

WHEN RECORDED RETURN TO:

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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
MERIDIAN TITLE
BY: ZJN, DEPUTY - WI 12 P.

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SECOND SUPPLEMENT TO THE AMENDED AND RESTATED
DECLARATION OF CONDOMINIUM FOR FARMS AT TITHING HILL
AND
THE CONDOMINIUM DECLARATION FOR TITHING HILL FARM CONDOMINIUMS
AN EXPANDABLE UTAH CONDOMINIUM PROJECT

This Second Supplement to the Amended and Restated Declaration of Condominium for Farms at Tithing Hill and the Condominium Declaration For Tithing Hill Farm Condominiums is made and executed by JORDAN PINES TOWNHOMES, L.C., of 1081 W. Tithing Hill Place, Riverton, Utah 84065 ("JORDAN PINES") and CHRYSALIS COMPANY, of 1081 W. Tithing Hill Place, Riverton, Utah 84065 ("CHRYSALIS").

RECITALS

- A. The original Condominium Declaration for Tithing Hill Farm Condominiums Home Owners Association, Inc. was recorded April 21, 1998, as Entry No. 6936933, in Book 7953, at Page 136 in the Office of the Salt Lake County Recorder in and for the State of Utah (the "Original Declaration")
- B. The Original Declaration relates to Phase II of the Project, as amended.
- C. The related Plat Map(s) for Phase II of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.
- D. The Amended and Restated Declaration of Condominium for Farms at Tithing Hill was recorded February 22, 1999, as Entry No. 7263349 in Book 8251 at Page 2901 in the Office of the Salt Lake County Recorder in and for the State of Utah (the "Amended Declaration").
- E. The related Plat Map(s) for Phase I of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.
- F. The First Supplement to the Amended and Restated Declaration of Condominium for Farms at Tithing Hill was recorded August 25, 1999 as Entry No. 7451537 in Book 8304 at Page 7524 in the Office of the County Recorder of Salt Lake County, Utah.
- G. The related Plat Map(s) for Phase III of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.
- H. The Declarant for Phase I was JORDAN PINES.

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I. The Declarant for Phase I was CHRYSALIS and WINDROSE CORPORATION, who has since quit claimed its interest in said property to CHRYSALIS.

J. The Declarant for Phase III was CHRYSALIS, WINDROSE CORPORATION (who has since quit claimed its interest in said property to JORDAN PINES) and JORDAN PINES.

K. Under Article III, Section 46 of the Amended Declaration, JORDAN PINES reserved an option until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser to expand the Project in accordance with the Act.

L. Article XIX, Section 19.03 (b) of the Original Declaration provides: "Notwithstanding the terms and conditions of Article XVII above, [CHRYSALIS] may amend this Declaration as expressly provided herein, without the approval of the Owners."

M. Under Article III, Section 46 of the Amended Declaration, JORDAN PINES expressly reserved the absolute right to add to the Project any or all portions of the Additional Land, including without limitation Phase II, at any time and in any order, without limitation.

N. JORDAN PINES desires to expand the Project to include Phase II.

O. CHRYSALIS desires to make Phase II part of the Project so there is one association of unit owners and one declaration of covenants, conditions and restrictions.

P. JORDAN PINES and CHRYSALIS now intend to submit Phase II.

Q. JORDAN PINES and CHRYSALIS now intend that the Phase II Property shall become subject again to the provisions of the Act and the Amended Declaration as it has been supplemented from time to time.

AGREEMENT

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, JORDAN PINES and CHRYSALIS hereby execute this Second Supplement to the Amended And Restated Declaration of Condominium for Farms at Tithing Hill and the Condominium Declaration For Tithing Hill Farm Condominiums.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

C. Association shall mean and refer to all of the unit owners in FARMS AT TITHING HILL and TITHING HILL FARM CONDOMINIUMS acting as a group in accordance with the Declaration, and from this time forward the name of the Association shall be the FARMS AT TITHING HILL HOMEOWNERS ASSOCIATION, INC.

B. Declaration shall mean and refer to the Original Declaration and Amended

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Declaration as consolidated and merged hereby.

