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KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
WALDENWOOD HOMES  
4440 W 6200 S SLC, UT 84118  
REC BY: DIANE KILPACK, DEPUTY

5106797

AMENDMENT  
TO  
FIRST SUPPLEMENT TO DECLARATION OF CONDOMINIUM  
FOR  
LONDON STREET, INC.

THIS AMENDMENT is made this 29 day of July 1991, by Waldenwood Homes, Inc., a Utah corporation, (hereinafter sometimes referred to as "Declarant").

RECITALS:

A. On January 9, 1985, Brookland Management and Development Group created the London Street Condominium Project (hereinafter sometimes referred to as "the Project") by filing for record in the office of the Recorder of Salt Lake County, Utah: (1) an instrument entitled "Declaration of Covenants, Conditions and Restrictions for London Street, Inc." (hereinafter referred to as "the Original Declaration") as Entry No. 4037092 in Book 5621 beginning at Page 666 and the First Amendment to the Original Declaration as Entry No. 4142441 in Book 5694 beginning at Page 942 and Amended and Restated as Entry No. 4174332 in Book 5716 beginning at Page 1222, and (2) an instrument styled "Record of Survey Map of London Street Condominiums" (hereinafter referred to as the "Original Map") as Entry No. 4037091 in Book 85-1 of Plats, at Page 8. 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.

B. On March 21, 1986, Brookland Management and Development Group exercised the right reserved to the declarant in the Original Declaration in Article II, Section 2 Subsection G, to unilaterally expand the Project by filing for record in the office of the Recorder of Salt Lake County, Utah: (1) an instrument entitled First Supplement to Declaration of Condominium For London Street, Inc. (hereinafter referred to as the "First Supplement") as Entry No. 4248890 in Book 5769 beginning at Page 1566, and (2) an instrument styled "Record of Survey Map of #70 London Street Condominium Project, Phase II" (hereinafter referred to as the "Phase II Map") as Entry No. 4248889 in Book 86-5 of Plats, at Page 78. The First Supplement and the Phase II Map added to the Project the following-described real property (hereinafter referred to as

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the "Added Parcel"):

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

C. On September 28, 1991, Declarant acquired all of the interest of Brookland Management and Development Group with respect to the Project, including but not limited to the rights of the declarant in the Original Declaration.

D. Pursuant to Section 57-8-13.8 of the Utah Code Annotated, Declarant desires that the Project be contracted by withdrawing the Added Parcel.

E. Pursuant to Article II, Section 2, Subsection G of the Original Declaration, Declarant desires to expand the Project by the addition of a portion of the Additional Land.

NOW, THEREFORE, Declarant hereby makes the following declarations and provides the following information.

**CONTRACTION OF PROJECT**

In accordance with the procedures set forth in Section 57-8-13.8 of the Utah Code Annotated, as amended, the following described land is hereby withdrawn from the Project:

See Exhibit "C" attached hereto.

**EXPANSION OF PROJECT**

In accordance with the procedure set forth in Article II, Section 2 of the Original Declaration for the expansion of the Project and in conjunction with the addition to the Project of a portion of the Additional Land, the following described land is hereby added to the Project, subject to the following terms and conditions:

1. Legal Description. The legal description for the portion of the Additional Land being added to the Project (herein referred to as the "Amendment Plat A") is as follows:

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

2. Record of Survey Map. Concurrently with the

recording of this Amendment to First Supplement To Declaration of Condominium For Lundo Street, Inc., there is being recorded in the office of the Recorder of Salt Lake County, Utah an instrument styled "Amendment Plat A # 70 Lundo Street Phase 2" (hereinafter referred to as "Amendment Plat A Map") which, together with this Amendment adds Amendment Plat A to the Project.

