

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF MILLCREEK COVE PHASE I
(a Utah Condominium Project)

5472068

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MILLCREEK COVE PHASE I (A UTAH CONDOMINIUM PROJECT) (this "Amendment") is executed this 11 day of March, 1993, by the undersigned President and Secretary of Millcreek Cove Phase I Homeowners Association, a Utah nonprofit corporation (the "Declarant"), who hereby declares on behalf of said corporation that an aggregate ownership interest of 75% or more (the "Aggregate Interest") of the condominium units in the Millcreek Cove Phase I Condominiums (the "Project") as reflected in the real estate records of the County Recorder of Salt Lake County, Utah has approved and adopted this Amendment to that certain Declaration of Covenants, Conditions and Restrictions of Millcreek Cove Phase I, which was recorded in the office of the County Recorder of Salt Lake County, Utah, on August 14, 1981, as Entry No. 3595315, as amended (the "Declaration") in accordance with the provisions of the Declaration and the Utah Condominium Ownership Act, UCA 57-8-1, et seq., the same to be effective immediately upon the execution, acknowledgement and recordation of this instrument.

RECITALS

A. The Project. The project (hereinafter the "Project") consists of the land more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, together with all buildings and other improvements constituting the Millcreek Cove Phase I Condominiums, a Utah Condominium Project, as more particularly described in the Declaration and the Record of Survey Map, which was recorded in the office of the County Recorder of Salt Lake County, Utah, on August 14, 1981, as Entry No. 3595314, in Book 81-8, at Page 121, et seq., as amended (hereinafter the "Record of Survey Map").

B. Definitions. For purposes of the amendments made hereby, the definitions set forth in the Declaration and the Utah Condominium Ownership Act shall be applicable except to the extent amended hereby or supplemented hereby. Any definitions not defined in the Declaration or in this Amendment shall have the meaning set forth in the Utah Condominium Ownership Act.

C. Application of Amendment. The amendments adopted hereby are intended to amend the Declaration and this Amendment shall be controlling in resolving any conflicts between this Amendment and the Declaration to the extent any other provisions of the Declaration are inconsistent herewith. This Amendment shall be binding upon and inure to the benefit of all of the Unit Owners, their Mortgagees, lessees, successors and assigns.

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NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the Declarant hereby states that the Aggregate Interest has adopted this Amendment and has agreed as follows:

1. Amendment to Exhibit "A" - Legal Description of Land Comprising the Condominium. Exhibit "A" - Legal Description of Land Comprising the Condominium is amended by repealing the same as it presently appears and replacing it with the following:

EXHIBIT "A"

LEGAL DESCRIPTION OF LAND COMPRISING THE CONDOMINIUM

That certain real property located in Salt Lake County, Utah and more particularly described as follows:

BEGINNING at a point on the South line of 3800 South Street, said point being S 00 Degrees 13'44" W along the Wasatch Blvd. monument line (Section line bearing is S 00 Degrees 25'12" E) 206.69 feet and East 149.617 feet from the West 1/4 Corner of Section 36, Township 1 South, Range 1 East, Salt Lake Base & Meridian, said point of beginning being N 00 Degrees 13'44" E 685.018 feet along Wasatch Blvd. monument line and East 149.617 feet from the monument of the intersection of 3900 South Street and Wasatch Blvd.; thence . . . to the point of beginning.

2. Amendment to Exhibit "B" - The Record of Survey Map. Exhibit "B" - The Record of Survey Map is amended by repealing the same as it presently appears and replacing it with Exhibit "B" attached hereto and incorporated herein by this reference.

3. Amendment to Article XIII, Section I. Article XIII, Section I is hereby amended by adding to said Article XIII, Section I the following:

5. The Association shall be responsible for the exclusive management, maintenance and control of the Common Areas (including, without limitation the green belt easement area within the condominium, as depicted on the record of survey map of the condominium), and shall keep the same in a good, clean, attractive, safe, and sanitary condition, order, and repair; provided, however, that each unit owner shall keep the Limited Common Area patios and decks appurtenant to such unit owner's unit, if any, in a clean, sanitary and attractive condition.

4. Declaration Remains In Force. Except as herein modified, all other terms of the Declaration, as previously amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have set their hand the day and year first above written and hereby declare that the Aggregate Interest has approved and adopted this Amendment.

MILLCREEK COVE PHASE I
HOMEOWNERS ASSOCIATION,
a Utah non-profit corporation,

By: *Kenneth Sigler*
Kenneth Sigler, President

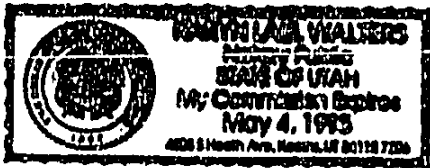
ATTEST:

Margaret Rorke
Margaret Rorke, Secretary

ACKNOWLEDGEMENT

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 11th day of March, 1992, by Kenneth Sigler, whose title or representative capacity is President of Millcreek Cove Phase I Homeowners Association, a Utah non-profit corporation.



