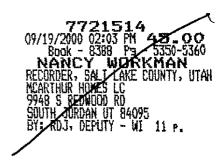
SUMS

Return When Recorded to: McArthur Homes, LC c/o Don McArthur 9948 South Redwood Road South Jordan, Utah 84095



[Parcel No. 21-30-103-001]

# AMENDMENT NO. TEN TO AMENDED AND RESTATED DECLARATION AND DECLARATION OF ANNEXATION FOR BRITTANY CONDOMINIUMS

THIS AMENDMENT TO THE AMENDED AND RESTATED DECLARATION of Covenants Conditions and Restrictions for Brittany Condominiums is made pursuant to the Utah Condominium Act, Utah Code Ann. §57-8-13.6, and executed this 18 day of Soutement, 2000, AND AMENDS THE AMENDED AND RESTATED DECLARATION FOR BRITTANY CONDOMINIUMS ("Declaration"), an expandable condominium Project, recorded June 5, 2000, as Entry No. 7653288, in Book 8366, at Pages 1625 through 1677, of the records of the Salt Lake County Recorder.

#### **AMENDMENT**

	This is a Declaration of Annexation prepared pursuant to Article III of the Declaration
	which created an expandable residential condominium Project consisting of twelve (12) Units
	and additional property available for the expansion of a maximum number of two-hundred and
	seventy (270) additional Units for a total number of two-hundred and eighty-two (282) Units.
	The Declaration has subsequently been amended by AMENDMENT NO. ONE, recorded the 19
	day of September , 2000, as Entry No. 7721503 , in Book 8388 , at Page
5	5218 5272et seq., of the records of the Salt Lake County Recorder; AMENDMENT NO. TWO,
	recorded the 3rd day of Octobe , 2000, as Entry No. 7731539, in Book
	392, at Pages 1177-1187 et seq., of the records of the Salt Lake County Recorder;
	AMENDMENT NO. THREE, recorded the 3rd day of October, 2000, as Entry No.
	7731540 , in Book 8392 , at Pages 1198 et seq., of the records of the Salt
	Lake County Recorder; AMENDMENT NO. FOUR, recorded the 3rd day of October,
	2000, as Entry No. 7731541 , in Book 8392 , at Pages 1199-1209 et seq., of the
	records of the Salt Lake County Recorder; AMENDMENT NO. FIVE, recorded the 3rd day of
	Ontober, 2000, as Entry No. 7731542, in Book 8392, at Pages
12	et seq., of the records of the Salt Lake County Recorder; AMENDMENT NO. SIX,
	recorded the 3rd day of October, 2000, as Entry No. 7731543, in Book
	, at Pages 1221-1232 et seq., of the records of the Salt Lake County Recorder;
	AMENDMENT NO. SEVEN, recorded the 3rd day of October, 2000, as Entry No.
	7731544, in Book 8392, at Pages 1233-1244 et seq., of the records of the Salt
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From the Property identified in the Declaration at Exhibit E, Declarant hereby annexes the parcels of Property described in Exhibit A attached hereto as a part hereof and known as Phase 10 ("Phase 10 Property"), and declares its intention that the Phase 10 Property shall be subject to the Declaration, and any amendments thereto.

Declarant hereby adds to the existing Project a total of fifteen (15) additional Units pursuant to the Declaration and any Amendments thereto. The maximum number of Units within the existing Project will be one-hundred and seventeen (117) with one-hundred and sixty-five (165) Units being reserved in the expandable area.

