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WHEN RECORDED RETURN TO:
Tuscany Development, Inc.
8438 South Gad Way
Sandy, Utah 84093

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06/03/98 2:06 PM 84.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
WEST JORDAN CITY
3000 S REDWOOD RD
WEST JORDAN, UT 84088
REC BY: V VEGA DEPUTY - WI

FIRST SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM
FOR
TUSCANY TOWNHOMES,
A Utah Condominium Project

This SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR TUSCANY TOWNHOMES is made and executed this 13th day of May, 1998, by TUSCANY PROPERTIES, INC., a Utah corporation., of 8438 South Gad Way, Sandy, Utah 84093 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the original Declaration of Condominium was recorded in the office of the County Recorder of Salt Lake County, Utah on the 8th day of July, 1997, as Entry No. 6686080, in Book 7706, at Page 2575 of the Official Records (the "Declaration");

Whereas, the related Plat Map for Phase I of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah;

Whereas, the First Amendment to the Declaration was recorded in the office of the County Recorder of Salt Lake County, Utah on the 14th day of July, 1997, as Entry No. 6689359 of the Official Records (the "First Amendment");

Whereas, the original declarant, TUSCANY DEVELOPMENT, INC., has assigned all of its right, title and interest to add property to the Project and to develop additional phases to Declarant;

Whereas, under Article III, Section 40 of the Declaration, an option until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser to expand the Project in accordance with the Act was expressly reserved;

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-1" attached hereto and incorporated herein by this reference (the "Phase II Property");

Whereas, under the provisions of the Declaration, the absolute right to add to the Project any or all portions of the Additional Land at any time and in any order was expressly reserved, without limitation except for the prior consent of the Office of Veterans Affairs, the Federal

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National Mortgage Association and Federal Home Loan Mortgage Association;

Whereas, Declarant desires to expand the Project by creating on the Phase II Property a residential condominium development;

Whereas, Declarant now intends that the Phase II Property shall become subject to the Declaration and the Act;

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this FIRST SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR TUSCANY TOWNHOMES, a Utah Condominium Project.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to amend subsection 18 and to include the following supplemental definitions:

(a) Subsection 18 of Article I is hereby amended to read as follows:

18. Declarant shall mean and refer to TUSCANY PROPERTIES, INC., a Utah corporation, its successors and assigns, unless otherwise indicated.

(b) First Supplemental Declaration shall mean and refer to this First Supplement to the DECLARATION OF CONDOMINIUM FOR TUSCANY TOWNHOMES, a Utah Condominium Project.

(c) First Supplemental Phase II Map shall mean and refer to the Plat Map of Phase II of the Project, prepared and certified to by L. Mark Neff, a duly registered Utah Land Surveyor holding Certificate No. 172065 and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this First Supplemental Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. Legal Description. The real property described in Exhibit A-1 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of this First Supplemental Declaration:

3. Annexation. Declarant hereby declares that the Phase II Property shall be annexed to and become subject to the Declaration, which upon recordation of this First Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-1 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Units Revised. As shown on the Phase II Map, twelve (12) additional Buildings (i.e., five 6-plexes and seven 4-plexes) and fifty-eight (58) additional Units are created in the Project on the Phase II Property. Said additional Buildings and Units are located within a portion of the Additional Land. Upon the recordation of the Phase II Map and this First Supplemental Declaration, the total number of Units in the Project will be one hundred and twenty-two (122). The said additional Units are substantially similar in construction, design and quality to the Units in the prior Phases.


5. Percentage Interest Revised. Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the Percentage Interest. Exhibit "B" to the Declaration is deleted in its entirety and "Revised Exhibit 'B'" attached hereto is substituted in lieu thereof and incorporated herein by this reference. The Percentage Interests set forth in Second Revised Exhibit "B" have been computed on the basis of par value.

6. Limitation of Liability. While the Declarant is legally responsible for the development of Phase II of the Project and all other future phases which it may choose to develop, the Declarant hereby disclaims any responsibility and does not hereby assume any legal duty, obligation or liability for the development of Phase I of the Project, which was created and constructed independently by the original declarant, TUSCANY DEVELOPMENT, INC.

7. Effective Date. The effective date of this First Supplemental Declaration and the Phase II Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above written.

DECLARANT:
TUSCANY PROPERTIES, INC., a Utah corporation

By: 
Title: Bryson D. Garbett, President

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

On the 13 day of May, 1998, personally appeared before me Bryson D. Garbett, who by me being duly sworn, did say that he is the President of TUSCANY PROPERTIES, INC., a Utah corporation and that the within and foregoing instrument was signed in behalf of said corporation

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pursuant to its Articles of Incorporation or a resolution of its Board of Directors, and said Bryson D. Garbett duly acknowledged to me that said corporation executed the same.

