

When recorded return to:
Mike Holmes
Prowswood, Ltd.
4885 South 900 East
Salt Lake City, UT 84117

239

687647

SECOND AMENDMENT

TO

*Carriage Crossing Code
Lots 1, 2, 3 - see doc.*

DECLARATION OF CONDOMINIUM

OF

*D3-111 + lots (R1)
D3-113 + lots (L2)*

CARRIAGE CROSSING (PHASE III)

AN EXPANDABLE CONDOMINIUM COMMUNITY

THIS SECOND AMENDMENT TO DECLARATION is made on the date set forth at the end hereof by Prowswood, Ltd., a Utah corporation, hereinafter called "Declarant," for itself, its successors, grantees and assigns, pursuant to the condominium Ownership Act of the State of Utah.

RECITALS

A. On August 8, 1984, Declarant executed a Declaration of Condominium of Carriage Crossing, an Expandable Condominium Community (the "Declaration") as part of a Plan for the Carriage Crossing Condominium Project (the "Project"), which Declaration was recorded in the Office of the County Recorder of Davis County, State of Utah, on August 21, 1984, as Entry No. 680796 in Book 1002 at Pages 1274 through 1338. The Project was expanded by the First Amendment to Declaration (Phase II) recorded October 16, 1984 as Entry No. 685345 in Book 1009 at Page 917 and Record of Survey Map for Phase II recorded October 16, 1984 as Entry No. 685344 in Book 1009 at Page 916. The Declaration, Amendment and the Maps submitted to the provisions of the Act the following described real property situated in Salt Lake County, State of Utah, to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

B. Declarant desires pursuant to Section 36 of the Declaration to further expand the Project.

C. Declarant is the record owner of the real property described on Exhibit "B" attached hereto (the "Phase III Land") which is a portion of the Additional Land described in the Declaration. The Record of Survey Map Phase III of the

Recorded at request of SECURITY TITLE COMPANY Order No. 82519 Fee Paid 42
Date NOV 14 1984 at 10:36 A.M. CAROL DEAN PAGE Recorder Davis County Page 239
By *Carol Dean Page* Deputy Book 1013

Abstracted
 Indexed
 Entered
 Plotted
 Margin
 Compared

Project ("Phase III Map") consists of six (6) sheets, prepared and certified to by J. Scott Balling, a Utah Registered Land Surveyor. Upon recordation, this document shall effect the second expansion of the Project.

D. It is the intent of the Declaration that the Phase III Land shall become subject to the Declaration.

E. There currently exists in the Project thirty-six (36) Units. This Amendment to Declaration and the Phase III Map expand the Project to include twenty (20) Additional Units and additional Common (including a tennis court) and Limited Common Areas, all as depicted on the Phase III Map. After the recording of the Phase III Map and this Amendment to Declaration, there will be a total fifty-six (56) Units in the Project.

NOW, THEREFORE, for such purposes, Declarant hereby makes the following Amendment to Declaration:

1. Definitions. Except as otherwise defined herein or as may be required by the context, all terms or expressions defined in the Declaration, shall have such defined meanings when used in this Amendment to Declaration.

2. Submission to Condominium Ownership. Declarant hereby submits to the provisions of the Act, as additional land associated with the Project, the parcels of real property situated in Davis County, State of Utah, described on Exhibit "B" attached hereto.

RESERVED FROM THE SUBMISSION OF THE LAND described on Exhibit "B" are such easements and rights of egress and ingress over, across, through and under the Land, any improvements now or hereafter constructed thereon as may be necessary to develop the Project as it may be expanded as provided in the Declaration. If pursuant to this reservation the above-described real property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservation hereby affected shall terminate upon the completion and sale of all Units in the Project. AND SUBJECT, ALSO, to all visible easements and easements of record and SUBJECT FURTHER to restrictions, provisions and covenants of record.

3. Description of Improvements. The significant improvements contained or to be contained in the Phase III of the Project include one (1) two and one-half story building containing twenty (20) Units constructed principally of concrete foundation with exterior walls of wood composition siding, asphalt shingle roofing, interior walls of wood studs, plywood and dry wall plaster. Each unit has an assigned carport. Said improvements are located substantially as shown in the Phase III Map and will be subject to easements which are reserved through the Project as may be required for utility services.

The Phase III Map shows the Unit Number of each Unit, its location, those Limited Common Areas and Facilities which are reserved for its use, and the Common Areas and Facilities to which it has immediate access. All Units, of whatever type, shall be capable of being independently owned, encumbered and conveyed.

4. Description of Limited Common Areas and Facilities. Each Owner of a Unit is hereby granted an irrevocable and exclusive license to use and occupy the Limited Common Areas and Facilities reserved exclusively for the use of his Unit. The Limited Common Areas appurtenant to any given Unit consist of a patio, entrance walkway and/or balcony areas contiguous with the Unit as indicated on the Phase III Map, and the assigned carport appurtenant to each Unit. The exclusive right to use and occupy each Limited Common Area shall be appurtenant to and shall pass with the title to the Unit with which it is associated.

