

7407323

**AMENDMENT NO. FIVE
TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS,
AND DECLARATION OF ANNEXATION OF
BRITTANY CONDOMINIUMS**

THIS AMENDMENT TO THE DECLARATION of Covenants Conditions and Restrictions of Brittany Condominiums is made pursuant to the Utah Condominium Act, Utah Code Ann. §57-8-13.6, and executed this 23rd day of June, 1999, AND AMENDS THE DECLARATION OF CONDOMINIUM FOR BRITTANY CONDOMINIUMS, an expandable condominium Project, recorded June 8th, 1999, as Entry No. 7407313, in Book —, at Pages — et. seq., of the records of the Salt Lake County Recorder, including all previous amendments thereto.

ANNEXATION

This is a Declaration of Annexation prepared pursuant to Article III of the previously identified Declaration of Covenants Conditions and Restrictions of Brittany Condominiums which created an expandable residential condominium Project consisting of 12 Units, which was subsequently amended by AMENDMENT NO. ONE recorded June 8th, 1999, as Entry No. 7407315, in Book —, at Pages — et. seq. of the records of the Salt Lake County Recorder, AMENDMENT NO. TWO recorded June 8th, 1999, as Entry No. 7407317, in Book —, at Pages — et. seq. of the records of the Salt Lake County Recorder, AMENDMENT NO. THREE recorded June 8th, 1999, as Entry No. 7407319, in Book —, at Pages — et. seq., of the records of the Salt Lake County Recorder, and AMENDMENT NO. FOUR recorded June 8th, 1999, as Entry No. 7407321, in Book —, at Pages — et. seq., of the records of the Salt Lake County Recorder to include an additional 42 Units for a total of 54 Units with additional property available for the expansion of a maximum number of 228 additional Units for a total number of 282 Units.

Declarant hereby annexes the Property described in Exhibit A attached hereto as a part hereof, and declares its intention that the Property shall be subject to the Declaration of Covenants Conditions and Restrictions of the Brittany Condominiums referred to above, and any amendments thereto.

Declarant hereby adds to the existing Project the eighteen (18) Units of the expansion Property described in Exhibit B, Phase 6, pursuant to the Declaration of Covenants Conditions and Restrictions of the Brittany Condominiums referred to above and Amendments thereof.

Any required approvals have been given.

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

BK8292PG7322

1. Phase 6 Expansion: Declarant hereby submits the real Property more particularly described at Exhibit A to the provisions of the Utah Condominium Ownership Act ("Phase 6 Property"). Declarant is the sole owner of the Phase 6 Property and said Property shall be known as the Brittany Condominiums, Phase 6, and shall be subject to the provisions of the Declaration of Covenants Conditions and Restrictions of the Brittany Condominiums referred to above and Amendments thereof.

2. Improvements: The improvements to be built on the Phase 6 Property shall be architecturally compatible with the existing Units and shall be of similar quality. However, the Declarant makes no assurances that any Units constructed on any additional properties annexed hereto by the Declarant will be substantially identical to the Units depicted in the previous Phases. The maximum number of Units to be contained within the Phase 6 Property improvements shall be eighteen (18) for a total number of 72 Units with 210 Units remaining in the expandable area.

3. Allocated Interests: As specified in Article III of the Declaration of Covenants Conditions and Restrictions of the Brittany Condominiums, the undivided interest of each Unit Owner to all Common Area following the expansion created herein is 1/72nd. Likewise, pursuant to paragraph 3 of Article IV of the Declaration of Covenants Conditions and Restrictions of the Brittany Condominiums the par value of each ownership interest shall be 1/72nd as shown in the table attached hereto as Exhibit C.

4. Additional Land: With the annexation of the Phase 6 Property, the remaining land available for expansion, being more particularly described at Exhibit D, consists of the original expandable land less the Phase 2 Property, the Phase 3 Property, the Phase 4 Property, the Phase 5 Property, and the Phase 6 Property.

This Amendment to Declaration of Brittany Condominiums, shall take effect upon recording in the office of the County Recorder of Salt Lake County, Utah by McARTHUR HOMES AT BRITTANY, LC.

IN WITNESS WHEREOF, the undersigned being the Declarant, has caused this instrument to be executed and its seal be affixed hereto on the day and year first above written.

