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

10/05/98 1:33 PM 7109413 92.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
TUSCANY PROPERTIES INC  
8438 S GAD WAY  
SANDY, UT 84093  
REC BY:R JORDAN DEPUTY - WI

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

This SECOND SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR TUSCANY TOWNHOMES is made and executed this 21st day of September, 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 in Book 7709 at Page 2669 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, the First Supplemental Declaration was recorded by Declarant in the Office of the County Recorder of Salt Lake County, Utah on the 3<sup>rd</sup> day of JUNES, 1998 as Entry No. 6883542 in Book 7777 at Page 1631 of the Official Records (the "First Supplemental Declaration");

Whereas, the related Plat Map for Phase II of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.

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;

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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-2" attached hereto and incorporated herein by this reference (the "Phase III 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 National Mortgage Association and Federal Home Loan Mortgage Association;

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

Whereas, Declarant now intends that the Phase III 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 SECOND 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 as it relates to Phase III of this Project, to include the following supplemental definition:

(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) Second Supplemental Declaration shall mean and refer to this SECOND SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR TUSCANY TOWNHOMES, a Utah Condominium Project.

(c) Second Supplemental Phase III Map shall mean and refer to the Plat Map of Phase III 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 Second 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-2 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 Second Supplemental Declaration:

BK 8116 PG 1053

3. Annexation. Declarant hereby declares that the Phase III Property shall be annexed to and become subject to the Declaration, which upon recordation of this Second Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-2 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Units Revised. As shown on the Phase III Map, sixteen (16) additional Buildings, consisting of five 6-plexes, five 4-plexes and six duplexes, containing sixty-two (62) additional Units are created in the Project on the Phase III Property. Said additional Buildings and Units are located within a portion of the Additional Land. Upon the recordation of the Phase III Map and this Second Supplemental Declaration, the total number of Units in the Project will be one hundred and eighty-four (184). The said additional Units are substantially similar in construction, design and quality to the Units in the prior Phases.

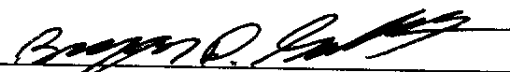
5. Percentage Interest Revised. Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the Percentage Interest. Second Revised Exhibit "B" to the Declaration is deleted in its entirety and "Third Revised Exhibit 'B'" attached hereto is substituted in lieu thereof and incorporated herein by this reference. The Percentage Interests set forth in Third 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 III 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., a corporation separate and distinct.

7. Effective Date. The effective date of this Second Supplemental Declaration and the Phase III 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

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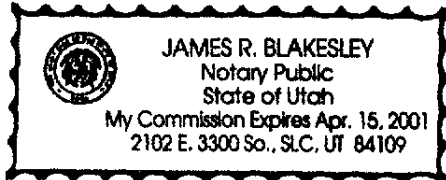
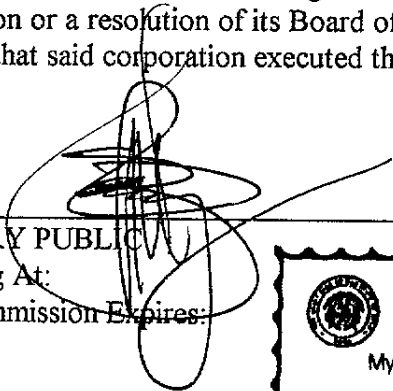
ss:

COUNTY OF SALT LAKE

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On the 21st day of September, 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 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.

NOTARY PUBLIC  
Residing At:  
My Commission Expires:



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Exhibit "A-2"  
TUSCANY TOWNHOMES PHASE III  
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 765.667 feet, North 00°07'12" East from the Southwest corner of Section 19, Township 2 South, Range 1 West, Salt Lake Base and Meridian, running thence North 00°07'12" East, a distance of 380.553 feet; thence South 89°58'01" East, a distance of 132.871 feet; thence North 00°07'12" East, a distance of 258.649 feet; thence East, a distance of 230.952 feet; to the westerly right of way line of the Denver & Rio Grande Railroad; thence South 19°47'03" East along of said railroad right of way, a distance of 484.093 feet to the northeast corner of Tuscany Townhomes Phase 1; thence along the said Phase 1 northerly line the following four (4) courses: South 45°01' 59" West, a distance of 104.524 feet; thence North 89°58'01" West, a distance of 330.000 feet; thence South 00°01'59" West, a distance of 110.000 feet; thence North 89°58'01" West, a distance of 125.000 feet to the point of beginning.

Containing 218,907 square feet or 5.025 acres.

