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## DECLARATION OF PARTIAL REMOVAL OF THE FIELDS AT DRAPER PHASE 2C CONDOMINIUMS FROM THE PROVISIONS OF THE UTAH CONDOMINIUM OWNERSHIP ACT

THIS DECLARATION OF PARTIAL REMOVAL ("Declaration") is made as of this 22 day of September, 1998, by HOLMES & ASSOCIATES, L.C., a Utah limited liability company ("Declarant").

### **RECITALS**

A. Original Declaration and Plat. On May 1, 1998, Declarant filed a Declaration of Covenants, Conditions and Restrictions of The Fields at Draper Phase 2C Condominiums, as Entry Number 6949319, in Book 7965, beginning at page 229 in the official records of Salt Lake County, Utah (the "Original Declaration"), together with the Record of Survey Map (the "Plat"). The Original Declaration created a residential condominium project consisting of 192 units, subject to the Utah Condominium Ownership Act, Utah Code Ann. § 57-8-1 *et seq.* (the "Act"). The real property subject to the Original Declaration is located in the City of Draper, Salt Lake County, Utah (the "Original Property").

B. Ownership. At all times from the filing of the Original Declaration and the Plat through and including the date of this document, Declarant has been the owner in fee of all condominium units, together with a 100% ownership interest in the common areas appurtenant to such units.

C. Intention of Declarant. Declarant desires to amend and restate the Original Declaration in its entirety to change the name of the condominium project to "The Fields at Draper Condominiums" and to permit the development of the project as an expandable condominium project. Declarant intends to accomplish such objective by recording an Amended and Restated Declaration of Condominium of The Fields at Draper Condominiums ("Amended Declaration"), together with an amended Plat. The expandable condominium project shall consist of that portion of the Original Property currently under development, Unit Nos. 1001 through 1034 (the "Project Property"). The remainder of the Original Property, less dedicated public streets created within the Original Property, shall be removed from the condominium project and designated in the Amended Declaration as additional land, which additional land may be used to expand the project with up to 158 additional units (the "Additional Land").

D. Description of Property. The Original Property, the Project Property and the Additional Land are more particularly described on Exhibits "A," "B" and "C," respectively. Such exhibits are attached to and incorporated in this Declaration by reference.

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NOW THEREFORE, in pursuance of the foregoing, the Declarant declares and certifies as follows:

1. Incorporation by Reference. The recitals to this Declaration are an integral part of this Declaration, and are incorporated by reference in this Declaration.

2. Partial Removal of the Original Property. That portion of the Original Property, consisting of Units 1035 through 1192 as shown on the Plat, together with the common areas surrounding such Units, less the dedicated public streets created within the Original Property previously submitted to the provisions of the Act, are hereby removed from the provisions of the Act pursuant to Section 57-8-22 of the Act. Such removed property shall become the Additional Land created under the terms of the Amended Declaration to be recorded concurrently with the recordation of this Declaration in the office of the Salt Lake County Recorder.

**DATED** effective as of the date first above written.

**DECLARANT:**

HOLMES & ASSOCIATES, L.C., a Utah limited liability company

By: Patrick H. Holmes  
Title: President, CEO, member

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

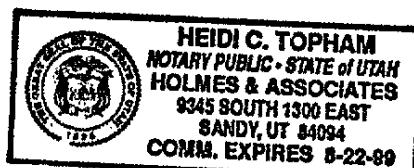
The foregoing instrument was acknowledged before me this 22 day of September, 1998, by Patrick H. Holmes, who is the President, CEO, member of HOLMES & ASSOCIATES, L.C., a Utah limited liability company.