McARTHUR HOMES AT BRITTANY
a Utah Limited Liability Company

By: McARTHUR HOMES, INC.
a Utah Corporation, it's Manager

By: 
Donald R. McARTHUR, President

BK8292PG7323

EXHIBIT A

REAL PROPERTY DESCRIPTION OF
BRITTANY CONDOMINIUMS PHASE 6

PROPERTY DESCRIPTION:

Beginning at a point which is N00°08'29"W along the Section Line, 1885.940 feet and N89°51'31"E, 297.337 feet from the West Quarter Corner of Section 30, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence N01°16'05"E, 19.120 feet; thence N01°04'49"W, 72.195 feet; thence N05°40'46"W, 87.240 feet; thence N00°08'29"W, 41.874 feet; thence N89°51'31"E, 100.56 feet; thence S81°00'56"E, 38.002 feet; thence S83°29'59"E, 166.930 feet; thence S00°08'29"E, 195.700 feet; thence S89°10'53"W, 165.447 feet; thence N88°49'10"W, 129.359 feet to the point of beginning.

Contains 1.46 Acres or 63,475 Square Feet

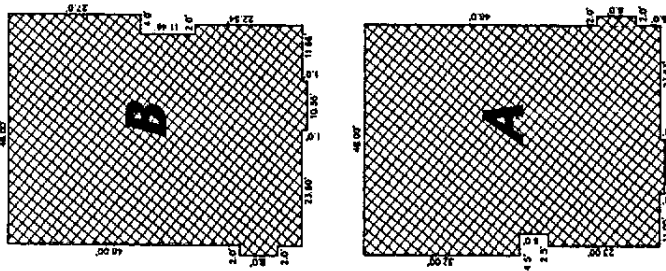
BK8292PG7325

EXHIBIT B

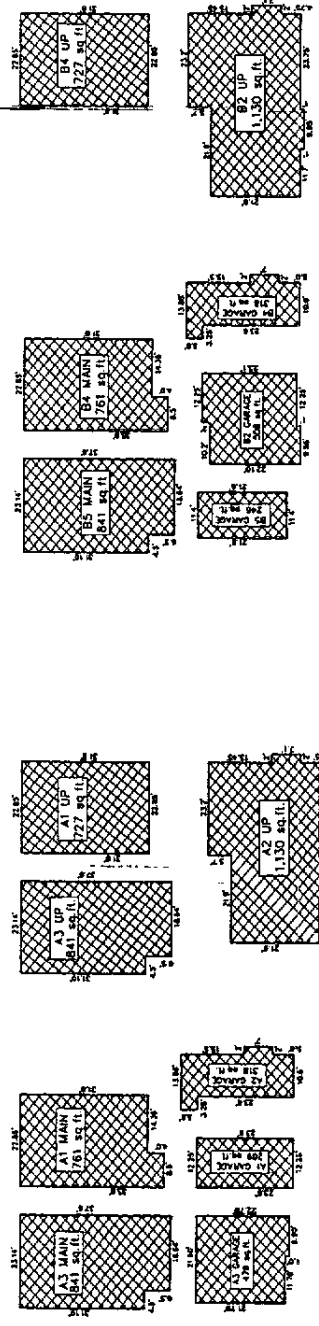
BRITTANY CONDOMINIUMS PHASE 6 MAP

BK8292PG7326

BRITANNY CONDOMINIUMS PHASE 6



**GROUND LEVEL
DIMENSIONS**
(NOT TO SCALE)



BUILDING A
(NOT TO SCALE)

BUILDING B
(NOT TO SCALE)



BUILDING 1-17

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
B-3	4670.00		7128 SOUTH BRITANNY TOWN DRIVE, #3
B-4	4670.00		7128 SOUTH BRITANNY TOWN DRIVE, #4
B-2	4679.14		7128 SOUTH BRITANNY TOWN DRIVE, #2

BUILDING 1-18

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
A-1	4689.10		7118 SOUTH BRITANNY TOWN DRIVE, #1
A-2	4689.10		7118 SOUTH BRITANNY TOWN DRIVE, #2
A-3	4689.10		7118 SOUTH BRITANNY TOWN DRIVE, #3

BUILDING 1-19

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
B-3	4688.70		7108 SOUTH BRITANNY TOWN DRIVE, #3
B-4	4688.70		7108 SOUTH BRITANNY TOWN DRIVE, #4
B-2	4677.84		7108 SOUTH BRITANNY TOWN DRIVE, #2

