Return When Recorded to: BABCOCK BOSTWICK SCOTT 8062605 11/16/2001 11:40 AM 256.00 Book - 8527 Pg - 372-384 GARY W. OTT RECORDER, SALT LAKE COUNTY, UTAH MCARTHUR HOMES AT BRITTANY 9948 SO REDWOOD RD SOUTH JORDAN UT 84095 BY: KLB, DEPUTY - WI 13 P.

[Parcel No. 21-30-103-003]

# AMENDMENT NO. SEVENTEEN 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 \_\_\_\_\_ day of \_\_\_\_\_\_, 2001, 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 the following Amendments:

Amendment	Primary Recording		Secondary	Recording
No.	Date	Entry No.	Date	Entry No.
1	09/19/00	7721503		l
2	09/19/00	7721504	10/03/00	7731539
3	09/19/00	7721505	10/03/00	I i
4	09/19/00			
5	09/19/00			I I
6	09/19/00	7721508		1
7	09/19/00	7721509		
8	09/19/00	7721510		
9	09/19/00	7721512	10/03/00	7731546

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10	09/19/00	7721514	10/03/00	7731547
11	09/19/00	7721516	10/03/00	7731548
12	09/19/00	7721518	10/03/00	7731549
13	09/19/00	7721520	10/03/00	7731550
14	09/19/00	7721522	10/03/00	7731551
15			N/A	N/A
16			N/A	N/A

Each of the forgoing Amendments 1 through 16 were filed with the entry numbers as indicated in the records of the Salt Lake County Recorder; to include an additional one-hundred and ninety-five (195) Units for a total of two-hundred and seven (207) Units with additional property available for the expansion of a maximum number of seventy-five (75) additional Units for a total number of two-hundred and eighty-two (282) Units.

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 17 ("Phase 17 Property"), and declares its intention that the Phase 17 Property shall be subject to the Declaration, and any amendments thereto.

Declarant hereby adds to the existing Project a total of twelve (12) additional Units pursuant to the Declaration and any Amendments thereto. The maximum number of Units within the existing Project will be two-hundred and nineteen (219) with sixty-three (63) Units being reserved in the expandable area.

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

- 1. <u>Phase 17 Expansion</u>: Declarant hereby submits the Phase 17 Property more particularly described at Exhibit A to the provisions of the Utah Condominium Ownership Act. Declarant is the sole owner of the Phase 17 Property and said Property shall be known as the Brittany Condominiums, Phase 17, and shall be subject to the provisions of the Declaration and Amendments thereto. The maximum number of Units to be contained within the Phase 17 Property improvements shall be twelve (12), 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 17 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

1/219th. Likewise, pursuant to paragraph 4 of Article IV of the Declaration the par value of each ownership interest shall be 1/219th as shown in the Table attached hereto as Exhibit C.

4. <u>Additional Land</u>: With the annexation of the Phase 17 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, the Phase 10 Property, the Phase 11 Property, the Phase 12 Property, the Phase 13 Property, the Phase 14 Property, the Phase 15 Property, the Phase 16 Property, and the Phase 17 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

Denaid R McARTHUR, President

STEWN D.

On the left day of www., 2001, personally appeared before me Lonald R. McArthur, who being by me duly sworn, did say that he is the President 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 behalf. McArthur duly acknowledged to me that he is the President of and executed the same on behalf of McArthur Homes, Inc. the Manager of McArthur Homes at Brittany, LC.

Hulle S. Pelmie NOTARY PUBLICI

My Commission Expires:

Residing at: July Cable County

February 5, 2003



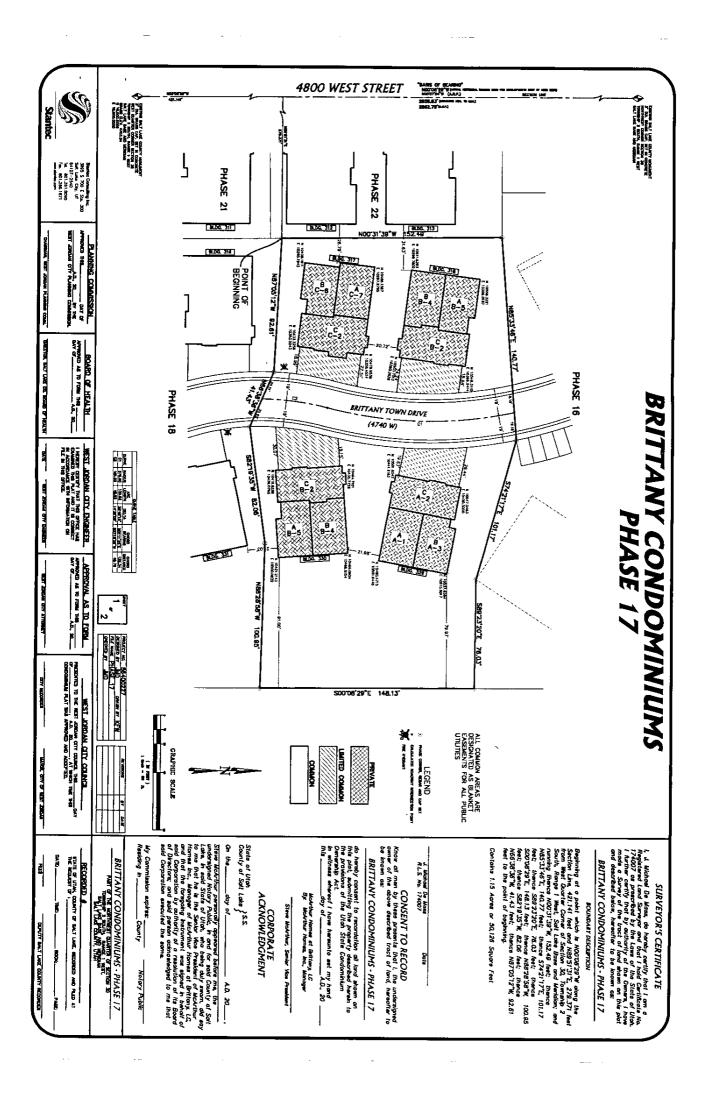
### **EXHIBIT A**

### REAL PROPERTY DESCRIPTION OF BRITTANY CONDOMINIUMS PHASE 17

### PROPERTY DESCRIPTION:

Beginning at a point which is N00°08'29"W along the Section Line, 421.141 feet and N89°51'31"E, 279.371 feet from West Quarter Corner of Section 30, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence N00°31'39"W, 152.49 feet; thence N85°33'46"E, 140.77 feet; thence S74°21'17"E, 101.17 feet; thence S89°23'20"E, 76.03 feet; thence S00°08'29"E, 148.13 feet; thence N88°28'58"W, 100.95 feet; thence S82°19'325"W, 82.06 feet; thence N66°38'36"W, 41.43 feet; thence N87°05'12"W, 92.61 feet to the point of beginning. Contains 1.15 Acres or 50,126 Square Feet

## EXHIBIT B BRITTANY CONDOMINIUMS PHASE 17 MAP





## 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	1/219th or .4566%
1		B-4	1/219th or .4566%
1		B-5	1/219th or .4566%
1	1-2	B-2	1/219th or .4566%
1	l.	B-4	1/219th or .4566%
1		B-5	1/219th or .4566%
1	1-13	B-2	1/219th or .4566%
1		B-4	1/219th or .4566%
1		B-5	1/219th or .4566%
1	1-14	A-1	1/219th or .4566%
1		A-2	1/219th or .4566%
1		A-3	1/219th or .4566%
2	1-3	B-2	1/219th or .4566%
2		B-4	1/219th or .4566%
2		B-5	1/219th or .4566%
2	1-4	A-1	1/219th or .4566%
2		A-2	1/219th or .4566%
2		A-3	1/219th or .4566%
2	1-5	B-2	1/219th or .4566%
2		B-4	1/219th or .4566%
2		B-5	1/219th or .4566%
2	1-10	A-I	1/219th or .4566%
2		A-2	1/219th or .4566%
2		A-3	1/219th or .4566%
2	1-11	B-2	1/219th or .4566%
2		B-4	1/219th or .4566%
2		B-5	1/219th or .4566%
2	1-12	B-2	1/219th or .4566%

