

WHEN RECORDED, RETURN TO:

Holmes & Associates, L.C.  
9345 South 1300 East  
Sandy, Utah 84094

7376714  
06/07/99 12:50 PM 32.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
HOLMES & ASSOC  
9345 S 1300 E  
SANDY UT 84094  
REC BY:Z JOHANSON ,DEPUTY - WI

**AMENDMENT NO. THREE  
FOR EXPANSION OF  
THE FIELDS AT DRAPER CONDOMINIUMS  
(An Expandable Condominium Project)**

THIS AMENDMENT NO. THREE ("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;
- (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; and

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- (4) Amendment No. Two for Expansion of The Fields at Draper Condominiums, recorded December 21, 1998, as Entry Number 7196015, in Book 8202, beginning at page 1988 of the official records of Salt Lake County, Utah (the "Phase Three Amendment").

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

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 thirteen (13) Units, Unit Nos. 1096 through 1108 ("Phase Four") to expand the existing Condominium Project pursuant to the terms of the Declaration.

E. The supplemental Plat for Phase Four 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 Four 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 Four Property"). As of the date of this Amendment, Declarant is the sole owner of the Phase Four Property. The Phase Four Property hereby submitted to the Act shall be known as The Fields at Draper Condominiums, Phase Four, and shall be subject to the terms and conditions of the Declaration.

2. Improvements. The improvements to be built on the Phase Four Property shall consist of several multi-unit buildings with a maximum and minimum of thirteen (13) units, Unit Nos. 1096 through 1108. All improvements constructed on the Phase Four 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, Phase Two and Phase Three. Further, the Units created in Phase Four shall be substantially identical to the Units in Phase One, Phase Two and Phase Three. 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 Four, each Unit Owner in the Condominium Project shall have a maximum 1/108th (or 0.925926%) undivided

interest in the Common Area, 1/108th (or 0.925926%) allocated interest in the common expenses of the Condominium Project, and a 1/108th (or 0.925926%) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of Phase Four into the Condominium Project, the new Additional Land shall consist of the Additional Land (as described in the Phase Three Amendment) less the Phase Four Property. The remaining Additional Land (following the Phase Four 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 28 day of May, 1999.

DECLARANT:

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

By: [Signature]  
Title: manager

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

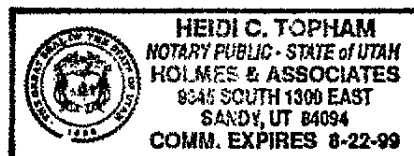
The foregoing instrument was acknowledged before me this 28 day of May, 1999, by Patrick H. Holmes, who is the managing member of HOLMES & ASSOCIATES, L.C., a Utah limited liability company.

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

My Commission Expires:

8-22-99

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**EXHIBIT "A"**

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

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

Beginning at a point which is North  $89^{\circ}51'21''$  West 1174.44 feet and South 421.45 feet from the North quarter corner of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian and running thence South  $09^{\circ}20'10''$  East 96.35 feet to a point on the North right of way line of Daisyfield Drive; thence the following four courses along said right of way: (1) South  $82^{\circ}10'28''$  West 42.33 feet to a point of curvature, (2) Southwesterly along the arc of a 464.00 foot curve to the left through a central angle of  $16^{\circ}06'16''$  a distance of 130.42 feet along the North to a point of tangency, (3) South  $66^{\circ}04'12''$  West 124.13 feet to a point of curvature, (4) thence Northwesterly along the arc of a 26.00 foot curve to the right through a central angle of  $114^{\circ}26'09''$  a distance of 51.93 feet to a point of tangency on the East right-of-way line of Daisyfield Drive; thence North  $00^{\circ}30'21''$  East along the East right-of-way line Daisyfield Drive 84.87 feet; thence North  $75^{\circ}28'19''$  East 310.52 feet to the point of beginning.

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**EXHIBIT "B"**

**LEGAL DESCRIPTION**  
**ADDITIONAL LAND AFTER ADDITION OF PHASE FOUR**  
**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 Four:

**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.

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**EXHIBIT "B" CONT.**

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

**SOUTH PARCEL**

Beginning at a point which is on the south side of the right-of-way of South Fork Drive and 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 50.56 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 52°16'06" a distance of 209.82 feet to a point of Reverse curvature; thence Southerly along the arc of an 18.00 foot radius curve to the right through a central angle of 85°05'19" a distance of 26.73 feet to a point of compound curvature on the North right-of-way line of Daisyfield Field Drive; thence Southwesterly along the arc of a 191.00 foot radius curve to the right through a central angle of 17°27'54" along said right-of-way a distance of 58.22 feet; thence south 82°10'28" West 116.51 feet; thence North 09°20'10" West 96.35 feet; thence South 75°28'19" West 310.52 feet to a point on the East right-of-way line of Daisyfield Drive; thence North 00°30'21" East along said right-of-way line 550.09 feet to a point of curvature; thence Northeasterly along the arc of a 18.00 foot radius curve to the right through a central angle of 94°32'28" a distance of 29.70 feet to a point of compound curvature on the South right-of-way line of South Fork Drive; thence along said right-of-way line the following two courses: Southeasterly along the arc of a 464.00 foot radius curve to the right through a central angle of 26°52'21" a distance of 217.62 feet to a point of tangency; thence south 58°04'50" East 363.95 feet to the point of Beginning.  
Contain 20.611 Acres.

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