BUILDING 1-24

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
A-1	4677.44		7108 SOUTH BRITANNY TOWN DRIVE, #1
A-2	4677.44		7108 SOUTH BRITANNY TOWN DRIVE, #2
A-3	4677.44		7108 SOUTH BRITANNY TOWN DRIVE, #3

BUILDING 1-25

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
B-5	4668.80		7117 SOUTH BRITANNY TOWN DRIVE, #5
B-4	4668.80		7117 SOUTH BRITANNY TOWN DRIVE, #4
B-2	4637.84		7117 SOUTH BRITANNY TOWN DRIVE, #2

BUILDING 1-26

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
A-1	4649.50		7127 SOUTH BRITANNY TOWN DRIVE, #1
A-2	4649.50		7127 SOUTH BRITANNY TOWN DRIVE, #2
A-3	4649.50		7127 SOUTH BRITANNY TOWN DRIVE, #3

EWP ENGINEERING, INC.
 CIVIL & ARCHITECTURAL ENGINEERING & SURVEYING
 5808 South 79th East, Suite 204, U.S. 1732 866-261-6888

2, 2

PROJECT NO. 15-000003
 SHEET NO. 10 OF 11
 DRAWING DATE 11-17-06
 CHECKED BY: EWN
 DESIGNED BY: EWN

DATE	BY	REVISION

8287902600

EXHIBIT C
OWNERSHIP INTEREST TABLE

<u>UNIT</u>	<u>UNIT PAR VALUE PERCENT OF UNDIVIDED INTEREST IN COMMON AREA</u>	<u>UNIT</u>	<u>UNIT PAR VALUE PERCENT OF UNDIVIDED INTEREST IN COMMON AREA</u>
<u>Phase 1</u>		<u>Bldg. 1-10</u>	
<u>Bldg. 1-1</u>		Unit A-1	1/72nd or 1.3889%
Unit B-2	1/72nd or 1.3889%	Unit A-2	1/72nd or 1.3889%
Unit B-4	1/72nd or 1.3889%	Unit A-3	1/72nd or 1.3889%
Unit B-5	1/72nd or 1.3889%	<u>Bldg. 1-11</u>	
<u>Bldg. 1-2</u>		Unit B-2	1/72nd or 1.3889%
Unit B-2	1/72nd or 1.3889%	Unit B-4	1/72nd or 1.3889%
Unit B-4	1/72nd or 1.3889%	Unit B-5	1/72nd or 1.3889%
Unit B-5	1/72nd or 1.3889%	<u>Bldg. 1-12</u>	
<u>Bldg. 1-13</u>		Unit B-2	1/72nd or 1.3889%
Unit B-2	1/72nd or 1.3889%	Unit B-4	1/72nd or 1.3889%
Unit B-4	1/72nd or 1.3889%	Unit B-5	1/72nd or 1.3889%
Unit B-5	1/72nd or 1.3889%	<u>Phase 3</u>	
<u>Bldg. 1-14</u>		<u>Bldg. 1-6</u>	
Unit A-1	1/72nd or 1.3889%	Unit B-2	1/72nd or 1.3889%
Unit A-2	1/72nd or 1.3889%	Unit B-4	1/72nd or 1.3889%
Unit A-3	1/72nd or 1.3889%	Unit B-5	1/72nd or 1.3889%
<u>Phase 2</u>		<u>Bldg. 1-7</u>	
<u>Bldg. 1-3</u>		Unit A-1	1/72nd or 1.3889%
Unit B-2	1/72nd or 1.3889%	Unit A-2	1/72nd or 1.3889%
Unit B-4	1/72nd or 1.3889%	Unit A-3	1/72nd or 1.3889%
Unit B-5	1/72nd or 1.3889%	<u>Bldg. 1-8</u>	
<u>Bldg. 1-4</u>		Unit B-2	1/72nd or 1.3889%
Unit A-1	1/72nd or 1.3889%	Unit B-4	1/72nd or 1.3889%
Unit A-2	1/72nd or 1.3889%	Unit B-5	1/72nd or 1.3889%
Unit A-3	1/72nd or 1.3889%	<u>Bldg. 1-9</u>	
<u>Bldg. 1-5</u>		Unit B-2	1/72nd or 1.3889%
Unit B-2	1/72nd or 1.3889%	Unit B-4	1/72nd or 1.3889%
Unit B-4	1/72nd or 1.3889%	Unit B-5	1/72nd or 1.3889%
Unit B-5	1/72nd or 1.3889%	<u>Phase 4</u>	
		No Additional Units	