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

- 1. <u>Phase 10 Expansion</u>: Declarant hereby submits the Phase 10 Property more particularly described at Exhibit A to the provisions of the Utah Condominium Ownership Act. Declarant is the sole owner of the Phase 10 Property and said Property shall be known as the Brittany Condominiums, Phase 10, and shall be subject to the provisions of the Declaration and Amendments thereto. The maximum number of Units to be contained within the Phase 10 Property improvements shall be fifteen (15), the proposed configuration of which is described in the Plat Map attached hereto at Exhibit B.
- 2. <u>Improvements</u>: The improvements to be built on the Phase 10 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 without variance with the Units depicted in the plat.
- 3. <u>Allocated Interests</u>: As specified in Article III of the Declaration, the undivided interest of each Unit Owner to all Common Area following the expansion created herein is 1/117th. Likewise, pursuant to paragraph 4 of Article IV of the Declaration the par value of each ownership interest shall be 1/117th as shown in the Table attached hereto as Exhibit C.
- 4. Additional Land: With the annexation of the Phase 10 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, the Phase 6 Property, the Phase 7 Property, the Phase 8 Property, the Phase 9 Property, and the Phase 10 Property.

Any required approvals have been given. This Amendment to Declaration for 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.

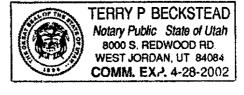
McARTHUR HOMES AT BRITTANY, LC a Utah Limited Liability Company

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

Residing at:

My Commission Expires:

4/28/2002



CO. NECORDER

### REAL PROPERTY DESCRIPTION OF BRITTANY CONDOMINIUMS PHASE 10

#### **PROPERTY DESCRIPTION:**

Beginning at a point which is N00°08'29"W along the Section Line, 1347.567 feet and N89°51'31"E, 50.000 feet from West Quarter Corner of Section 30, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence S63°54'16"E, 284.031 feet; thence S03°23'05"W, 85.312 feet; thence S00°11'29"W, 47.422 feet; thence S89°36'50"W, 249.248 feet; thence N00°08'29"W, 259.203 feet to the point of beginning.

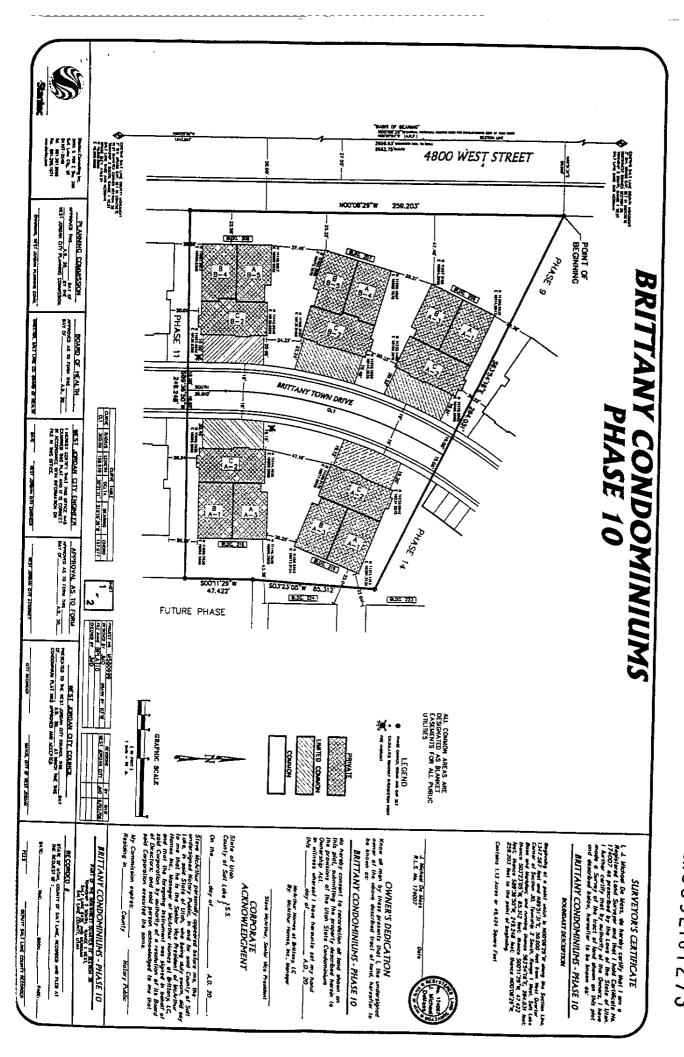
Contains 1.13 Acres or 49,424 Square Feet