C. Project shall mean and refer to Phases I, II and III of FARMS AT TITHING HILL AND TITHING HILL FARM as merged and consolidated hereby, and the name of the Project from this time forward shall be **FARMS AT TITHING HILL**.

D. Second Supplement to the Declaration shall mean and refer to this Second Supplement to the Amended and Restated Declaration of Condominium for Farms at Tithing Hill and The Condominium Declaration For Tithing Hill Farm Condominiums, which from this time forward shall be known as the **SECOND SUPPLEMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FARMS AT TITHING HILL**.

Except as otherwise herein provided, the definition of terms contained in the Amended Declaration are referred to incorporated herein by this reference as if they were expressly rewritten.

2. Annexation. JORDAN PINES and CHRYSALIS declares that the Phase II Property is hereby annexed to and hereby becomes subject to the Amended Declaration, which upon recordation of this Second Supplement to the Amended and Restated Declaration of Condominium for Farms at Tithing Hill shall constitute and effectuate the expansion, merger and consolidation of the Project, making the Phase II property described in Exhibit "A" subject to the functions, powers, rights, duties and jurisdiction of the Association.

3. Submission. Phase II is hereby submitted to the Amended Declaration and resubmitted to the Act.

4. Merger and Consolidation: FARMS AT TITHING HILL (Phases I and III) and TITHING HILL FARM (Phase II) CONDOMINIUMS are hereby merged and consolidated into a single development to be known as: **FARMS AT TITHING HILL CONDOMINIUMS**.

5. Substitution of Covenants, Conditions and Restrictions. With regard to the Phase II Property, the provisions of the Original Declaration are hereby deleted in their entirety and the provisions of the Amended Declaration are substituted in lieu thereof.

5. Conveyancing. The Units in Phase II of the Project shall hereafter be held, transferred, sold, conveyed and occupied subject to provisions of the Amended Declaration, as heretofore amended and supplemented.

6. Total Number of Units Revised. With the merger and consolidation of Phases I, II and III, the total number of Units in the Project is 105.

7. Percentage Interest Revised. With the expansion of the Project and inclusion of the Phase II Property, JORDAN PINES and CHRYSALIS hereby reallocate the undivided percentages of ownership interest in the Common Areas and Facilities in the Project on Second Revised Exhibit "C," which is attached hereto and incorporated herein by this reference (the "Percentage Interests").


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8. Construction. In the event of any conflict, inconsistency, or incongruity between the provisions of this Second Supplement to the Amended and Restated Declaration of Condominium for Farms at Tithing Hill and any of the provisions of the Original Declaration and/or Amended Declaration, the former shall in all respects govern and control.


9. Effective Date. The effective date of this Second Supplement to the Amended and Restated Declaration of Condominium for Farms at Tithing Hill shall be the date on which this document is filed for record in the Office of the County Recorder of Salt Lake County in and for the State of Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument the 29 day of March, 2001.

JORDAN PINES TOWNHOMES, L.C.,
a Utah limited liability company


By: 
Name: Bryson D. Garbett
Title: Manager

CHRYSA LIS COMPANY
a Limited Partnership

By: 
Name: Joel Kester
Title: General Manager

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

On the 29 day of March, 2001, personally appeared before me Bryson D. Garbett, who by me being duly sworn, did say that he is the Manager of JORDAN PINES TOWNHOMES, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said company by authority of a resolution of its Members or Articles of Organization, and said Bryson D. Garbett duly acknowledged to me that said company executed the same.


NOTARY PUBLIC
Residing at:
My Commission Expires:




NOTARY SEAL NOT LEGIBLE
- CO RECORDER -

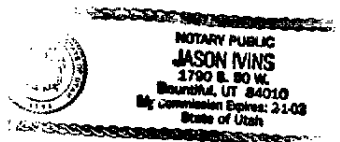
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STATE OF UTAH)
)ss:
COUNTY OF SALT LAKE)

On the 29 day of March, 2001, personally appeared before me Joel Kester, who by me being duly sworn, did say that he is the General Partner of CHRYSALIS COMPANY, a Limited Partnership, that he executed the above and foregoing instrument and that said instrument is signed in behalf of said company, and said Joel Kester acknowledged to me that said partnership executed the same.