Heidi Topham  
Notary Public Commissioned in Utah  
Residing at: 533 West 2450 North, Sandy, UT 84043

My Commission Expires:

8-22-99

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## **EXHIBIT "A"**

### **LEGAL DESCRIPTION ORIGINAL PROPERTY**

The following described real property is located in Salt Lake County, Utah:

#### **NORTH PARCEL**

Beginning at a point which is on the North side of the right-of-way of South Fork Drive said point also being North 89°51'21" West 1292.01 feet and North 103.11 feet from the North quarter corner of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and running thence Northwesterly along the arc of a 536.00 foot radius curve to the left through a central angle of 34°34'39" (center bears South 21°57'40" West) a distance of 323.47 feet; thence North 00°30'21" East 38.19 feet to the South bank of the East Jordan Canal and a point on a curve; thence along said South bank the following seven (7) courses; thence Northeasterly along the arc of a 107.50 foot radius curve to the left through a central angle of 46°31'33" (center bears North 29°23'52" West) a distance of 87.30 feet to a point of tangency North 14°04'35" East 26.94 feet; thence North 08°24'54" East 94.55 feet; thence North 32°02'07" East 28.27 feet to a point of curvature; thence Northeasterly along the arc of a 115.73 foot radius curve to the right through a central angle of 36°11'42" a distance of 73.11 feet; thence North 70°00'10" East 98.83 feet to a point of curvature; thence running Northeasterly along the arc of a 85.01 foot radius curve to the left through a central angle of 38°24'00" a distance of 56.98 feet; thence North 31°36'10" East 74.24 feet; thence South 453.74 feet to the point of beginning.

Contains 1.92 acres

#### **SOUTH PARCEL**

Beginning at a point which is on the South side of the right-of-way of South Fork Drive said point also being North 89°51'21" West 938.22 feet and South 191.70 feet from the North quarter corner of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and running thence Southeasterly along the arc of a 18.00 foot radius curve to the right through a central angle of 90°00'00" (center bears South 31°55'10" West) a distance of 28.27 feet to a point on the west right-of-way line of Honeyfield Drive; thence South 31°55'10" West 50.61 feet along said West right-of-way line to a point of curvature; thence Southeasterly along the arc of a 250.00 foot radius curve to the left through a central angle of 63°08'39" a distance of 253.48 feet to a point of tangency; thence South 31°13'29" East 213.76 feet along said West right-of-way line to a point of curvature; thence Southerly along the arc of a 18.00 foot radius curve to the right through a central angle of 106°40'42" a distance of 33.51 feet to a point on the North right-of-way line of Mayfield Drive;

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thence Southeasterly along the arc of a 170.00 foot radius curve to the right through a central angle of  $06^{\circ}43'15''$  (center bears North  $14^{\circ}32'47''$  West) a distance of 19.94 feet to a point of tangency thence South  $82^{\circ}10'28''$  West 292.37 feet to a point of curvature thence Southwesterly along the arc of a 230.00 foot radius curve to the left through a central angle of  $32^{\circ}02'10''$  a distance of 128.60 feet to a point of tangency thence South  $50^{\circ}08'19''$  West 322.60 feet to a point of curvature; thence Southwesterly along the arc of a 70.00 foot radius curve to the right through a central angle of  $08^{\circ}21'23''$  a distance of 10.21 feet to a point of tangency; thence South  $58^{\circ}29'42''$  West 91.66 feet; thence North  $00^{\circ}30'21''$  East 1121.19 feet to a point on a curve, said point also being on the South right-of-way line of South Fork Drive; thence running Northeasterly along the arc of a 464.00 foot radius curve on the South side of said right-of-way to the right through a central angle of  $46^{\circ}37'04''$  (center bears South  $14^{\circ}41'53''$  East) a distance of 377.53 feet to a point of tangency; thence South  $58^{\circ}04'50''$  East 363.95 feet to the point of beginning.

Contains 9.25 acres

Contains 192 lots

## **EXHIBIT "B"**

### **LEGAL DESCRIPTION PROJECT PROPERTY**

The following described real property, located in Salt Lake County, Utah, is Phase One:

Beginning at a point which is on the West side of the right-of-way of Honeyfield Drive said point also being North 89°51'21" West 888.19 feet and South 619.74 feet from the North quarter corner of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 31°13'29" East 73.94 feet along said West right-of-way line to a point of curvature; thence Southerly along the arc of a 18.00 foot radius curve to the right through a central angle of 106°40'42" a distance of 33.51 feet to a point on the North right-of-way line of Mayfield Drive; thence Southwesterly along the arc of a 170.00 foot radius curve to the right through a central angle of 06°43'15" (center bears North 14°32'47" West) a distance of 19.94 feet to a point of tangency; thence South 82°10'28" West 292.37 feet to a point of curvature; thence Southwesterly along the arc of a 230.00 foot radius curve to the left through a central angle of 32°02'10" a distance of 128.60 feet to a point of tangency; thence South 50°08'19" West 322.60 feet to a point of curvature; thence Southwesterly along the arc of a 70.00 foot radius curve to the right through a central angle of 08°21'23" a distance of 10.21 feet to a point of tangency; thence South 58°29'42" West 91.66 feet; thence North 00°30'21" East 117.39 feet; thence North 52°32'59" East 408.32 feet; thence North 68°10'14" East 90.52 feet; thence North 81°50'39" East 325.98 feet to the point of beginning. Contains 1.85 acres. Contains 34 lots.

## EXHIBIT "C"

### LEGAL DESCRIPTION ADDITIONAL LAND

The following described real property, located in Salt Lake County, Utah, is the Additional Land.

#### NORTH PARCEL

Beginning at a point which is on the North side of the right-of-way of South Fork Drive said point also being North 89°51'21" West 1292.01 feet and North 103.11 feet from the North quarter corner of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and running thence Northwesterly along the arc of a 536.00 foot radius curve to the left through a central angle of 34°34'39" (center bears South 21°57'40" West) a distance of 323.47 feet; thence North 00°30'21" East 38.19 feet to the South bank of the East Jordan Canal and a point on a curve; thence along said South bank the following seven (7) courses; thence Northeasterly along the arc of a 107.50 foot radius curve to the left through a central angle of 46°31'33" (center bears North 29°23'52" West) a distance of 87.30 feet to a point of tangency North 14°04'35" East 26.94 feet; thence North 08°24'54" East 94.55 feet; thence North 32°02'07" East 28.27 feet to a point of curvature; thence Northeasterly along the arc of a 115.73 foot radius curve to the right through a central angle of 36°11'42" a distance of 73.11 feet; thence North 70°00'10" East 98.83 feet to a point of curvature; thence running Northeasterly along the arc of a 85.01 foot radius curve to the left through a central angle of 38°24'00" a distance of 56.98 feet; thence North 31°36'10" East 74.24 feet; thence South 453.74 feet to the point of beginning. Contains 1.92 acres

Less and excepting the public streets as described and on record.

#### SOUTH PARCEL

Beginning at a point which is on the South side of the right-of-way of South Fork Drive said point also being North 89°51'21" West 938.22 feet and South 191.70 feet from the North quarter corner of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and running thence Southeasterly along the arc of a 18.00 foot radius curve to the right through a central angle of 90°00'00" (center bears South 31°55'10" West) a distance of 28.27 feet to a point on the West right-of-way line of Honeyfield Drive; thence South 31°55'10" West 50.61 feet along said West right-of-way line to a point of curvature; thence Southeasterly along the arc of a 230.00 foot radius curve to the left through a central angle of 63°08'39" a distance of 253.48 feet to a point of tangency; thence South 31°13'29" East 139.82 feet; thence South 81°50'39" East 325.98 feet; thence South 68°10'14" East 90.52 feet;

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thence South 52°32'59" East 408.32 feet; thence North 00°30'21" East 1003.80 feet to a point on a curve, said point also being on the South right-of-way line of South Fork Drive; thence running Northeasterly along the arc of a 464.00 foot radius curve on the South side of said right-of-way to the right through a central angle of 46°37'04" (center bears South 14°41'53" East) a distance of 377.53 feet to a point of tangency; thence South 58°04'50" East 363.95 feet to the point of beginning. Contains 7.40 acres.

Less and excepting the public streets as described and on record.

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09/23/98 09:03 AM 197-00  
NANCY WORKMAN  
RECODER, SALT LAKE COUNTY, UTAH  
CITY OF DRAPER  
12441 S 900 E  
DRAPER, UT 84020  
REC BY: A GARAY ,DEPUTY - WI

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