5. Computation of Undivided Interest. The percentage of undivided ownership interest in the Common Areas and Facilities which is appurtenant to each Unit has been computed by determining the ratio between the square footage associated with such Unit (as set forth in Exhibit "C") and the aggregate square footages of all Units in the Project including previous Phases (with such minor adjustments in some or all of the resulting percentage interests as may have been necessary to assure that the total undivided interest respecting the Project equals 100%). These percentages are subject to diminution upon merger with the other Phases. Substantially identical Units have been assigned the same square footage, and the total of all undivided interests equals 100%. A Unit Owner's percentage of ownership interest in the Common Areas and Facilities shall be for all purposes, including voting and assessment of common expenses.

6. Contents of Revised Exhibit "C". The Revised Exhibit "C" to this Amendment to Declaration contains the following information with respect to each Unit contained in the Project as expanded: (i) the Unit number and type; (ii) the assigned carport; (iii) the square footage of the Unit; and (iv) the appurtenant Percentage Ownership Interest in Common Areas and Facilities after the expansion accomplished by this Amendment to Declaration.

7. Effective Date. This Amendment to Declaration shall take effect upon recording.

IN WITNESS WHEREOF, the Declarant has executed this First Amendment to Declaration this 2nd day of November, 1984.

ATTEST:

PROSWOOD, LTD., a Utah corporation

David Judd
Secretary

By [Signature]
Vice President

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

On the 2nd day of November, 1984, personally appeared before me Michael R. Holmes and David C. Judd, who being by me duly sworn, did say that they are the Vice President and Secretary respectively of Prowswood, Ltd., a Utah corporation and the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors and they duly acknowledged to me that said corporation executed the same.

Karen Edwards
NOTARY PUBLIC
Residing (at: Salt Lake City, Utah

My Commission Expires:

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EXHIBIT "A"

Phase I

Beginning at a point which is N 89°44'04" E 1284.84 ft along the south line of a street (500 South Street) and S 0°36'11" E 1047.04 ft along the west line of a street (Main Street) from the Northwest Corner of Lot 4, Block "L", North Mill Creek Plat, Bountiful Townsite Survey, and running thence S 89°57'30" W 223.06 ft along the extended north line of a concrete retaining wall; thence N 0°01'15" W 21.16 ft along the extended west line of a concrete retaining wall; thence N 37°28'40" E 25.30 ft; thence northwesterly 33.43 ft along the arc of a 47.08 ft radius curve to the right through a central angle of 40°41'20" (radius point bears N 37°28'40" E from the beginning of the curve), thence N 11°50'W 69.69 ft thence northwesterly 10.88 ft along the arc of a 20.00 ft radius curve to the left through a central angle of 31°10' (radius point bears S 78°10' W from the beginning of the curve); thence N 43°00' W 20.15 ft; thence westerly 37.82 ft along the arc of a 20.00 ft radius curve to the left through a central angle of 108°21'10" (radius point bears S 47°00' W from the beginning of the curve); thence N 61°21'10" W 25.00 ft; thence northeasterly 4.62 ft along the arc of a 100.00 ft radius curve to the left through a central angle of 2°38'50" (radius point bears N 61°21'10" W from the beginning of the curve); thence N 26°00' E 42.00 ft; thence northeasterly 189.11 ft along the arc of a 110.00 ft radius curve to the right through a central angle of 98°30' (radius point bears S 64°00'E from the beginning of the curve); thence S 55°30' E 49.84 ft; thence southeasterly 61.27 ft along the arc of a 100.00 ft radius curve to the left through a central angle of 35°06'10" (radius point bears N 34°30' E from the beginning of the curve); thence N 89°23'49" E 29.55 ft; thence S 0°36'11" E 207.99 ft along said west line of Main Street to the point of beginning. Containing 1.3929 acres.

Phase II

Beginning at the Southwest Corner of CARRIAGE CROSSING CONDOMINIUM PHASE I and the Corner of an existing concrete retaining wall which point is N 89°44'04" E 1284.84 ft. along the South line of a street (500 South Street) and S 0°36'11" E 1047.04' ft. along the West line of a street (Main Street)

and S 89°57'30" W 223.06 ft. along the South boundary of said CARRIAGE CROSSING CONDOMINIUMS PHASE 1 from the Northwest corner of Lot 4 Block "L", North Mill Creek Plat, Bountiful Townsite Survey; and running thence S 89°57'30" W 79.73 ft., thence N 23°53'30" W 81.99 ft.; thence S 89°50'26" W 82.33 ft.; thence N 0°09'34" E 43.72 ft.; thence S 89°50'26" E 10.85 ft.; thence Northeasterly 111.86 ft. along the arc of a 112.50 ft. radius curve to the left through a central angle of 56°58'15" (radius point bears N 0°09'34" E from the beginning of the curve; thence along the boundary of said CARRIAGE CROSSING CONDOMINIUMS PHASE 1 in the following eight courses to the point of beginning; S 61°21'10" E 25.79 ft.; Easterly 37.82 ft along the arc of a 20.00 ft. radius curve to the right through a central angle of 108°21'10" (radius point bears S 61°21'10" E from the beginning of the curve); S 43°00' E 20.15 ft.; Southeasterly 10.88 ft. along the arc of a 20.00 ft. radius curve to the right through a central angle of 31°10' (radius point bears S 47°00' W from the beginning of the curve); S 11°50' E 69.69 ft; Southeasterly 33.43 ft. along the arc of a 47.08 ft. radius curve to the left through a central angle of 40°41'20" (radius point bears N 78°10' E from the beginning of the curve); S 37°28'40" W 25.30 ft.; S 0°01'15" E 21.16 ft.