NOTARY PUBLIC
Residing at:
My Commission Expires:



NOTARY SEAL NOT LEGIBLE
- CO RECORDER -

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LEGAL DESCRIPTION

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE I

Beginning at a point on the Southern right of way line of 12400 South Street, said point being located N 00°06'50" E along the section line 1285.396 feet and East 929.962 feet from the Southwest Corner of Section 26, Township 3 South, Range 1 West, Salt Lake Base and Meridian; thence N. 89°48'56" E. 43.555 feet; thence S. 09°20'12" E. 475.127 feet; thence N. 83°02'19" E. 408.255 feet; thence S. 18°59'11" E. 196.660 feet; thence S. 83°02'19" W. 410.705 feet; thence N. 09°20'12" W. 78.170 feet; thence S. 83°02'19" W. 73.58 feet; thence N. 09°20'19" W. 594.611 feet to the point of beginning.
Contains 4.617 Acres

27-26-355-018 thru 034

PHASE II

Beginning at a point which is North 00°06'50" East 1349.04 feet along the section line and East 1550.25 feet from the Southwest Corner of Section 26, Township 3 South, Range 1 West, Salt Lake Base and Meridian; thence North 63°11'36" East 160.00 feet; thence North 48°19'26" East 475.50 feet; thence North 72°14'21" East 87.99 feet; thence South 14°22'16" East 140.33 feet; thence South 43°29'36" West 579.01 feet; thence West 126.50 feet; thence North 31°59'09" West 151.64 feet to the point of beginning.

Containing 2.815 Acres

27-26-378-001 thru 011

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PHASE III

*

Beginning at a point on the North boundary of a State Road, said point being located North 89° 44' 30" East along the section line 1125.235 feet and North 108.235 feet from the Southwest Corner of Section 26, Township 3 South Range 1 West, Salt Lake Base and Meridian; and running thence North 09° 20' 12" West along a fence line 593.21 feet to the Southern boundary line of Tithing Hill Farm Phase 1 Condominium Plat; thence the following five courses and distances along said boundary line: North 83° 02' 19" East 73.58 feet, South 09° 20' 12" East 78.17 feet, North 83° 02' 19" East 410.705 feet, North 18° 59' 11" West 196.66 feet, and South 83° 02' 19" West 0.577 feet to the Eastern most boundary line of the Neil M. Greco Property; thence along said boundary line North 06° 19' 39" West 456.658 feet to the centerline of a County road; thence along said centerline the following two courses and distances: North 86° 59' 46" East 38.258 feet, and North 75° 50' 36" East 110.621 feet to the Western boundary line of Tithing Hill Farm Phase 2 Condominium Plat; thence the following three courses and distances along said boundary line: South 31° 59' 09" East 151.64 feet, East 126.50 feet, and North 43° 29' 36" East 497.285 feet to a point on a 185.507 foot radius curve to the left (Bearing to center is South 72° 31' 26" West), a delta angle of 36° 48' 07", an arc distance of 118.991 feet, a chord bearing of North 35° 51' 07" West, a chord distance of 116.962 feet; thence North 43° 40' 34" West 48.989 feet to the centerline of a County road; thence North 46° 19' 26" East 55.247 feet; thence North 72° 14' 21" East 87.990 feet; thence South 73° 56' 30" East 594.18 feet to the center of a Bridge being on the West bank of the Jordan River, thence along the following thirteen courses and distances along said West bank: South 29° 16' 19" West 85.80 feet, South 25° 45' 02" West 190.43 feet, South 37° 50' 34" West 107.50 feet, South 40° 19' 30" West 91.90 feet, South 72° 47' 27" West 63.12 feet, South 79° 05' 09" West 120.21 feet, South 89° 57' 17" West 71.26 feet, South 57° 25' 35" West 113.73 feet, South 43° 32' 30" West 60.28 feet, South 32° 59' 15" West 79.80 feet, South 02° 26' 38" West 244.05 feet, South 07° 49' 50" West 108.99 feet, and South 86 degrees 18' 48" West 55.07 feet; thence South 04° 36 minutes 37" East 167.380 feet to the north boundary of a State Road; thence the following three courses and distances along said north boundary: South 68° 38' 24" West 317.51 feet to a right of way monument, South 64° 21' 19" West 554.86 feet to a right of way monument, and South 76° 48' 36" West 26.78 feet to the point of beginning.

