

WHEN RECORDED, MAIL TO:
C. Craig Liljenquist, Esq.
Prince, Yeates & Geldzahler
City Centre I, Suite 900
175 East 400 South
Salt Lake City, Utah 84111

ENT 59128 BK 4022 PG 568
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1996 JUL 18 3:02 PM FEE 29.00 BY JD
RECORDED FOR CENTURY TITLE

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3062

**SECOND AMENDMENT
TO
CONDOMINIUM DECLARATION
FOR
STONEBROOK CONDOMINIUMS**

an Expandable Utah Condominium Project containing Convertible Land

THIS SECOND AMENDMENT TO CONDOMINIUM DECLARATION is made and executed by **STONEBROOK, L.C.**, a Utah limited liability company (the "Declarant").

RECITALS

A. By that certain Record of Survey Map of Stonebrook Condominiums (the "Map") recorded January 29, 1996, as Entry No. 7086, and Map Filing No. 6434, in the Office of the County Recorder of Utah County, Utah, and by that certain Condominium Declaration for Stonebrook Condominiums (the "Declaration") recorded concurrently with the Map in said office as Entry No. 7087, in Book 3873, at Pages 658 through 714, inclusive, Declarant submitted that certain real property more particularly described on Exhibit A attached hereto and by this reference made a part hereof (the "Property"), to the provisions of the Condominium Ownership Act of the State of Utah (the "Act") as an expandable Utah condominium project containing convertible land known as Stonebrook Condominiums (the "Project"), the defined terms of which Declaration are hereby made a part hereof by this reference.

B. By that certain First Supplemental Record of Survey Map of Stonebrook Condominiums (the "First Supplemental Map") recorded May 1, 1996, as Entry No. 36177, and Map Filing No. 6576, in the Office of the County Recorder of Utah County, Utah, and by that certain First Amendment to Condominium Declaration for Stonebrook Condominiums (the "First Amendment") recorded concurrently with the First Supplemental Map in said office as Entry No. 36178, in Book 3957, at Pages 313 through 322, inclusive, Declarant expanded the Project by adding to the Project that portion of the Additional Land described in the First Supplemental Map and First Amendment and by creating new Units, Common Areas and Facilities and Limited Common Areas within that portion of the Additional Land thereby added to the Project.

C. Declarant is still the sole owner of all the Property and all Condominiums within the Project as so expanded and, as such, has the power to amend the Map and Declaration as previously supplemented and amended.

D. Declarant now desires further to amend the Declaration, as previously amended by the First Amendment, as more particularly hereinafter set forth.

E. Section 2 of Article XXVII of the Declaration provides in relevant part that so long as the Declarant retains the right to appoint and to remove the members of the Board of Trustees of the Association, the Declaration may not be amended without the prior written approval of the United States Secretary of the Department of Veteran Affairs (the "Secretary").

F. As evidenced by VA Secretary Approval attached hereto, the Secretary has given his written approval hereof.

A M E N D M E N T

NOW, THEREFORE, the Declaration, as previously amended by the First Amendment, is hereby further amended as follows, with such amendment to become effective upon the recording of this Second Amendment in the office of the County Recorder of Utah County, Utah:

1. **Article XII, Section 2 (Composition of the Board of Trustees).** Section 2 of Article XII of the Declaration entitled "Composition of the Board of Trustees" is hereby deleted in its entirety and the following is substituted in its stead:

2. **Composition of the Board of Trustees.** Declarant shall have the exclusive right to appoint and to remove all members of the Board of Trustees of the Association until the first to occur of the following; provided, however, that Declarant may, at its sole option, transfer this right to the Owners by written notice thereof prior to the end of such time period:

(a) The date which is six (6) years after the date this Declaration is recorded in the office of the recorder of the County in which the Project is situated; or

(b) The date Units to which three-fourths (3/4) of the undivided interest in the Common Areas and Facilities appertain have been conveyed by Declarant after all Additional Land (as defined in Article XXXI hereof) has been added to the Project and all Convertible Land (as defined in Article XXXII hereof) has been converted.

2. **Construction.** From and after the day and time this Second Amendment becomes effective, all references in the Map, in the Declaration and in the exhibits to the Declaration as previously supplemented and amended shall be deemed to and shall refer to the Map, the Declaration and to the exhibits to the Declaration as previously supplemented and amended and as amended hereby and not to the form of the same as they existed prior to the time this Second Amendment becomes effective. Except as herein otherwise expressly provided, all provisions of the Map, the Declaration and the exhibits to the Declaration as previously supplemented and amended shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF the undersigned has caused this Second Amendment to be executed on its behalf this 9th day of July, 1996.

STONEBROOK, L.C.,
a Utah limited liability Company

By *David L. Clark*
David L. Clark, Manager

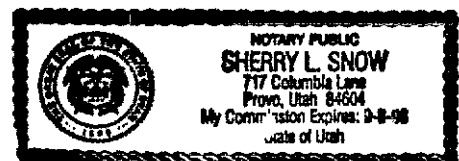
By *Robert A. Barrus*
Robert A. Barrus, Manager

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 9th day of July, 1996, by **DAVID L. CLARK** and **ROBERT A. BARRUS**, Managers of the STONEBROOK, L.C., a Utah limited liability company.

Sherry L. Snow
NOTARY PUBLIC
Residing at: *Provo, Utah*

My Commission Expires:
9-8-96



VA SECRETARY APPROVAL

THE UNITED STATES SECRETARY OF THE DEPARTMENT OF VETERANS AFFAIRS hereby consents to the foregoing Second Amendment as required by Section 2 of Article XXVII of the Declaration referred to in the foregoing Second Amendment.

DATED this 9 day of July, 1996.

THE UNITED STATES SECRETARY OF THE DEPARTMENT OF VETERANS AFFAIRS

By *Jerry Black*

STATE OF UTAH)
:SS
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 9th day of July, 1996, by Jerry Black acting for and on behalf of THE UNITED STATES SECRETARY OF THE DEPARTMENT OF VETERANS AFFAIRS.

Sherry L. Snow
NOTARY PUBLIC
Residing at: Provo, Utah

My Commission Expires:

9-8-96

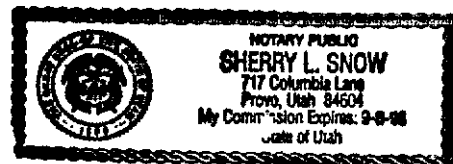


EXHIBIT A

Legal Description of the Property

ENT 59128 BK 4022 PG 572

Beginning at a point North 1,129.73 feet and West 76.40 feet from the South Quarter Corner of Section 4, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 00°22'15" West 265.08 feet; thence South 89°37'45" West 37.28 feet; thence SOUTH 91.57 feet; thence WEST 66.41 feet; thence North 00°22'15" West 16.62 feet; thence WEST 116.50 feet; thence SOUTH 13.08 feet; thence WEST 66.30 feet; thence South 00°14'09" East 7.83 feet; thence EAST 59.78 feet; thence South 36°36'02" East 119.57 feet; thence South 89°37'45" West 72.00 feet; thence South 65°26'19" West 33.08 feet; thence South 24°33'41" East 74.00 feet; thence North 65°26'19" East 17.22 feet; thence North 89°37'45" East 212.87 feet to the point of beginning.

Containing 1.00 acres