### EXHIBIT B

#### BRITTANY CONDOMINIUMS PHASE 10 MAP

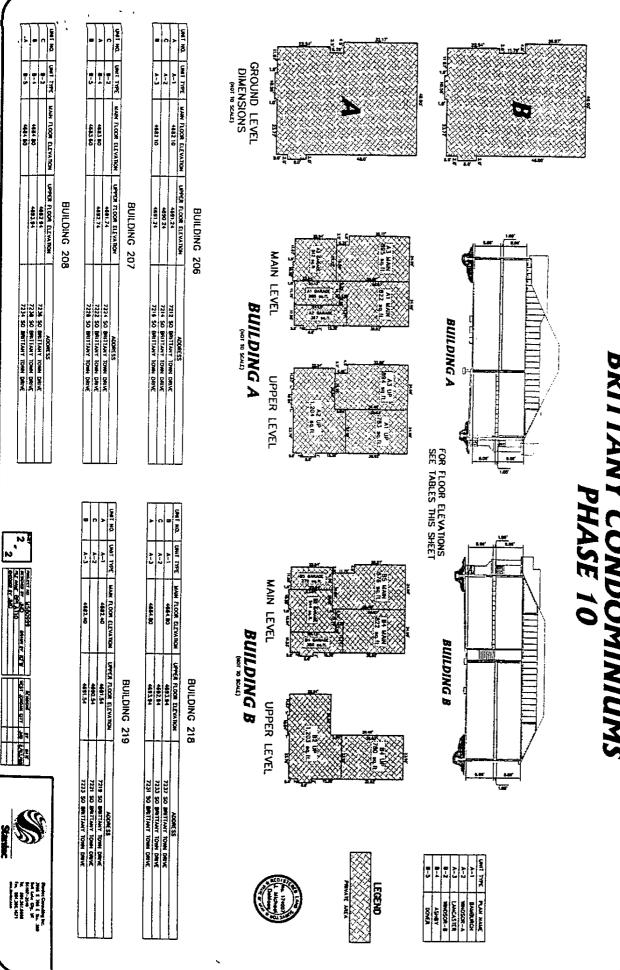
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## EXHIBIT C OWNERSHIP INTEREST TABLE

	,		
Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Area
1	1-1	B-2	1/117th or .8547%
1		B-4	1/117th or .8547%
1		B-5	1/117th or .8547%
1	1-2	B-2	1/117th or .8547%
1		B-4	1/117th or .8547%
1		B-5	1/117th or .8547%
1	1-13	B-2	1/117th or .8547%
1		B-4	1/117th or .8547%
1		B-5	1/117th or .8547%
1	1-14	A-1	1/117th or .8547%
1		A-2	1/117th or .8547%
1		A-3	1/117th or .8547%
2	1-3	B-2	1/117th or .8547%
2		B-4	1/117th or .8547%
2		B-5	1/117th or .8547%
2	1-4	A-1	1/117th or .8547%
2		A-2	1/117th or .8547%
2		A-3	1/117th or .8547%
2	1-5	B-2	1/117th or .8547%
2		B-4	1/117th or .8547%
2		B-5	1/117th or .8547%
2	1-10	A-1	1/117th or \8547%
2		A-2	1/117th or .8547%
2		A-3	1/117th or .8547%
2	1-11	B-2	1/117th or .8547%
2		B-4	1/117th or .8547%
2		B-5	1/117th or .8547%
2	1-12	B-2	1/117th or .8547%

Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Area
2		B-4	1/117th or .8547%
2		B-5	1/117th or .8547%
3	1-6	B-2	1/117th or .8547%
3		B-4	1/117th or .8547%
3		B-5	1/117th or .8547%
3	1-7	A-1	1/117th or .8547%
3		A-2	1/117th or .8547%
3		A-3	1/117th or .8547%
3	1-8	B-2	1/117th or .8547%
3		B-4	1/117th or .8547%
3		B-5	1/117th or .8547%
3	1-9	B-2	1/117th or .8547%
3		B-4	1/117th or .8547%
3		B-5	1/117th or .8547%
4	Tot Lot		No Additional Units
5	1-20	B-2	1/117th or .8547%
5		B-4	1/117th or .8547%
5		B-5	1/117th or .8547%
5	1-21	B-2	1/117th or .8547%
5		B-4	1/117th or .8547%
5		B-5	1/117th or .8547%
5	1-22	A-1	1/117th or .8547%
5		A-2	1/117th or .8547%
5		A-3	1/117th or .8547%
5	1-23	B-2	1/117th or .8547%
5		B-4	1/117th or .8547%
5		B-5	1/117th or .8547%
6	1-17	B-2	1/117th or .8547%

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Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Arca
6		B-4	1/117th or .8547%
6		B-5	1/117th or .8547%
6	1-18	A-1	1/117th or .8547%
6		A-2	1/117th or .8547%
6		A-3	1/117th or .8547%
6	1-19	B-2	1/117th or .8547%
6		B-4	1/117th or .8547%
6		B-5	1/117th or .8547%
6	1-24	A-1	1/117th or .8547%
6		A-2	1/117th or .8547%
6		A-3	1/117th or .8547%
6	1-25	B-2	1/117th or .8547%
6		B-4	1/117th or .8547%
6		B-5	1/117th or .8547%
6	1-26	A-1	1/117th or .8547%
6		A-2	1/117th or .8547%
6		A-3	1/117th or .8547%
7	1-15	A-1	1/117th or .8547%
7		A-2	1/117th or .8547%
7		A-3	1/117th or .8547%
7	1-16	B-2	1/117th or .8547%
7		B-4	1/117th or .8547%
7		B-5	1/117th or .8547%
7	1-27	B-2	1/117th or .8547%
7		B-4	1/117th or .8547%
7		B-5	1/117th or .8547%
7	1-28	A-1	1/117th or .8547%
7		A-2	1/117th or .8547%
7		A-3	1/117th or .8547%
7	1-29	B-2	1/117th or .8547%

Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Arca	
7		B-4	1/117th or .8547%	
7		B-5	1/117th or .8547%	
8	Club House		No Additional Units	
9	201	B-2	1/117th or .8547%	
9		B-4	1/117th or .8547%	
9		B-5	1/117th or .8547%	
9	202	B-2	1/117th or .8547%	
9		B-4	1/117th or .8547%	
9		B-5	1/117th or .8547%	1.6
9	203	A-1	1/117th or .8547%	
9		A-2	1/117th or .8547%	
9		A-3	1/117th or .8547%	] ; <u>:</u>
9	204	B-2	1/117th or .8547%	
9		B-4	1/117th or .8547%	
9		B-5	1/117th or .8547%	
9	205	A-1	1/117th or .8547%	
9		A-2	1/117th or .8547%	
9		A-3	1/117th or .8547%	
10	206	A-1	1/117th or .8547%	
10		A-2	1/117th or .8547%	
10		A-3	1/117th or .8547%	
10	207	B-2	1/117th or .8547%	
10		B-4	1/117th or .8547%	
10		B-5	1/117th or .8547%	
10	208	B-2	1/117th or .8547%	<b>≗</b>
10		B-4	1/117th or .8547%	$\infty$
10		B-5	1/117th or .8547%	3 9
10	218	A-1	1/117th or .8547%	2PI
10		A-2	1/117th or .8547%	Ë,
10		A-3	1/117th or .8547%	7

Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Area
10	219	A-1	1/117th or .8547%
10		A-2	1/117th or .8547%
10		A-3	1/117th or .8547%

Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Area
	,		

#### **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 TWO AND PHASE 3 AS STATED IN EXHIBIT "A" TO AMENDMENT THREE AND PHASE 4 AS STATED IN EXHIBIT "A" TO AMENDMENT FOUR AND PHASE 5 AS STATED IN EXHIBIT "A" TO AMENDMENT FIVE AND PHASE 6 AS STATED IN EXHIBIT "A" TO AMENDMENT SIX AND PHASE 7 AS STATED IN EXHIBIT "A" TO AMENDMENT SEVEN AND PHASE 8 AS STATED IN EXHIBIT "A" TO AMENDMENT EIGHT AND PHASE 9 AS STATED IN EXHIBIT "A" TO AMENDMENT NINE AND PHASE 10 AS STATED IN EXHIBIT "A" HERETO.

CONTAINS 29.35 ACRES LESS 1.13 ACRES IN PHASE 1 AS STATED IN EXHIBIT "A" TO THE DECLARATION AND LESS 1.41. ACRES IN PHASE 2 AS STATED IN EXHIBIT "A" TO AMENDMENT TWO AND LESS 1.04 ACRES IN PHASE 3 AS STATED IN EXHIBIT "A" TO AMENDMENT THREE AND LESS 0.19 ACRES IN PHASE 4 AS STATED IN EXHIBIT "A" TO AMENDMENT FOUR AND LESS 1.35 ACRES IN PHASE 5 AS STATED IN EXHIBIT "A" TO AMENDMENT FIVE AND LESS 1.46 ACRES IN PHASE 6 AS STATED IN EXHIBIT "A" TO AMENDMENT SIX AND LESS 1.32 ACRES IN PHASE 7 AS STATED IN EXHIBIT "A" TO AMENDMENT SEVEN AND LESS 0.8371 ACRES IN PHASE 8 AS STATED IN EXHIBIT "A" TO AMENDMENT EIGHT AND LESS 1.37 ACRES IN PHASE 9 AS STATED IN EXHIBIT "A" TO AMENDMENT NINE AND LESS 1.13 ACRES IN PHASE 10 AS STATED IN EXHIBIT "A" HERETO.

# NOTARY SEAL NOT LEGIBLE - CO RECORDER .

# 8K8392PG1279

## AMENDMENT NO. TEN TO AMENDED AND RESTATED DECLARATON AND DECLARATION OF ANNEXATION FOR BRITTANY CONDOMINIUMS

THIS AMENDMENT is hereby re-executed this 3<sup>rd</sup> day of October, 2000.

McARTHUR HOMES AT BRITTANY, LC A Utah Limited Liability Company

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

By:

Donald R. McArthur, Board Chairman

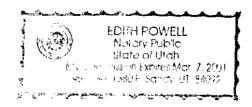
STATE OF UTAH } ss.
COUNTY OF SALT LAKE }

On the 3<sup>rd</sup> day of October, 2000, personally appeared before me Donald R. McArthur, who being by me duly sworn, did say the he is the Board Chairman of McArthur Homes, Inc., which is the Manager of McArthur Homes at Brittany, LC, and that said instrument was acknowledged on behalf of said McArthur Homes at Brittany, LC, by authority, and said Donald R. McArthur duly acknowledged to me that he is the Board Chairman and executed the same on behalf of McArthur Homes, Inc., the Manager of McArthur Homes at Brittany, LC.

NOTARY PUBLIC

My Commission expires:

3-7-01



7731547
10/03/2000 02:47 PM 49 00
Book - 8392 P3 - 1268-1280
NANCY WORKMAN
RECORDER, SALI LAKE COUNTY, UTAH
MCARTHUR HONES LC
9948 S REDWOOD RD
SOUTH JORDAN UTAH 84095
BY: ARG, DEPUTY - WI 13 p.