DK0292PG7329

Phase 5

Bldg. 1-20

Unit B-2 1/72nd or 1.3889%
Unit B-4 1/72nd or 1.3889%
Unit B-5 1/72nd or 1.3889%

Bldg. 1-21

Unit B-2 1/72nd or 1.3889%
Unit B-4 1/72nd or 1.3889%
Unit B-5 1/72nd or 1.3889%

Bldg. 1-22

Unit A-1 1/72nd or 1.3889%
Unit A-2 1/72nd or 1.3889%
Unit A-3 1/72nd or 1.3889%

Bldg. 1-23

Unit B-2 1/72nd or 1.3889%
Unit B-4 1/72nd or 1.3889%
Unit B-5 1/72nd or 1.3889%

Phase 6

Bldg. 1-17

Unit B-2 1/72nd or 1.3889%
Unit B-4 1/72nd or 1.3889%
Unit B-5 1/72nd or 1.3889%

Bldg. 1-18

Unit A-1 1/72nd or 1.3889%
Unit A-2 1/72nd or 1.3889%
Unit A-3 1/72nd or 1.3889%

Bldg. 1-19

Unit B-2 1/72nd or 1.3889%
Unit B-4 1/72nd or 1.3889%
Unit B-5 1/72nd or 1.3889%

Bldg. 1-24

Unit A-1 1/72nd or 1.3889%
Unit A-2 1/72nd or 1.3889%
Unit A-3 1/72nd or 1.3889%

Bldg. 1-25

Unit B-2 1/72nd or 1.3889%
Unit B-4 1/72nd or 1.3889%
Unit B-5 1/72nd or 1.3889%

Bldg. 1-26

Unit A-1 1/72nd or 1.3889%
Unit A-2 1/72nd or 1.3889%
Unit A-3 1/72nd or 1.3889%

EXHIBIT D

BRITTANY CONDOMINIUMS - EXPANDABLE AREA

PROPERTY DESCRIPTION:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N.00°08'29"W. 2,319.69 FEET ALONG THE WEST LINE OF SAID SECTION 30; THENCE S.89°57'09"E. 592.10 FEET; THENCE S.00°08'29"E. 2,319.65 FEET TO A POINT ON THE QUARTER-SECTION LINE; THENCE NORTH 89°57'23"W. 592.10 FEET ALONG SAID QUARTER-SECTION LINE TO THE POINT OF BEGINNING.

LESS THE PROPERTY INCLUDED IN PHASE 1 AS STATED IN EXHIBIT "A" TO THE DECLARATION AND PHASE 2 AS STATED IN EXHIBIT "A" TO AMENDMENT ONE AND PHASE 3 AS STATED IN EXHIBIT "A" TO AMENDMENT TWO AND PHASE 4 AS STATED IN EXHIBIT "A" TO AMENDMENT THREE AND PHASE 5 AS STATED IN EXHIBIT "A" TO AMENDMENT FOUR AND PHASE 6 AS STATED IN EXHIBIT "A" HERETO

CONTAINS 29.35 ACRES LESS 1.08 ACRES IN PHASE 1 AS STATED IN EXHIBIT "A" TO THE DECLARATION AND LESS 1.36 ACRES IN PHASE 2 AS STATED IN EXHIBIT "A" TO AMENDMENT ONE AND LESS 0.99 ACRES IN PHASE 3 AS STATED IN EXHIBIT "A" TO AMENDMENT TWO AND LESS 0.19 ACRES IN PHASE 4 AS STATED IN EXHIBIT "A" TO AMENDMENT THREE AND LESS 1.35 ACRES IN PHASE 5 AS STATED IN EXHIBIT "A" TO AMENDMENT FOUR AND LESS 1.46 ACRES IN PHASE 6 AS STATED IN EXHIBIT "A" HERETO.

7407323
07/08/99 12:40 PM 45.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
MERRILL TITLE
REC BY: Z JOHANSON , DEPUTY - WI

BK8292PG7331