

Miller, Realty
3375 Harrison Blvd
Ogden, Utah

229

BOOK 1054 PAGE 239

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AMENDED

RUTH EAMES OLSEN
WEBER COUNTY RECORDER
DEPUTY *Ruth Eames Olsen*

DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
MILLSTREAM CONDOMINIUM, PHASE NUMBER 4

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THIS AMENDMENT to Declaration of Covenants, Conditions and Restrictions, Phase Number 4, hereinafter referred to as "Amended Declaration" is made and executed in Ogden City, Weber County, State of Utah, this 12 day of February, 1974, by THOMAS J. MILLER and DA LANE R. MILLER, husband and wife, hereinafter designated and referred to as "Declarant", pursuant to the provisions of the Utah Condominium Ownership Act (Section 57-8-1 through 57-8-5, Utah Code Annotated, 1953 As Amended).

W I T N E S S E T H:

WHEREAS, Declarant has heretofore filed of record that certain Declaration of Covenants, Conditions and Restrictions of MILLSTREAM CONDOMINIUM, PHASE NUMBER 1, dated the 31st day of July, 1969, recorded in Book 931, Page 14 of Records, as Entry Number 529048, on December 10, 1969; and that certain Record of Survey Map recorded in Book 16, Page 35 of Plats as Entry Number 529047 on December 10, 1969, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 1; and has heretofore filed of record that certain Declaration of Covenants, Conditions and Restrictions of MILLSTREAM CONDOMINIUM, PHASE NO. 2, and Amendment to Declaration of Covenants, Conditions and Restrictions of MILLSTREAM CONDOMINIUM, PHASE NUMBER 1, dated the 29th day of January, 1971, recorded in Book 959, Page 494, et seq., as Entry Number 545901 on February 4, 1971, and that certain Record of Survey Map recorded in Book 16, Page 71 of Plats as Entry Number 545900 on February 4, 1971, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 2; and has heretofore filed

RECORDER'S MEMO
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13-141-0001 TO 0024

of record that certain Declaration of Covenants, Conditions and Restrictions, of MILLSTREAM CONDOMINIUM, PHASE NUMBER 3, and Amendment to Declaration of Covenants, Conditions and Restrictions of MILLSTREAM CONDOMINIUM, PHASES NUMBER 1 and 2, dated the 25th day of June, 1971, recorded in Book 969 at Page 327, et seq., as Entry Number 552962 on June 25, 1971, and that certain Record of Survey Map recorded in Book 16, Page 89 of Plats as Entry Number 552963 on June 25, 1971, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 3; and that certain Declaration of Covenants, Conditions and Restrictions of MILLSTREAM CONDOMINIUM, PHASE NUMBER 4 and Amendment to Declaration of Covenants, Conditions and Restrictions of MILLSTREAM CONDOMINIUM, PHASES NUMBER 1, 2 and 3, dated January 10, 1973, recorded in Book 1014, Page 6 of Records as Entry Number 585466 on January 11, 1973, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 4; and

WHEREAS, the Declarant has obtained the Acknowledgement and Consent to this Amendment by all of the unit owners of the sold units, as well as the consent of all individuals possessing security interests in the project, which acknowledgements and consents are attached hereto as Exhibit "A" and by this reference made a part hereof.

NOW, THEREFORE, for the purpose of modifying and amending the aforesaid Declaration, Declarant, together with the unit owners and the lien holders of the aforesaid units, by and through the attached acknowledgements and consents, which together with the Declarant are the owners of all of the right, title and interest in and to all property which is the subject of the above described Declaration comprising MILLSTREAM CONDOMINIUM, PHASES NUMBER 1, 2, 3 and 4, hereby amend said Declaration as follows:

Paragraph 2 is amended to read as follows:

"2. DESCRIPTION OF BUILDINGS: The said Phase 4 project consists of six buildings designated F, G, H, I, J and K. Each building has four (4) apartment units for a total of twenty-four (24) apartment units in Phase 4. Locations, values, number of rooms and square footage are as follows:

BLDG.	APARTMENT UNIT NO.	LOCATION	VALUE	NO. OF ROOMS*	SQUARE FOOTAGE
F	21	N/W corner of bldg.	\$21,500.00	4	1128
F	22	N/E corner	21,500.00	4	1128
F	23	S/E corner	21,500.00	4	1128
F	24	S/W corner	21,500.00	4	1128
G	25	N/W corner	21,500.00	4	1128
G	26	N/E corner	21,500.00	4	1128
G	27	S/E corner	21,500.00	4	1128
G	28	S/W corner	21,500.00	4	1128
H	29	N/W corner	21,500.00	4	1128
H	30	N/E corner	21,500.00	4	1128
H	31	S/E corner	21,500.00	4	1128
H	32	S/W corner	21,500.00	4	1128
I	33	N/W corner	21,500.00	4	1128
I	34	N/E corner	21,500.00	4	1128
I	35	S/E corner	21,500.00	4	1128
I	36	S/W corner	21,500.00	4	1128
J	37	N/W corner	17,550.00	4	1039
J	38	N/E corner	18,300.00	4	1039
J	39	S/E corner	17,550.00	4	1039
J	40	S/W corner	18,300.00	4	1039
K	41	N/W corner	19,200.00	4	1039
K	42	N/E corner	19,200.00	4	1039
K	43	S/E corner	20,000.00	4	1039
K	44	S/W corner	20,000.00	4	1039

* excluding baths

The said Phase 4 buildings are or shall be constructed of steel.

concrete, masonry and wood."

Paragraph 7 is amended to read as follows:

"7. OWNERSHIP OF COMMON AREAS AND FACILITIES: The proportionate share of the separate owners of the respective apartment in the common areas and facilities is based on the proportionate value that each of the apartments bears to the total value of all of the property and is as follows:

BUILDING	APARTMENT UNIT NO.	PERCENTAGE OF OWNERSHIP IN THE COMMON AREAS AND FACILITIES
A	1	2.383064
A	2	2.383064
A	3	2.383064
A	4	2.383064
B	5	2.383064
B	6	2.383064
B	7	2.383064
B	8	2.383064
C	9	2.383064
C	10	2.383064
C	11	2.383064
C	12	2.383064
D	13	2.383064
D	14	2.028375
D	15	2.038375
D	16	1.945245
E	17	1.945245
E	18	2.216802
E	19	2.128130
E	20	2.216802
F	21	2.128130
F	22	2.383064
F	23	2.383064
F	24	2.383064
G	25	2.383064
G	26	2.383064
G	27	2.383064
G	28	2.383064
H	29	2.383064
H	30	2.383064
H	31	2.383064
H	32	2.383064
I	33	2.383064
I	34	2.383064
I	35	2.383064
I	36	2.383064
J	37	2.028375
J	38	2.028375
J	39	1.945245
J	40	1.945245
K	41	2.128130
K	42	2.128130
K	43	2.216802
K	44	2.216802

Paragraph 8 is amended to read as follows:

"8. APARTMENT VALUES TOTALS: The total value of all

apartments in Phase 4 is \$494,100.00. The total value of all apartments in Phases 1, 2, 3, and 4 is \$902,200.00."

Paragraph 9 is amended to read as follows:

"9. PROPERTY VALUES: The value of the property of Phase 4 as defined by the Utah Condominium Ownership Act is \$578,100.00. The total value of the property of Phases 1, 2, 3 and 4 is \$1,056,200.00."

MADE AND EXECUTED as of the day and year first above written.

Thomas J. Miller

THOMAS J. MILLER

Da Lane R. Miller

DA LANE R. MILLER

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

Personally appeared before me on the 12 day of February, 1974, THOMAS J. MILLER and DA LANE R. MILLER, husband and wife, signers of the foregoing instrument, who acknowledged to me that they signed the same.

Peter Jannon

NOTARY PUBLIC
Residing At: Ogden, Utah

My Commission Expires: 5/15/75

