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12/21/98 10:46 AM 52.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
HOLMES & ASSOCIATES  
9345 S 1300 E  
SANDY UT 84094  
REC BY:V ASHBY ,DEPUTY

**AMENDMENT NO. TWO  
FOR EXPANSION OF  
THE FIELDS AT DRAPER CONDOMINIUMS**

**(An Expandable Condominium Project)**

THIS AMENDMENT NO. TWO ("Amendment") to the Amended and Restated Declaration of Condominium of The Fields at Draper Condominiums, an expandable condominium project (the "Declaration"), is made effective as of the date of the recording hereof in the Salt Lake County Recorder's Office by HOLMES & ASSOCIATES, L.C. ("Declarant") pursuant to Section 57-8-13.6 of the Utah Condominium Ownership Act and Article 16 of the Declaration.

**RECITALS:**

A. Declarant filed a Declaration of Covenants, Conditions and Restrictions of The Fields at Draper Phase 2C Condominiums on May 1, 1998, as Entry Number 6949319 in Book 7965, beginning at Page 229 of the official records of Salt Lake County, Utah, together with a Record of Survey Map recorded in Book 98-05, at Page 107, as Entry Number 6949318.

B. Declarant has modified the declaration as follows:

- (1) Declaration of Partial Removal of The Fields at Draper Phase 2C Condominiums recorded September 23, 1998, as Entry Number 7095021, in Book 8101, beginning at Page 1447 of the official records of Salt Lake County, Utah;
- (2) Amended and Restated Declaration of Condominium of the Fields at Draper Condominiums an Expandable Residential Condominium Project, recorded September 23, 1998, as Entry Number 7095024, in Book 8101, beginning at Page 1454 of the official records of Salt Lake County, Utah; and
- (3) Amendment No. One for Expansion of The Fields at Draper Condominiums, recorded September 23, 1998, as Entry Number 7095025, in Book 8101, beginning at Page 1535 of the official records of Salt Lake County, Utah (the "Phase Two Amendment").

The original declaration, as modified by the above-stated amendments, are collectively referred to in this Amendment as the "Declaration."

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C. Declarant desires to expand the condominium project (the "Condominium Project") by constructing new condominium units (the "Units") on a portion of the remaining additional land described in the Declaration (the "Additional Land").

D. Declarant is the owner of fee simple title to allow the Additional Land and desires to construct thirty-two (32) Units, Unit Nos. 1064 through 1095 ("Phase Three") to expand the existing Condominium Project pursuant to the terms of the Declaration.

E. The supplemental Plat for Phase Three will be recorded concurrently with this Amendment by Declarant in the official records for the Salt Lake County Recorder, State of Utah.

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

1. Phase Three Expansion. Declarant hereby submits to the provisions of the Utah Condominium Ownership Act, Utah Code Ann. § 57-8-1 et seq. (the "Act"), the real property situated in Draper City, Salt Lake County, Utah, as more particularly described on Exhibit "A," attached to and incorporated in this Amendment by reference (the "Phase Three Property"). As of the date of this Amendment, Declarant is the sole owner of the Phase Three Property. The Phase Three Property hereby submitted to the Act shall be known as The Fields at Draper Condominiums, Phase Three, and shall be subject to the terms and conditions of the Declaration.

2. Improvements. The improvements to be built on the Phase Three Property shall consist of several multi-unit buildings with a maximum and minimum of thirty-two (32) units, Unit Nos. 1065 through 1095. All improvements constructed on the Phase Three Property shall be consistent in terms of quality of construction and shall be compatible in terms of principal materials used and architectural style with the structures in Phase One and Phase Two. Further, the Units created in Phase Three shall be substantially identical to the Units in Phase One and Phase Two. Each Unit will be provided with a one car garage, which will be attached to the Unit and shall be designated as Limited Common Area appurtenant to such Unit.

3. Undivided and Allocated Interests. As specified in Article 16 of the Declaration, with the expansion of the Condominium Project to include Phase Three, each Unit Owner in the Condominium Project shall have a maximum 1/95th (or 1.0526%) undivided interest in the Common Area, 1/95th (or 1.0526%) allocated interest in the common expenses of the Condominium Project, and a 1/95th (or 1.0526%) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of Phase Three into the Condominium Project, the new Additional Land shall consist of the Additional Land (as described in the Phase Two

Amendment) less the Phase Three Property. The remaining Additional Land (following the Phase Three expansion) is more particularly described on Exhibit "B," attached to and incorporated in this Amendment by reference.

IN WITNESS WHEREOF, the undersigned, being the Declarant, has caused this instrument to be executed on this 21 day of December, 1998.

DECLARANT:

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

By: [Signature]  
Title: Manager

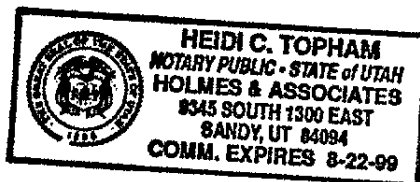
STATE OF UTAH )  
: ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 21 day of December, 1998, by Patrick H. Holmes, who is the managing member of HOLMES & ASSOCIATES, L.C., a Utah limited liability company.