3. Description of Amendment Plat A Improvements. The significant improvements located on Amendment Plat A include seven (7) Units known as Phase 2 Units 1 through 5 inclusive and Phase 2 Units 8 & 9, together with all improvements associated with the real property described in Exhibit D. The location and configuration of such improvements are depicted on the Amendment Plat A Map. The Amendment Plat A Map shows the location, number of stories, and dimensions of the Units located on Amendment Plat A. Each of the Buildings located on Amendment Plat A is composed of the same quality of materials as the Buildings originally contained in the Project, which materials are described in detail in Article II of the Original Declaration.

4. Limited Common Areas. The Limited Common Areas and Facilities which are contained on Amendment Plat A consist of all the following which are labeled as such on the Amendment Plat A Map: (i) All patios, porches, balconies, decks, private yard areas and storage shed, if any, attached or adjacent to a Unit; and (ii) the parking stall designated for the use of an individual Unit on the Amendment Plat A Map, if any. The exclusive use of each patio, porch, balcony, deck, private yard area, storage shed, or designated parking stall is reserved to the Unit which it adjoins, with which it is associated, or as designated on the Amendment Plat A Map.

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

6. Ownership of Common Area. Exhibit "A" attached hereto and incorporated herein by this reference furnishes the information described in Section 2 of Article II of the Original Declaration for each Unit contained in the Project from and after the addition of Amendment Plat A to the Project. The undivided ownership interest in the Common Areas and Facilities set forth on Exhibit "A" have been computed and derived as described in Subsection G of Section 2 of Article II of the Original Declaration. From and after the effective date of this Amendment to First Supplement to Declaration of Condominium for Lundo Street, Inc., Exhibit "A" shall automatically become effective for all purposes and shall completely supersede the exhibit attached to the Original Declaration and referred to in Section 2 of Article II

thereof.

7. Definitions. All capitalized terms used herein but not specifically defined herein are given the meaning as contained in the Original Declaration.

8. Residential Use. The Units in Amendment Plat A shall be restricted exclusively for residential use.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above written.

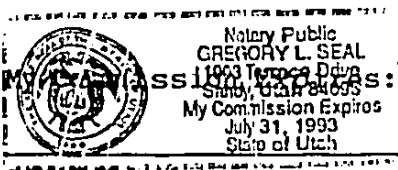
WALDENWOOD HOMES, INC.

by David C. Clark  
its Sec.

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

On the 29 day of July, 1991, personally appeared before me David C. Clark, signer of the foregoing Amendment to First Supplement to Declaration of Condominium for Lundon Street, Inc., who acknowledged to me that he executed the same for and in behalf of Waldenwood Homes, Inc., a Utah corporation, in his capacity as Secretary thereof, and that he signed the same pursuant to authority of a resolution of the corporation duly enacted

Gregory J. Seal  
NOTARY PUBLIC  
Residing at Sandy, Utah



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DK 6343767185

CONSENT

The following, being claimants to rights and interest in a portion of the Added Parcel which is being withdrawn by the foregoing Amendment, do hereby consent to the contraction of the project and the expansion of the project, as is more fully set forth in the foregoing Amendment, and hereby subordinate their interest in and to the land described in the Amendment Plat A Map.

Keith L. Powell Family Trust  
Keith L. Powell, Trustee

By Michael L. Jones  
Michael L. Jones  
Attorney in Fact

7-2-91  
Date

Michael L. Jones &  
Beverly H. Jones

By Michael L. Jones  
Michael L. Jones  
Attorney in Fact

7-2-91  
Date

Associates Financial Services  
A Utah Corporation

By John Demmitt  
John Demmitt  
Branch Manager

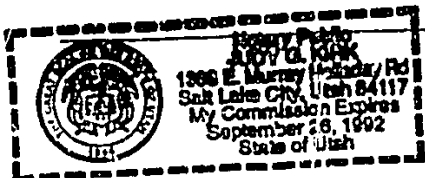
8-2-91  
Date

STATE OF UTAH )  
COUNTY Salt Lake (ss.)

