

7680441

WHEN RECORDED, RETURN TO:

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

Parcel #: 34-09-100-033

**AMENDMENT NO. NINE
FOR EXPANSION OF
THE FIELDS OF DRAPER CONDOMINIUMS**

(An Expandable Condominium Project)

THIS AMENDMENT NO. NINE ("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 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 of 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.

Declaration has modified the declaration as follows:

- (1) Declaration of Partial Removal of The Fields at Draper Phase 2C Condominiums recorded September 12, 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 Condominiums of the Fields at Draper Condominiums as 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
- (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 1908 of the official records of Salt Lake County, Utah (the "Phase Three Amendment").
- (5) Amendment No. Three for Expansion of The Fields at Draper Condominiums, recorded June 7, 1999, as Entry Number 7376714, in Book 8284, beginning at Page 0210 of the official records of Salt Lake County, Utah (the "Phase Four Amendment").

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(6) Amendment No. Four for Expansion of The Fields at Draper Condominiums, recorded June 15, 1999, as Entry Number 7386606, in Book 8286, beginning at Page 5754 of the official records of Salt Lake County, Utah (the "Phase Five Amendment").

(7) Amendment No. Five for Expansion of The Fields at Draper Condominiums, recorded October 1, 1999, as Entry Number 7480425, in Book 8313, beginning at Page 5235 of the official records of Salt Lake County, Utah (the "Phase Six Amendment").

(8) Amendment No. Six for Expansion of The Fields at Draper Condominiums, recorded November 5, 1999, as Entry Number 7506719, in Book 8321, beginning at Page 2270 of the official records of Salt Lake County, Utah (the "Phase Seven Amendment").

(9) Amendment No. Seven for Expansion of The Fields at Draper Condominiums, recorded March 1, 2000, as Entry Number 7585752, in Book 8345, beginning at Page 6129 of the official records of Salt Lake County, Utah (the "Phase Eight Amendment").

(10) Amendment No. Eight for Expansion of The Fields at Draper Condominiums, recorded May 10, 2000, as Entry Number 7635780, in Book 8360, beginning at Page 7865 of the official records of Salt Lake County, Utah (the "Phase Nine 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 seven (7) Units, Unit Nos. 1152 through 1158 ("Phase Ten") to expand the existing Condominium Project pursuant to the terms of the Declaration.

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

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

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

2. Improvements. The improvements to be built on the Phase Ten Property shall consist of several multi-unit buildings with a maximum and minimum of seven (7) units, Unit Nos. 1152 through 1158. All improvements constructed on the Phase Ten 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, Phase Three, Phase Four, Phase Five, Phase Six, Phase Seven, Phase Eight and

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Phase Nine. Further, the Units created in Phase Ten shall be substantially identical to the Units in Phase One, Phase Two, Phase Three, Phase Four, Phase Five, Phase Six, Phase Seven, Phase Eight and Phase Nine. 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 Interest. As specified in Article 16 of the Declaration, with the expansion of the Condominium Project to include Phase Ten, each Unit Owner in the Condominium Project shall have a maximum 1/158th (or 0.63291 %) undivided interest in the Common Area, 1/158th (or 0.63291 %) allocated interest in the common expenses of the Condominium Project, and 1/158th (or 0.63291 %) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of the Phase Ten into the Condominium Project, the new Additional Land shall consist of the Additional Land (as described in the Phase Nine Amendment) less the Phase Ten Property. The remaining Additional Land (following the Phase Ten 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 8th day of June, 2000.

DECLARANT:

HOLMES & ASSOCIATES, L.C., a Utah Limited Liability Company

By [Signature]
Title: member

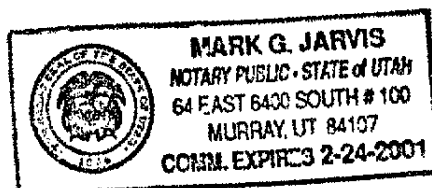
STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 8th day of June, 2000, 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:

2-24-01



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EXHIBIT "A"

LEGAL DESCRIPTION

PHASE TEN

THE FIELDS AT DRAPER CONDOMINIUMS

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

Beginning at a point which is on the North side of the right-of-way of Flowerfield Drive, said point being North $89^{\circ}51'21''$ West 1445.89 feet and South 49.81 feet from the North quarter corner of Section 7, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and running thence Northeasterly along the arc of a 26.00 foot radius curve to the right through a central angle of $90^{\circ}30'21''$ (center bears North) a distance of 41.07 feet to a point of tangency on the East right-of-way line of Daisyfield Drive; thence North $00^{\circ}30'21''$ East along said right-of-way 73.63 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 $94^{\circ}32'28''$ a distance of 29.70 feet to a point of curvature on 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 $25^{\circ}52'11''$ along said right-of-way line a distance of 209.50 feet; thence South $27^{\circ}14'27''$ West 96.25 feet to a point on the North right-of-way line of Flowerfield Drive; thence North $58^{\circ}04'50''$ West along said right-of-way 2.32 feet to a point of curvature; thence Northwesterly along the arc of a 204.00 foot radius curve to the left through a central angle of $31^{\circ}55'10''$ along said right-of-way a distance of 113.65 feet to a point of tangency; thence West along said right-of-way 37.92 feet to the point of beginning.

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EXHIBIT "B"

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

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

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 TEN
THE FIELDS OF DRAPER CONDOMINIUMS**

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

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°51'10" West 50.61 feet along said West right-of-way line to a point of curvature; thence Southeasterly along the arc of 230.00 foot radius curve to the left through a central angle of 2°10'13" a distance of 8.71 feet along said right-of-way line to a point of reverse curvature; thence Southwesterly along the arc of a 18.00 foot radius curve to the right through a central angle of 92°10'13" a distance of 28.96 feet to a point of tangency on the North right-of-way line of Flowerfield Drive; thence North 58°04'50" West 364.40 feet along said right-of-way line; thence North 27°14'27" East 96.32 feet to a point on the South right-of-way line of South Fork Drive; thence South 58°04'50" East 372.08 feet along said right-of-way line to the point of beginning.

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

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07/18/2000 09:15 AM NO FEE
Book - 8375 Pg - 4111-4116
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
CITY OF DRAPER
12441 S 900 E
DRAPER UT 84020
BY: ZJM, DEPUTY - WI 6 P.

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