[Signature]  
NOTARY PUBLIC  
Residing at Salt Lake County, Utah

My Commission Expires:

8-22-99



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**EXHIBIT "A"**

**LEGAL DESCRIPTION  
PHASE THREE  
THE FIELDS AT DRAPER CONDOMINIUMS**

The following described real property, located in Salt Lake County, Utah, is the parcel representing Phase Three of the Condominium Project:

Beginning at a point which is on the South line of the right-of-way of South Fork Drive said point being North  $89^{\circ}51'21''$  West 1539.05 feet and North 67.04 feet from the North Quarter Corner of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian and running thence through Southeasterly along the arc of an 18.00 foot radius curve to the right through a central angle of  $96^{\circ}16'02''$  (center bears South  $5^{\circ}45'41''$  East) a distance of 30.24 feet to a point on the West right-of-way line of Daisyfield Drive, thence South  $0^{\circ}30'21''$  West along said right-of-way 697.70 feet to a point of curvature; thence Southeasterly along the arc of a 54.00 foot radius curve to the left through a central angle of  $57^{\circ}49'47''$  a distance of 54.50 feet to a point of curvature; thence Southwesterly along the arc of a 95.00 foot radius curve to the right through a central angle of  $57^{\circ}57'54''$  (center bears North  $67^{\circ}58'37''$  West) a distance of 96.11 feet; thence South  $79^{\circ}59'18''$  West 45.98 feet; thence North  $0^{\circ}30'21''$  East 814.79 feet to a point of curvature; thence Northeasterly along the arc of a 464.00 foot radius curve to the right through a central angle of  $8^{\circ}56'13''$  (center bears South  $14^{\circ}41'53''$  East) a distance of 72.37 feet to the point of beginning.

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## **EXHIBIT "B"**

### **LEGAL DESCRIPTION ADDITIONAL LAND AFTER ADDITION OF PHASE THREE THE FIELDS AT DRAPER CONDOMINIUMS**

The following described real property, located in Salt Lake County, is the new Additional Land after the addition of Phase Three:

#### **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  $89^{\circ}51'21''$  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  $34^{\circ}34'39''$  (center bears South  $21^{\circ}57'40''$  West) a distance of 323.47 feet; thence North  $00^{\circ}30'21''$  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  $46^{\circ}31'33''$  (center bears North  $29^{\circ}23'52''$  West) a distance of 87.30 feet to a point of tangency North  $14^{\circ}04'35''$  East 26.94 feet; thence North  $08^{\circ}24'54''$  East 94.55 feet; thence North  $32^{\circ}02'07''$  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  $36^{\circ}11'42''$  a distance of 73.11 feet; thence North  $70^{\circ}00'10''$  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  $38^{\circ}24'00''$  a distance of 56.98 feet; thence North  $31^{\circ}36'10''$  East 74.24 feet; thence South 453.74 feet to the point of beginning.

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

#### **SOUTH PARCEL**

Beginning at a point which is on the South of the right-of-way of South Fork Drive said point also being North  $89^{\circ}51'21''$  West 938.22 feet and South 191.70 feet from the North Quarter 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  $90^{\circ}00'00''$  (center bears South  $31^{\circ}55'10''$  West) a distance of 28.27 feet to a point on the West right-of-way line of the Honeyfield Drive; thence South  $31^{\circ}55'10''$  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  $63^{\circ}08'39''$  a distance

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of 253.48 feet to a point of tangency; thence South  $31^{\circ}13'29''$  East 37.13 feet to a point of curvature; thence Northwesterly along the arc of an 18.00 foot radius curve to the left through a central angle of  $85^{\circ}00'42''$  (center bears South  $58^{\circ}46'31''$  West) a distance of 26.1 feet to a point of reverse curvature on the South right-of-way line of Daisyfield Drive; the following seven courses being along the South and West right-of-way line of Daisyfield Drive; thence Southwesterly along the arc of a 739.00 foot radius curve to the right through a central angle of  $18^{\circ}24'39''$  a distance of 76.80 feet to a point of tangency; thence South  $82^{\circ}10'28''$  West 158.85 feet; thence Southwesterly along the arc of a 416.00 foot radius curve to the left through a central angle of  $16^{\circ}06'32''$  a distance of 116.93 feet to a point of tangency; thence South  $66^{\circ}04'12''$  West 104.48 feet to a point of curvature; thence Southwesterly along the arc of a 30.00 foot radius curve to the left through a central angle of  $49^{\circ}59'41''$  a distance of 26.18 feet to a point of reverse curvature; thence Northwesterly along the arc of a 54.00 foot radius curve to the right through a central angle of  $164^{\circ}25'50''$  a distance of 154.97 feet to a point of tangency; thence North  $0^{\circ}30'21''$  East 697.70 feet to a point of curvature; thence Northwesterly along the arc of an 18.00 foot arc through a central angle of  $96^{\circ}16'02''$  a distance of 30.24 feet to a point on the South right-of-way line of South Fork Drive; the following two courses being along the South right-of-way line of South Fork Drive; thence Southeasterly along the arc of a 464.00 foot radius curve to the right through a central angle of  $37^{\circ}40'51''$  (center bears South  $5^{\circ}45'41''$  East) a distance of 305.15 feet to a point of tangency; thence South  $58^{\circ}04'50''$  East 363.95 feet to the point of beginning.

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