On the 2nd day of August, 1991, personally appeared before me Michael L. Jones, signer of the foregoing consent, who acknowledged to me that he executed the same for and in behalf of Keith L. Powell, Trustee of the Keith L. Powell Family Trust, Keith L. Jones individually, and Beverly H. Jones individually, pursuant to powers of attorney duly executed and recorded.

Paul J. Kwik  
NOTARY PUBLIC  
Residing at Salt Lake County, UT.

My Commission Expires:



STATE OF UTAH

COUNTY OF Salt Lake (ss.)

On the 2 day of August, 1991, personally appeared before me John Demmitt, Branch Manager of Associated Financial Services, a Utah Corporation, signer of the foregoing Consent, who acknowledged to me that he executed the same for and in behalf of Associated Financial Services, by authority of bylaws and/or corporate resolution of its board of directors, duly enacted.

[Signature]  
NOTARY PUBLIC  
Residing at [Address]

My Commission Expires:

5/12/93



EXHIBIT A  
OWNERSHIP OF COMMON AREA  
LONDON STREET, INC.

<u>Unit No.</u>	<u>Ownership Interest</u>
Phase 1	
1	1/25
2	1/25
3	1/25
4	1/25
5	1/25
6	1/25
7	1/25
8	1/25
9	1/25
10	1/25
11	1/25
12	1/25
13	1/25
14	1/25
15	1/25
16	1/25
17	1/25
18	1/25
Phase 2	
1	1/25
2	1/25
3	1/25
4	1/25
5	1/25
8	1/25
9	1/25

Exhibit.A

BK 634370188

"EXHIBIT B"

Beginning at a point on the West right-of-way line of 700 East Street, said point being South along the section line, 318.62 feet and West 14.76 feet from the Northeast corner of Section 30, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South  $1^{\circ}10'42''$  West along said West right-of-way line, 140.73 feet; thence leaving said right-of-way-line North  $71^{\circ}20'00''$  West, 554.58 feet; thence North  $16^{\circ}21'38''$  East, 221.01 feet to an existing fence; thence South  $71^{\circ}25'52''$  East along said fence, 296.06 feet; thence South  $18^{\circ}40'00''$  West, 87.11 feet; thence  $71^{\circ}20'00''$  East, 225.12 feet to the point of beginning.

NOTE: THE Original Map referred to in Recital "B" above is now amended and said amended boundary description is more particularly described as follows:

Beginning at a point on the West right-of-way line of 700 East Street, said point being South along the section line, 318.62 feet and West, 14.76 feet from the Northeast corner of Section 30, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South  $1^{\circ}10'42''$  West along said West right-of-way line, 140.73 feet; thence leaving said right-of-way-line North  $71^{\circ}20'00''$  West 562.52 feet; thence North  $18^{\circ}40'00''$  East 59.34 feet to a point on a 387.50 foot radius curve to the right; (radius bears South  $01^{\circ}48'55''$  West); thence along the arc of said curve 5.78 feet; thence North  $16^{\circ}21'38''$  East 159.98 feet to an existing fence; thence South  $71^{\circ}25'52''$  East along said fence 296.06 feet; thence South  $18^{\circ}40'00''$  West 87.11 feet; thence South  $71^{\circ}20'00''$  West 225.12 feet to the point of beginning.

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CO. RECORDED

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"EXHIBIT C"

Beginning at the northwest corner of No. 70 Lundon Street Phase 1, a recorded condominium development in the county of Salt Lake, said point being South 69.76 feet and West 480.81 feet from the Northeast corner of Section 30, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 71°25'52" West 348.84 feet along a fence; thence North 35.13 feet; thence West 130.32 feet to an agreed upon boundary, thence along said boundary the following two courses: South 0°17'43" East 218.48 feet and South 45°22'59" East 451.57 feet; thence North 23°15'00" East 193.07 feet to the southerly boundary line of said condominium development; thence along said boundary the following 4 courses: North 71°20'00" West 8.00 feet, North 18°40'00" East 59.34 feet to a point on a 387.50 foot radius curve to the right (radius bears South 01°48'55" West) and along the arc of said curve 5.78 feet and North 16°21'38" East 159.90 feet to the point of beginning.