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THIRD REVISED EXHIBIT "B"  
 PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase</u>	<u>Bldg.</u>	<u>Unit</u>	<u>Percentage of Ownership Interest</u>
I	1	1	0.5435%
I	1	2	0.5435%
I	1	3	0.5435%
I	1	4	0.5435%
I	2	1	0.5435%
I	2	2	0.5435%
I	2	3	0.5435%
I	2	4	0.5435%
I	3	1	0.5435%
I	3	2	0.5435%
I	3	3	0.5435%
I	3	4	0.5435%
I	4	1	0.5435%
I	4	2	0.5435%
I	4	3	0.5435%
I	4	4	0.5435%
I	5	1	0.5435%
I	5	2	0.5435%
I	5	3	0.5435%
I	5	4	0.5435%
I	5	5	0.5435%
I	5	6	0.5435%
I	6	1	0.5435%
I	6	2	0.5435%
I	6	3	0.5435%
I	6	4	0.5435%
I	7	1	0.5435%
I	7	2	0.5435%
I	7	3	0.5435%
I	7	4	0.5435%

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<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
I	8	1	0.5435%
I	8	2	0.5435%
I	8	3	0.5435%
I	8	4	0.5435%
I	9	1	0.5435%
I	9	2	0.5435%
I	9	3	0.5435%
I	9	4	0.5435%
I	10	1	0.5435%
I	10	2	0.5435%
I	10	3	0.5435%
I	10	4	0.5435%
I	11	1	0.5435%
I	11	2	0.5435%
I	11	3	0.5435%
I	11	4	0.5435%
I	12	1	0.5435%
I	12	2	0.5435%
I	12	3	0.5435%
I	12	4	0.5435%
I	12	5	0.5435%
I	12	6	0.5435%
I	13	1	0.5435%
I	13	2	0.5435%
I	13	3	0.5435%
I	13	4	0.5435%
I	13	5	0.5435%
I	13	6	0.5435%
I	14	1	0.5435%
I	14	2	0.5435%
I	14	3	0.5435%
I	14	4	0.5435%
I	14	5	0.5435%
I	14	6	0.5435%

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<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
II	15	1	0.5435%
II	15	2	0.5435%
II	15	3	0.5435%
II	15	4	0.5435%
II	15	5	0.5435%
II	15	6	0.5435%
II	16	1	0.5435%
II	16	2	0.5435%
II	16	3	0.5435%
II	16	4	0.5435%
II	16	5	0.5435%
II	16	6	0.5435%
II	17	1	0.5435%
II	17	2	0.5435%
II	17	3	0.5435%
II	17	4	0.5435%
II	17	5	0.5435%
II	17	6	0.5435%
II	18	1	0.5435%
II	18	2	0.5435%
II	18	3	0.5435%
II	18	4	0.5435%
II	19	1	0.5435%
II	19	2	0.5435%
II	19	3	0.5435%
II	19	4	0.5435%
II	20	1	0.5435%
II	20	2	0.5435%
II	20	3	0.5435%
II	20	4	0.5435%
II	21	1	0.5435%
II	21	2	0.5435%
II	21	3	0.5435%
II	21	4	0.5435%



<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
II	22	1	0.5435%
II	22	2	0.5435%
II	22	3	0.5435%
II	22	4	0.5435%
II	23	1	0.5435%
II	23	2	0.5435%
II	23	3	0.5435%
II	23	4	0.5435%
II	23	5	0.5435%
II	23	6	0.5435%
II	24	1	0.5435%
II	24	2	0.5435%
II	24	3	0.5435%
II	24	4	0.5435%
II	24	5	0.5435%
II	24	6	0.5435%
II	25	1	0.5435%
II	25	2	0.5435%
II	25	3	0.5435%
II	25	4	0.5435%
II	26	1	0.5435%
II	26	2	0.5435%
II	26	3	0.5435%
II	26	4	0.5435%
III	27	1	0.5435%
III	27	2	0.5435%
III	27	3	0.5435%
III	27	4	0.5435%
III	27	5	0.5435%
III	27	6	0.5435%
III	28	1	0.5435%
III	28	2	0.5435%
III	28	3	0.5435%
III	28	4	0.5435%
III	28	5	0.5435%
III	28	6	0.5435%

<u>Phase</u>	<u>Bldg.</u>	<u>Unit</u>	<u>Percentage of Ownership Interest</u>
III	29	1	0.5435%
III	29	2	0.5435%
III	29	3	0.5435%
III	29	4	0.5435%
III	29	5	0.5435%
III	29	6	0.5435%
III	30	1	0.5435%
III	30	2	0.5435%
III	30	3	0.5435%
III	30	4	0.5435%
III	31	1	0.5435%
III	31	2	0.5435%
III	31	3	0.5435%
III	31	4	0.5435%
III	32	1	0.5435%
III	32	2	0.5435%
III	32	3	0.5435%
III	32	4	0.5435%
III	32	5	0.5435%
III	32	6	0.5435%
III	33	1	0.5435%
III	33	2	0.5435%
III	33	3	0.5435%
III	33	4	0.5435%
III	33	5	0.5435%
III	33	6	0.5435%
III	34	1	0.5435%
III	34	2	0.5435%
III	34	3	0.5435%
III	34	4	0.5435%
III	35	1	0.5435%
III	35	2	0.5435%
III	35	3	0.5435%
III	35	4	0.5435%
III	36	1	0.5435%
III	36	2	0.5435%

<u>Phase</u>	<u>Bldg.</u>	<u>Unit</u>	<u>Percentage of Ownership Interest</u>
III	37	1	0.5435%
III	37	2	0.5435%
III	38	1	0.5435%
III	38	2	0.5435%
III	39	1	0.5435%
III	39	2	0.5435%
III	40	1	0.5435%
III	40	2	0.5435%
III	41	1	0.5435%
III	41	2	0.5435%
III	42	1	0.5435%
III	42	2	0.5435%
III	42	3	0.5435%
III	42	4	0.5435%
TOTALS			100%