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07/16/96 4:08 PM 49.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
JAMES M RICHARDS
333 E 400 S SLC UT 84111-2988
REC BY:V ASHBY DEPUTY - WI

RECORDING REQUESTED BY)
)
COTTAGE COVE CONDOMINIUM)
ASSOCIATION)
)
AND WHEN RECORDED MAIL TO)
)
JAMES M. RICHARDS)
333 East 400 South)
Salt Lake City, Utah 84111-2988)

FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM
OF
COTTAGE COVE CONDOMINIUMS

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OF COTTAGE COVE CONDOMINIUMS (hereinafter "First Amendment") is made on the 16th day of July, 1996, by COTTAGE COVE, LLC ("Declarant") and COTTAGE COVE CONDOMINIUM ASSOCIATION, a Utah non-profit corporation (herein referred to as the "Association").

RECITALS:

A. On or about the 8th day of September, 1995, Declarant recorded that certain Declaration of Condominium of Cottage Cove Condominiums dated September 8, 1995 (hereinafter referred to as "Declaration") in the office of the Salt Lake County Recorder as Entry No. 6161039 in Book 7223, beginning at page 1819.

B. The Declaration is subject to amendment in accordance with the procedures set forth in Section 15.1 of Article XV. The Declarant and the Association, desire to amend the Declaration in accordance with the terms and conditions hereinafter set forth to correct technical errors and to more fully express the intent of the Declarant contained in the Declaration.

C. The Declaration submitted to the provisions of the Utah Condominium Act the following described real property ("Subject Property") situated in Salt Lake County, State of Utah:

EX 7444601842

PARCEL 1:

COMMENCING North 0°08'06" West 1856.21 feet and North 89°51'54" West 371.86 feet from South 1/4 corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base and Meridian, said point also being South 89°50'30" West 100.64 feet and South 0°08'06" East 533.4 feet from Salt Lake County Monument in 4500 South Street; North 89°51'54" West 453.75 feet; North 0°08'06" West 243 feet; South 89°51'54" East 453.75 feet; South 0°08'06" East 243 feet to point of BEGINNING.

ALSO COMMENCING North 0°08'06" West 1856.21 feet and North 89°51'54" West 575.61 feet from South 1/4 corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base and Meridian, said point also being South 89°50'30" West 100.64 feet; South 0°08'06" East 533.4 feet and North 89°51'54" West 203.75 feet from Salt Lake County Street Monument in 4500 South Street; North 89°51'54" West 250 feet; South 0°08'06" East 94.9 feet; South 89°51'54" East 250 feet; North 0°08'06" West 94.9 feet; to point of BEGINNING.

PARCEL 2:

COMMENCING North 0°08'06" West 1856.21 feet and North 89°51'54" West 371.86 feet from the South 1/4 corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base and Meridian, said point also being South 89°50'30" West 100.64 feet and South 0°08'06" East 533.4 feet from Salt Lake County Street Monument in 4500 South Street; South 0°08'06" East 52.12 feet; North 89°51'54" West 203.75 feet; North 0°08'06" West 52.12 feet; South 89°51'54" East 203.75 feet to point of BEGINNING.

ALSO COMMENCING North 0°08'06" West 1804.09 feet and North 89°51'54" West 371.86 feet from South 1/4 corner of said Section 6; said point also being South 89°50'30" West 100.64 feet and South 0°08'06" East 585.52 feet from Salt Lake County Street Monument in 4500 South Street; South 0°08'06" East 142.78 feet; North 89°51'54" West 203.75 feet; North 0°08'06" West 142.78 feet; South 89°51'54" East 203.75 feet to BEGINNING.

together with all appurtenances and subject to all reservations contained in the Declaration.

