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KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
AMERICA WEST TITLE  
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SALT LAKE CITY, UTAH 84117

94-046

THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM  
OF THE HOLLADAY CREEK CONDOMINIUM PROJECT

THIS THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF THE HOLLADAY CREEK CONDOMINIUM PROJECT ("Third Amendment") is made and executed this 16 day of JUNE, 1994, by the Holladay Creek Condominium Project (the "Project") pursuant to the provisions of the Utah Condominium Ownership Act, Section 57-8-1, et seq., Utah Code Annotated (1953), as amended, and the Declaration of the Project.

RECITALS

A. The Declaration of Condominium of the Holladay Creek Condominium Project, dated October 11, 1984 ("Original Declaration"), was recorded in the Salt Lake County Recorder's Office on October 17, 1984, in Book 5599, at Page 418, as Entry No. 4005437.

B. The Amendment to the Declaration of Condominium of the Holladay Creek Condominium Project, dated October 23, 1986 ("First Amended Declaration"), was recorded in the Salt Lake County Recorder's Office on December 8, 1986, in Book 5849, at Page 2370, as Entry No. 4362819.

C. The Second Amendment to the Declaration of Condominium of the Holladay Creek Condominium Project, dated October 12, 1992 ("Second Amended Declaration"), was recorded in the Salt Lake County Recorder's Office on October 14, 1992, in Book 6535, at Page 1558, as Entry No. 5350632.

D. In accordance with the provisions of the Second Amended Declaration, Joseph L. Mylon is the duly appointed president and a member of the Management Committee, and Harley B. Robinson is the duly appointed secretary and a member of the Management Committee.

E. In accordance with the provisions of the Second Amended Declaration, the consents and approvals of at least 75% of the Unit Owners have been obtained to this Third Amendment, including all exhibits thereto, and therefore, this Third Amendment has been duly and properly approved by the Unit Owners in accordance with the provisions of the Second Amended Declaration.

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F. The Original Declaration contained inconsistent legal descriptions of the real property being subjected to the Declaration of Condominium, in that certain real estate located to the north of the Project was inadvertently included in the written description of the Tract in Exhibit "B" to said Original Declaration, although the Record of Survey Map recorded with the Original Declaration contained the correct legal description of the real property being subjected to the Declaration of Condominium. The incorrect legal description was likewise used in the First Amended Declaration and the Second Amended Declaration.

G. The Project, by and through its Management Committee, desires, by the recording of this Third Amendment, to effect an amendment to the declaration of condominium to correct the inconsistent legal descriptions of the real property subject to the declaration, and to clarify that certain real estate located to the north of the Project, as more particularly described herein, is not now and has never formed a portion of the Project.

### AMFNDMENT TO DECLARATION

1. Amendment to Description of Property.

A. Deletion of Property. The Second Amended Declaration, and the Original Declaration and First Amended Declaration, to the extent such have any continuing effect, are hereby amended to delete and remove the real property described in Exhibit "A" attached hereto from the Project (said real property being hereinafter referred to as the "Deleted Property"). The Deleted Property shall not be considered a portion of the "Tract," as defined in the Second Amended Declaration, or a portion of the Condominium Project for any purpose whatsoever.

B. Description of Project Property. The Second Amended Declaration, and the Original Declaration and First Amended Declaration, to the extent such have any continuing effect, are hereby amended to describe the Tract of real property forming the Condominium Project as set forth in Exhibit "B" attached hereto.

C. Intent of Amendment. The intent of this Third Amendment is to clarify that the Deleted Property was inadvertently and erroneously contained in the Original Declaration, the First Amended Declaration, and the ~~Second~~ <sup>Second</sup> Amended Declaration, that the Record of Survey Map filed and recorded with the Original Declaration contained the correct legal description of the real property, and that the Deleted Property has never formed a part of the Condominium Project.

2. No Other Amendments. Except as expressly set forth herein, no other changes or amendments to the Second Amended Declaration are effected by this Third Amendment.

3. Effective Date. This Third Amendment shall take effect upon recording.



EXHIBIT "A"

Beginning at a point which is South 89 degrees 36 minutes 00 seconds East 1107.53 feet and North 14 degrees 01 minutes 40 seconds West 1061.50 feet and South 77 degrees 44 minutes 00 seconds West 142.00 feet from the South Quarter Corner of Section 4, Township 2 South, Range 1 East, Salt Lake Base and Meridian; which point is also North 14 degrees 01 minutes 40 seconds West 126.98 feet and South 77 degrees 44 minutes 00 seconds West 175.02 feet from a County Monument at Highland Drive and 4625 South Street; thence South 12 degrees 16 minutes 00 seconds East 93.95 feet; thence South 77 degrees 44 minutes 00 seconds West 225.00 feet; thence North 2 degrees 00 minutes 00 seconds West 95.48 feet; thence North 77 degrees 44 minutes 00 seconds East 207.98 feet to the point of beginning.

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EXHIBIT "B"

Beginning at a point which is South 89 degrees 36 minutes East 1107.53 feet and North 14 degrees 01 minutes 40 seconds West 1061.50 feet and South 77 degrees 44 minutes West 142.0 feet and South 12 degrees 16 minutes East 93.95 feet from the South Quarter Corner of Section 4, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 14 degrees 01 minutes 40 seconds West 126.98 feet and South 77 degrees 44 minutes West 175.02 feet and South 12 degrees 16 minutes East 93.95 feet from a County Monument at Highland Drive and 4625 South Street; thence South 12 degrees 16 minutes East 18.50 feet; thence South 77 degrees 15 minutes West 25.00 feet; thence South 14 degrees 01 minutes 40 seconds East 207.75 feet; thence South 75 degrees 04 minutes West 256.47 feet; thence North 23 degrees 21 minutes West 66.04 feet; thence North 8 degrees 45 minutes East 163.97 feet; thence North 2 degrees 00 minutes West 20.76 feet; thence North 77 degrees 44 minutes East 225.00 feet to the point of beginning.

Together with the following right of way:

Beginning at a point which is South 89 degrees 36 minutes East 1107.53 feet and North 14 degrees 01 minutes 40 seconds West 1061.5 feet and South 77 degrees 44 minutes West 142.0 feet and South 12 degrees 16 minutes East 112.45 feet and South 77 degrees 15 minutes West 25.0 feet from the South Quarter Corner of Section 4, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 14 degrees 01 minutes 40 seconds West 15.98 feet and South 12 degrees 16 minutes East 112.45 feet and South 77 degrees 15 minutes West 203.44 feet from a Salt Lake County Monument at Highland Drive and 4625 South Street; thence South 14 degrees 01 minutes 40 seconds East 30.01 feet; thence North 77 degrees 15 minutes East 170.43 feet to the West edge of Highland Drive; thence North 14 degrees 01 minutes 40 seconds West 30.01 feet; thence South 77 degrees 15 minutes West 170.43 feet to the point of beginning.