202
F	1440	.0202
G	1440	.0202
H	1440	.0202
I	1440	.0202
J	1440	.0202
K	1440	.0202
L	1440	.0202
M	1440	.0202
N	1440	.0202
	71,036	1.0000

APPENDIX B

DESCRIPTION OF ADDITIONAL LAND TO BE ADDED TO  
THE SUGARPLUM PHASE II CONDOMINIUMS

BEGINNING at a point which is North 72.36 feet from the Southwest corner of Lot 7, Sugarplum Amended, as recorded in the office of the Salt Lake County Recorder; and running thence North 89 degrees 50 minutes 43 seconds East 150.39 feet; thence North 22 degrees 40 minutes 00 seconds East 56.14 feet; thence North 69 degrees 23 minutes 36 seconds West 135.00 feet; thence South 54.00 feet; thence West 45.66 feet; thence South 45.72 feet to the point of beginning.

Containing 11,087.5 sq. ft. or 0.255 acres