Containing 0.4833 acres.

EXHIBIT "B"

ADDITIONAL LAND

Beginning at the Southwest Corner of CARRIAGE CROSSING CONDOMINIUMS PHASE I and the corner of an existing concrete retaining wall which point is N89°44'04" E 1284.84 ft. along the South line of a street (500 South Street) and S 0°36'11" E 1047.04 ft. along the West line of a street (Main Street) and S 89°57'30" W 223.06 ft. along the South boundary of said Carriage Crossing Condominiums Phase I from the Northwest corner of Lot 4 Block "L", North Mill Creek Plat, Bountiful Townsite Survey; and running thence S 0°01'15"E 165.43 ft. along the West side of a concrete retaining wall; thence S 4°08'30" W 107.34 ft.; thence N 85°51'30" W 251.15 ft. along an extended fence line and the North line of a cinder block wall; thence N 0°09'34" E 373.40 ft.; thence S89°50'26" E 62.00 ft.; thence S 0°09'34" W 43.72 ft. along the boundary of Carriage Crossing Condominiums Phase 2; thence N 89°50'26" W 17.50 ft.; thence S 0°09'34" W 187.28 ft.; thence S 89°50'26" E 21.00 ft.; thence N 0°09'34" E 20.08 ft.; thence S 89°50'26" E 112.54 ft.; thence N 0°01'15" W 92.33 ft.; thence N 89°57'30" E 79.73 ft. along the boundary of said Carriage Crossing Condominiums Phase 2 to point of beginning. Containing 1.3987 acres.

EXHIBIT "C"

(Phases I, II and III)

CARRIAGE CROSSING, A CONDOMINIUM PROJECT

<u>Unit #</u>	<u>Type of Unit</u>	<u>Limited Common Areas and Facilities Appurtenant To Unit</u>	<u>Square Footage of Unit</u>	<u>Appurtenant % of Ownership in Common Areas and Facilities</u>
<u>Bldg. #1</u>		<u>Carport #</u>		
1101	B	14	900	1.503
1102	B	13	900	1.503
1103	A	23	900	1.503
1104	A	6	900	1.503
1105	E	15	985	1.644
1106	E	21	985	1.644
1107	E	1	985	1.644
1108	E	3	985	1.644
1201	B	12	900	1.503
1202	B	11	900	1.503
1203	A	5	900	1.503
1204	A	7	900	1.503
1205	F	16	1,344	2.244
1206	F	22	1,344	2.244
1207	F	2	1,344	2.244
1208	F	4	1,344	2.244
1301	D	10	1,250	2.087
1302	D	24	1,250	2.087
1303	C	8	1,250	2.087
1304	C	9	1,250	2.087
<u>Bldg. #2</u>				
2101	B	20	900	1.503
2102	B	19	900	1.503
2103	B	18	900	1.503
2104	B	17	900	1.503
2105	E	25	985	1.644
2106	E	27	985	1.644
2201	B	35	900	1.503
2202	B	32	900	1.503
2203	B	30	900	1.503
2204	B	31	900	1.503
2205	F	26	1,344	2.244

<u>Unit #</u>	<u>Type of Unit</u>	<u>Limited Common Areas and Facilities Appurtenant To Unit</u>	<u>Square Footage of Unit</u>	<u>Appurtenant % of Ownership in Common Areas and Facilities</u>
<u>Bldg. #1</u>				
		<u>Carport #</u>		
2206	F	28	1,344	2.244
2301	D	33	1,250	2.087
2302	D	34	1,250	2.087
2303	D	29	1,250	2.087
2304	D	36	1,250	2.087
<u>Bldg. #3</u>				
3101	B	50	900	1.503
3102	B	51	900	1.503
3103	A	42	900	1.503
3104	A	43	900	1.503
3105	E	53	985	1.644
3106	E	54	985	1.644
3107	E	39	985	1.644
3108	E	40	985	1.644
3201	B	52	900	1.503
3202	B	49	900	1.503
3203	A	44	900	1.503
3204	A	41	900	1.503
3205	F	55	1344	2.245
3206	F	56	1344	2.245
3207	F	37	1344	2.245
3208	F	38	1344	2.245
3301	D	48	1250	2.087
3302	D	47	1250	2.087
3303	C	46	1250	2.087
3304	C	45	1250	2.087
TOTAL			59,890	100.000