Karen Paul Walters
Notary Public

My Commission Expires:

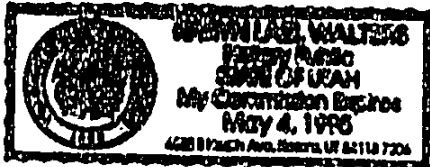
May 4, 1995

Residing At:

Salt Lake City, Utah

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

The foregoing instrument was acknowledged before me this 11th day of March, 1992, by Margaret Rorke, whose title or representative capacity is Secretary of Millcreek Cove Phase I Homeowners Association, a Utah non-profit corporation.



Karen Paul Walters
Notary Public

My Commission Expires:

May 4, 1995

Residing At:

Salt Lake City, Utah

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Millcreek Cove Phase I
 Salt Lake County
 VTDI 16-36-310-001

LEGAL DESCRIPTION

BOUNDARY DESCRIPTION PHASE I

BEGINNING at a point on the South Line of 3800 South Street, said point being S 00°13'44" W along the Wasatch Blvd. monument line (Section line bearing is S 00°25'12" E) 206.69 feet and East 149.617 feet and N 87°56'10" E 766.008 feet from the West 1/4 Corner of Section 36, Township 1 South, Range 1 East, Salt Lake Base & Meridian, said point of beginning being N 00°13'44" E 685.018 feet along the Wasatch monument line and East 149.617 feet and N 87°56'10" E 766.008 feet from the monument at the intersection of 3900 South Steel and Wasatch Blvd. and running thence N 87°56'10" E 300.445 feet; thence S 01°48'00" E 160.63 feet; thence West ~~264.053~~ feet thence N 02°03'50" W 38.623 feet to a point on a 92.145 foot radius curve to the right (Bearing to center is N 27°17'12" E, Delta = 57°51'42"); thence along the arc of said curve 93.054 feet; thence N 04°51'06" W 21.960 feet; thence N 85°08'54" E 12.977 feet; thence N 02°03'50" W 14.065 feet to the point of beginning. Contains 1.0410 acres. 45348 sq. ft.

Subject to and together with Maintenance/Snow Removal/Parking Easement.

Subject to and together with Greenbelt Easement.

Total area of Phase I, including easements, is 73,292 sq. ft., 1.6826 acres.

GREEN BELT DESCRIPTION

BEGINNING at a point S 00°13'44" W 206.69 feet and East 149.617 feet from the West quarter corner of Section 36, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence N 87°56'10" E 192.576 feet; thence S 02°03'50" E 54.553 feet; thence East 85.324 feet; thence S 80°14'52" E 174.421 feet; thence S 87°22'40" E 297.433 feet; thence N 02°03'50" W 6.142 feet; thence N 87°56'10" E 23.862 feet thence North 11.039 feet; thence N 48°40'59" E 24.024 feet to a point on a 79.145 foot radius curve to the left (Bearing to center is N 45°47'10" W, Delta = 49°38'55"); thence along the arc of said curve 67.200 feet; thence S 01°16'43" E 20.351 feet; thence N 87°44'57" E 218.877 feet; thence S 01°48'00" E 29.707 feet; thence West 455.000 feet; thence N 80°00'00" W 343.00 feet; thence West 110.494 feet; thence North 6.000 feet; thence West 65.000 feet; thence South 6.00 feet; thence West 73.114 feet; thence N 25°10'12" W 69.15 feet to the point of beginning.

Contains 34,860 sq. ft., 0.8004 acres.

The Green Belt contains 7933 sq. ft., 0.1826 acres in Phase I and 26,915 sq. ft., 0.6178 acres in Phase II.

MAINTENANCE/SNOW REMOVAL/PARKING EASEMENT

BEGINNING at a point S 02°03'50" E 11.562 feet from the Northeast corner of Phase II Millcreek Cove, a Utah Condominium Project located in Section 36, Township 1 South, Range 1 East, Salt Lake Base and Meridian, said point also being S 00°13'44" W 206.69 feet and East 149.617 feet and N 87°56'10" E 766.007 feet and S 02°03'50" E 11.562 feet from the West Quarter corner of said section 36, and running thence S 85°08'54" W 24.099 feet; thence South 04°51'06" E 24.460 feet to the beginning of a 103.145 foot radius curve to the left (Bearing to center is N 85°08'54" E, Delta = 38°41'18"); thence along the arc of said curve 69.646 feet; thence N 48°40'59" W 11.009 feet to a point on a 92.145 foot radius curve to the right (Bearing to center is N 48°44'43" E, Delta = 127°10'12"); thence along the arc of said curve 19.572 feet; thence N 02°03'50" W 66.361 feet to the point of beginning. Contains 1681 sq. ft., 0.0372 acres.

1993 5472068
 07 APRIL 93 09:42 AM
 KATIE L. DIXON
 RECORDER, SALT LAKE COUNTY, UTAH
 GUARDIAN TITLE
 REC BY: SHARON WEST , DEPUTY

7 April 93

19.50

BK 6634 PG 2826