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CO. RECORDED

BK 6343 PG 0190

EXHIBIT "D"

PARCEL I DESCRIPTION  
(CONTAINS UNITS 1, 2 & 3)

Beginning at the Northeast corner of No. 70 Lundon Street Phase 2, according to the official plat thereof, said point being South 69.76 feet and West 480.81 feet from the Northeast corner of Section 30, Township 2 South, Range 1 East, Salt Lake Base & Meridian, and running thence S. 16°21'38" W. 134.30 feet along the East boundary line of said No. 70 Lundon Street Phase 2 to a point on a 412.50 foot radius curve to the left (radius bears S. 03°30'52" W.); thence 28.90 feet along the arc of said curve; thence S. 89°30'00" W. 24.58 feet to a point on a 15.00 foot radius curve to the right, (radius bears N. 00°30'00" W.); thence 28.58 feet along the arc of said curve; thence N. 18°40'00" E. 82.91 feet to a point on a 52.50 foot radius curve to the left (radius bears N. 71°20'00" W. ); thence 82.56 feet along the arc of said curve; thence N. 18°34'08" E. 1.01 feet to the North boundary line of said No. 70 Lundon Street Phase 2; thence S. 71°25'52" E. 117.94 feet along said boundary line to the point of beginning.

Property Contains 0.240 Acres

PARCEL II DESCRIPTION  
(CONTAINS UNITS 4 & 5)

Beginning at a point which is South 125.04 feet and West 594.84 feet from the Northeast Corner of Section 30, Township 2 South, Range 1 East, Salt Lake Base & Meridian and running thence N. 70°38'38" W. 48.67 feet; thence S. 77°09'04" W. 24.14 feet; thence N. 70°32'40" W. 20.00 feet; thence N. 19°27'20" E. 74.33 feet; thence S. 71°25'52" E. 60.68 feet to a point on a 27.50 foot radius curve to the right (radius bears S. 18°34'08" W.); thence 43.24 feet along the arc of said curve; thence S. 18°40'00" W. 35.16 feet to the point of beginning.

Property Contains 0.132 Acres

PARCEL III DESCRIPTION  
(CONTAINS UNITS 8 & 9)

Beginning at a point which is South 186.30 feet and West 757.06 feet from the Northeast Corner of Section 30 Township 2 South, Range 1 East, Salt Lake Base and Meridian and running thence N. 46°00'00" W. 101.69 feet to a point on a 47.50 foot radius curve to the right (radius bears N. 44°00'00" E.); thence 4.19 feet along the arc of said curve; thence N. 44°35'19" E. 49.00 feet; thence S. 83°45'22" E. 32.00 feet; thence S. 69°53'19" E. 41.00 feet; thence S. 52°40'36" E. 42.65 feet; thence S. 43°51'28" W. 90.34 feet to the point of beginning.

Property Contains 0.186 Acres

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EXHIBIT E

Amendment Plat A is submitted to the provisions of the Condominium Ownership 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 Amendment Plat A or any portion thereof, including, without limitation, any mortgage or deed of trust; all visible easements and rights-of-way; all easements, rights-of-way of record; any easement, right-of-way, encroachment, or discrepancy shown or revealed by Amendment Plat A Map or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies Amendment Plat A 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 Amendment Plat A 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 the Declaration): (1) To construct and complete each of the Buildings and all of the other improvements described in this Amended Supplement or in the Amendment Plat A Map recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; and (ii) To improve portions of Amendment Plat A with such other or additional improvements, facilities,

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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, Amendment Plat A 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 Amended Supplement is filed for record in the office of the County Recorder of Salt Lake County, Utah.

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