Containing 987,874 Sq.Ft. or 22.68 Acres

27-26-379-001 thru 081

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EXHIBIT "A"
FARMS AT TITHING HILL
LEGAL DESCRIPTION

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

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SECOND REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase</u>	<u>Bldg</u>	<u>Unit No.</u>	<u>Percentage Interest</u>
1	1	1	0.95238
1	1	2	0.95238
1	1	3	0.95238
1	1	4	0.95238
1	2	5	0.95238
1	2	6	0.95238
1	2	7	0.95238
1	2	8	0.95238
1	3	9	0.95238
1	3	10	0.95238
1	4	11	0.95238
1	4	12	0.95238
1	5	13	0.95238
1	5	14	0.95238
1	5	15	0.95238
1	5	16	0.95238
2	1	1	0.95238
2	2	2	0.95238
2	3	3	0.95238
2	4	4	0.95238
2	5	5	0.95238
2	6	6	0.95238
2	7	7	0.95238
2	8	8	0.95238
2	9	9	0.95238
2	10	10	0.95238
3	301	1	0.95238
3	301	2	0.95238
3	301	3	0.95238
3	301	4	0.95238

<u>Phase</u>	<u>Bldg</u>	<u>Unit No.</u>	<u>Percentage Interest</u>
3	302	1	0.95238
3	302	2	0.95238
3	302	3	0.95238
3	302	4	0.95238
3	303	1	0.95238
3	303	2	0.95238
3	304	1	0.95238
3	304	2	0.95238
3	304	3	0.95238
3	304	4	0.95238
3	305	1	0.95238
3	305	2	0.95238
3	305	3	0.95238
3	306	1	0.95238
3	306	2	0.95238
3	307	1	0.95238
3	307	2	0.95238
3	307	3	0.95238
3	309	1	0.95238
3	309	2	0.95238
3	309	3	0.95238
3	309	4	0.95238
3	310	1	0.95238
3	310	2	0.95238
3	310	3	0.95238
3	311	1	0.95238
3	311	2	0.95238
3	312	1	0.95238
3	312	2	0.95238
3	312	3	0.95238
3	313	1	0.95238
3	313	2	0.95238
3	313	3	0.95238

<u>Phase</u>	<u>Bldg</u>	<u>Unit No.</u>	<u>Percentage Interest</u>
3	314	1	0.95238
3	314	2	0.95238
3	314	3	0.95238
3	314	4	0.95238
3	315	1	0.95238
3	315	2	0.95238
3	315	3	0.95238
3	315	4	0.95238
3	316	1	0.95238
3	316	2	0.95238
3	316	3	0.95238
3	318	1	0.95238
3	318	1	0.95238
3	401	1	0.95238
3	401	2	0.95238
3	401	3	0.95238
3	401	4	0.95238
3	402	1	0.95238
3	402	2	0.95238
3	402	3	0.95238
3	403	1	0.95238
3	403	2	0.95238
3	403	3	0.95238
3	403	4	0.95238
3	404	1	0.95238
3	404	2	0.95238
3	404	3	0.95238
3	405	1	0.95238
3	405	2	0.95238
3	405	3	0.95238
3	405	4	0.95238
3	406	1	0.95238
3	406	2	0.95238

<u>Phase</u>	<u>Bldg</u>	<u>Unit No.</u>	<u>Percentage Interest</u>
3	407	1	0.95238
3	407	2	0.95238
3	408	1	0.95238
3	408	2	0.95238
3	408	3	0.95238
3	409	1	0.95238
3	409	2	0.95238
3	410	1	0.95238
3	410	2	0.95238
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TOTAL:	41	105	100.0%