NOW, THEREFORE, in consideration of the recitals set forth hereinabove, the Declarant and the Association hereby declare and certify as follows:

1. Section 1.8 of the Declaration is hereby amended to provide as follows:

EX 7444 PG 1 843

1.8 "*Common Areas and Facilities*" or "*Common Areas*" shall mean, refer to, and include:

- (a) The real property (Subject Property) and interests in real property which this Declaration submits to the provisions of the Act, but excluding Units.
- (b) All Common Areas designated as such in the Map.
- (c) All Limited Common Areas and Facilities.
- (d) All footings, foundations, sheathing and finish material of all exterior walls, and singles and sheathing of roofs.
- (e) All exterior installations for any and all equipment connected with the furnishing of Project utility services such as exterior power lines, gas lines, sewer lines, cable TV lines, and telephone lines.
- (f) All apparatus, installations, and facilities included within the Project and exiting for common use.
- (g) The outdoor lighting not attached to a building, fences, landscaping, driveways, walkways, open parking spaces, and roads.
- (h) All portions of the Project not specifically included within the individual Units.
- (i) All Common Areas and facilities as defined in the Act, whether or not enumerated herein.
- (j) All other parts of the Project normally in common use or necessary or convenient to its use, existence, maintenance, safety or management.

2. Section 1.17 of the Declaration is hereby amended to provide as follows:

1.17 "*Condominium Unit*" and/or "*Unit*" shall mean and refer to a separate physical part of the Property intended for independent use, including rooms or spaces located in a Building upon the Subject Property and the Percentage Interest appurtenant thereto. Mechanical and electrical equipment, fixtures, and appurtenances located within any one Unit or located without said Unit but designated and designed to serve only that Unit shall be considered part of the Unit, as shall all decorated interiors, all structural walls, floors and ceilings, skylights, rain gutters, down spouts, outside decks and stairs, windows, window frames and window wells, doors, door frames and garage doors, and trim consisting of, among other items and as appropriate, wallpaper, paint, flooring, carpeting, and tile. All pipes, wires, conduits or other utility lines or installations constituting a part of a Unit and serving only such

Unit, and any structural members or any other property of any kind, including fixtures and appliances attached to or within such Unit which are removable without jeopardizing the soundness, safety or usefulness of another unit shall be considered part of the Unit. Each Unit shall include its appurtenant Percentage Interest in the Common Areas and Facilities.

3. Certification of Compliance. The Declarant and the Association certify as follows:

(i) With respect to the amendments set forth in hereinabove, the Association has obtained, in accordance with the requirements of Section 15.1, the consents of Owners holding not less than sixty-seven percent (67%) of the Percentage Interests in the Common Areas.

(ii) With respect to the amendments set forth in hereinabove, such amendments correct one or more technical errors and omissions and more fully express the intent of the Declarant.

4. Declarant's Consent to Amendment. By its execution of this Amendment, Declarant grants its consent to amendment in accordance with the terms of the Declaration.

IN WITNESS WHEREOF, the Association and Declarant have executed this First Amendment as of the day and year first above written.

ASSOCIATION:

COTTAGE COVE CONDOMINIUM ASSOCIATION,
a Utah non-profit corporation

By: Jamie L. Richards
Its: President

DECLARANT:

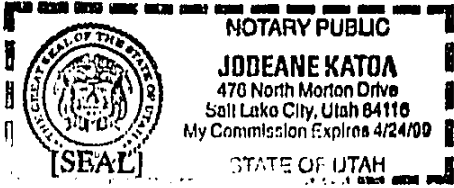
COTTAGE COVE, LLC

By: Jamie L. Richards
member

BK744451845

STATE OF UTAH)
: SS.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 16th day of July, 1996, by James M. Richards, the President of COTTAGE COVE CONDOMINIUM ASSOCIATION, a Utah non-profit corporation.

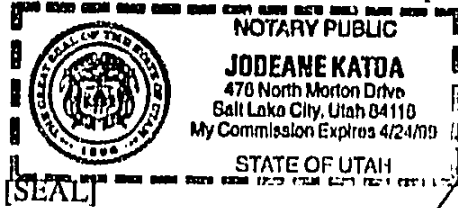


Jodeane Katon

NOTARY PUBLIC

STATE OF UTAH)
: SS.
COUNTY OF SALT LAKE)

On the 16th day of July, 1996, personally appeared before me James M. Richards, who being by me duly sworn, did say that he is a Member of COTTAGE COVE, LLC, a Utah limited liability company, and that the foregoing First Amendment to Declaration was signed on behalf of said company by authority of its Operating Agreement, and said James M. Richards acknowledged to me that the company executed the same.



Jodeane Katon

NOTARY PUBLIC