Sharon L. Kearns

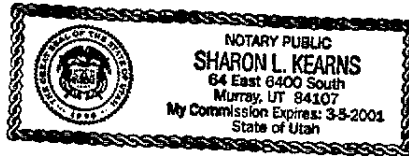
NOTARY PUBLIC

Residing At:

SEE

My Commission Expires:

Mar 5 2001



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Exhibit "A-1"
TUSCANY TOWNHOMES PHASE II
BOUNDARY DESCRIPTION

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

Beginning on the West line of the Section 19 at a point 340.00 feet North 0 degrees 07'12" East and 230.003 feet South 89 degrees 55'10" East, and 100.524 feet, South 0 degrees 07'12" West from the Southwest corner of said Section 19, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence South 89 degrees 58'01" East, a distance of 185.00 feet; thence North 0 degrees 01'59" East, a distance of 230.00 feet; thence South 89 degrees 58'01" East, a distance of 287.783 feet; thence South 19 degrees 47'03" East, a distance of 457.064 feet; thence North 89 degrees 55'10" West, a distance of 628.040 feet; thence North 0 degrees 07'12" East, a distance of 199.476 feet to the point of beginning.

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SECOND REVISED EXHIBIT "B"
 PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
I	1	1	0.8196%
I	1	2	0.8196%
I	1	3	0.8196%
I	1	4	0.8196%
I	2	1	0.8196%
I	2	2	0.8196%
I	2	3	0.8196%
I	2	4	0.8196%
I	3	1	0.8196%
I	3	2	0.8196%
I	3	3	0.8196%
I	3	4	0.8196%
I	4	1	0.8196%
I	4	2	0.8196%
I	4	3	0.8196%
I	4	4	0.8196%
I	5	1	0.8196%
I	5	2	0.8196%
I	5	3	0.8196%
I	5	4	0.8196%
I	5	5	0.8196%
I	5	6	0.8196%
I	6	1	0.8196%
I	6	2	0.8196%
I	6	3	0.8196%
I	6	4	0.8196%
I	7	1	0.8196%
I	7	2	0.8196%
I	7	3	0.8196%
I	7	4	0.8196%

<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
I	8	1	0.8196%
I	8	2	0.8196%
I	8	3	0.8196%
I	8	4	0.8196%
I	9	1	0.8196%
I	9	2	0.8196%
I	9	3	0.8196%
I	9	4	0.8196%
I	10	1	0.8196%
I	10	2	0.8196%
I	10	3	0.8196%
I	10	4	0.8196%
I	11	1	0.8196%
I	11	2	0.8196%
I	11	3	0.8196%
I	11	4	0.8196%
I	12	1	0.8196%
I	12	2	0.8196%
I	12	3	0.8196%
I	12	4	0.8196%
I	12	5	0.8196%
I	12	6	0.8196%
I	13	1	0.8196%
I	13	2	0.8196%
I	13	3	0.8196%
I	13	4	0.8196%
I	13	5	0.8196%
I	13	6	0.8196%
I	14	1	0.8196%
I	14	2	0.8196%
I	14	3	0.8196%
I	14	4	0.8196%
I	14	5	0.8196%
I	14	6	0.8196%

<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
Π	15	1	0.8196%
Π	15	2	0.8196%
Π	15	3	0.8196%
Π	15	4	0.8196%
Π	15	5	0.8196%
Π	15	6	0.8196%
Π	16	1	0.8196%
Π	16	2	0.8196%
Π	16	3	0.8196%
Π	16	4	0.8196%
Π	16	5	0.8196%
Π	16	6	0.8196%
Π	17	1	0.8196%
Π	17	2	0.8196%
Π	17	3	0.8196%
Π	17	4	0.8196%
Π	17	5	0.8196%
Π	17	6	0.8196%
Π	18	1	0.8196%
Π	18	2	0.8196%
Π	18	3	0.8196%
Π	18	4	0.8196%
Π	19	1	0.8196%
Π	19	2	0.8196%
Π	19	3	0.8196%
Π	19	4	0.8196%
Π	20	1	0.8196%
Π	20	2	0.8196%
Π	20	3	0.8196%
Π	20	4	0.8196%
Π	21	1	0.8196%
Π	21	2	0.8196%
Π	21	3	0.8196%
Π	21	4	0.8196%

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<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
II	22	1	0.8196%
II	22	2	0.8196%
II	22	3	0.8196%
II	22	4	0.8196%
II	23	1	0.8196%
II	23	2	0.8196%
II	23	3	0.8196%
II	23	4	0.8196%
II	23	5	0.8196%
II	23	6	0.8196%
II	24	1	0.8196%
II	24	2	0.8196%
II	24	3	0.8196%
II	24	4	0.8196%
II	24	5	0.8196%
II	24	6	0.8196%
II	25	1	0.8196%
II	25	2	0.8196%
II	25	3	0.8196%
II	25	4	0.8196%
II	26	1	0.8196%
II	26	2	0.8196%
II	26	3	0.8196%
II	26	4	0.8196%
TOTAL:			100.00%

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