Bldg No. Type Unit Par Value Per of Undivided Intercommon Area  B-4 1/219th or .45	erest in
2 B-5 1/219th or .45	66%
3 1-6 B-2 1/219th or .45	66%
3 B-4 1/219th or .45	66%
3 B-5 1/219th or .45	66%
3 1-7 A-1 1/219th or .45	66%
3 A-2 1/219th or .45	66%
3 A-3 1/219th or .45	66%
3 1-8 B-2 1/219th or .45	66%
3 B-4 1/219th or .45	66%
3 B-5 1/219th or .450	66%
3 1-9 B-2 1/219th or .45	66%
3 B-4 1/219th or .456	66%
3 B-5 1/219th or .456	66%
4 Tot No Additional Units	
5 1-20 B-2 1/219th or .450	66%
5 B-4 1/219th or .450	66%
5 B-5 1/219th or .456	66%
5 1-21 B-2 1/219th or .456	66%
5 B-4 1/219th or .456	66%
5 B-5 1/219th or .456	66%
5 1-22 A-1 1/219th or .456	56%
5 A-2 1/219th or .456	56%
5 A-3 1/219th or .456	56%
5 1-23 B-2 1/219th or .456	56%
5 B-4 1/219th or .456	56%
5 B-5 1/219th or .456	56%
6 1-17 B-2 1/219th or .456	56%

Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Area
6		B-4	1/219th or .4566%
6		B-5	1/219th or .4566%
6	1-18	A-1	1/219th or .4566%
6	<u> </u>	A-2	1/219th or .4566%
6		A-3	1/219th or .4566%
6	1-19	B-2	1/219th or .4566%
6		B-4	1/219th or .4566%
6		B-5	1/219th or .4566%
6	1-24	A-1	1/219th or .4566%
6		A-2	1/219th or .4566%
6		A-3	1/219th or .4566%
6	1-25	B-2	1/219th or .4566%
6		B-4	1/219th or .4566%
6		B-5	1/219th or .4566%
6	1-26	A-1	1/219th or .4566%
6		A-2	1/219th or .4566%
6		A-3	1/219th or .4566%
7	1-15	A-1	1/219th or .4566%
7		A-2	1/219th or .4566%
7		A-3	1/219th or .4566%
7	1-16	B-2	1/219th or .4566%
7		B-4	1/219th or .4566%
7		B-5	1/219th or .4566%
7	1-27	B-2	1/219th or .4566%
7		B-4	1/219th or .4566%
7		B-5	1/219th or .4566%
7	1-28	A-1	1/219th or .4566%
7		A-2	1/219th or .4566%
7		A-3	1/219th or .4566%
7	1-29	B-2	1/219th or .4566%

Phase		Bldg Io.	_	Jnit Ype	Unit Par Value Percent of Undivided Interest in Common Area
7		_	E	3-4	1/219th or .4566%
7	Ī		I	3-5	1/219th or .4566%
8		Club House			No Additional Units
9	2	201	I	3-2	1/219th or .4566%
9		<u> </u>	)	B-4	1/219th or .4566%
9		_	]	B-5	1/219th or .4566%
9	1	202	T	B-2	1/219th or .4566%
9	$\top$		1	B-4	1/219th or .4566%
9	Ť		Ī	B-5	1/219th or .4566%
9	T	203		A-1	1/219th or .4566%
9	1	<u>-</u>	T	A-2	1/219th or .4566%
9	1		T	A-3	1/219th or .4566%
9	1	204	Ī	B-2	1/219th or .4566%
9	T		1	B-4	1/219th or .4566%
9			1	B-5	1/219th or .4566%
9		205	7	A-1	1/219th or .4566%
9	1		7	A-2	1/219th or .4566%
9	1		1	A-3	1/219th or .4566%
10	0	206	Ť	A-1	1/219th or .4566%
1	0			A-2	1/219th or .4566%
1	0			A-3	1/219th or .4566%
1	0	207		B-2	1/219th or .4566%
1	0			B-4	1/219th or .4566%
1	0			B-5	1/219th or .4566%
1	0	208		B-2	1/219th or .4566%
	0			B-4	1/219th or .4566%
	0			B-5	1/219th or .4566%
	0	218		A-1	1/219th or .4566%
	0			A-2	1/219th or .4566%
-	0			A-3	1/219th or .4566%

Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Area
10	219	A-1	1/219th or .4566%
10		A-2	1/219th or .4566%
10		A-3	1/219th or .4566%
11	209	A-1	1/219th or .4566%
11		A-2	1/219th or .4566%
11		A-3	1/219th or .4566%
11	210	B-2	1/219th or .4566%
11		B-4	1/219th or .4566%
11		B-5	1/219th or .4566%
11	211	B-2	1/219th or .4566%
11		B-4	1/219th or .4566%
11		B-5	1/219th or .4566%
11	216	B-2	1/219th or .4566%
11		B-4	1/219th or .4566%
11		B-5	1/219th or .4566%
11	217	A-1	1/219th or .4566%
11		A-2	1/219th or .4566%
11		A-3	1/219th or .4566%
12	212	A-1	1/219th or .4566%
12		A-2	1/219th or .4566%
12		A-3	1/219th or .4566%
12	213	A-1	1/219th or .4566%
12		A-2	1/219th or .4566%
12		A-3	1/219th or .4566%
12	214	B-2	1/219th or .4566%
12		B-4	1/219th or .4566%
12		B-5	1/219th or .4566%
12	215	A-1	1/219th or .4566%
12		A-2	1/219th or .4566%
12		A-3	1/219th or .4566%

Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Area
13	220	B-2	1/219th or .4566%
13		B-4	1/219th or .4566%
13		B-5	1/219th or .4566%
13	221	A-1	1/219th or .4566%
13		A-2	1/219th or .4566%
13		A-3	1/219th or .4566%
13	228	A-1	1/219th or .4566%
13		A-2	1/219th or .4566%
13		A-3	1/219th or .4566%
13	229	A-1	1/219th or .4566%
13		A-2	1/219th or .4566%
13		A-3	1/219th or .4566%
13	230	A-1	1/219th or .4566%
13		A-2	1/219th or .4566%
13		A-3	1/219th or .4566%
14	222	A-1	1/219th or .4566%
14		A-2	1/219th or .4566%
14		A-3	1/219th or .4566%
14	223	A-1	1/219th or .4566%
14		A-2	1/219th or .4566%
14		A-3	1/219th or .4566%
14	224	B-2	1/219th or .4566%
14		B-4	1/219th or .4566%
14		B-5	1/219th or .4566%
14	225	B-2	1/219th or .4566%
14		B-4	1/219th or .4566%
14		B-5	1/219th or .4566%
14	226	A-l	1/219th or .4566%
14		A-2	1/219th or .4566%
14		A-3	1/219th or .4566%

Bidg No.   Sype   Common Area		:		
16       A-2       1/219th or .4566%         16       A-3       1/219th or .4566%         17       317       C-7       1/219th or .4566%         17       C-2       1/219th or .4566%         17       C-6       1/219th or .4566%         17       B-4       1/219th or .4566%         17       B-5       1/219th or .4566%         17       A-2       1/219th or .4566%         17       A-3       1/219th or .4566%         17       A-3       1/219th or .4566%         17       330       B-2       1/219th or .4566%         17       B-4       1/219th or .4566%	Phase			of Undivided Interest in
16       A-3       1/219th or .4566%         17       317       C-7       1/219th or .4566%         17       C-2       1/219th or .4566%         17       318       B-2       1/219th or .4566%         17       B-4       1/219th or .4566%         17       B-5       1/219th or .4566%         17       329       A-1       1/219th or .4566%         17       A-2       1/219th or .4566%         17       A-3       1/219th or .4566%         17       330       B-2       1/219th or .4566%         17       B-4       1/219th or .4566%	16	328	A-1	1/219th or .4566%
17       317       C-7       1/219th or .4566%         17       C-2       1/219th or .4566%         17       C-6       1/219th or .4566%         17       318       B-2       1/219th or .4566%         17       B-4       1/219th or .4566%         17       B-5       1/219th or .4566%         17       329       A-1       1/219th or .4566%         17       A-2       1/219th or .4566%         17       A-3       1/219th or .4566%         17       330       B-2       1/219th or .4566%         17       B-4       1/219th or .4566%	16		A-2	1/219th or .4566%
17       C-2       1/219th or .4566%         17       C-6       1/219th or .4566%         17       318       B-2       1/219th or .4566%         17       B-4       1/219th or .4566%         17       B-5       1/219th or .4566%         17       329       A-1       1/219th or .4566%         17       A-2       1/219th or .4566%         17       A-3       1/219th or .4566%         17       330       B-2       1/219th or .4566%         17       B-4       1/219th or .4566%	16		A-3	1/219th or .4566%
17       C-6       1/219th or .4566%         17       318       B-2       1/219th or .4566%         17       B-4       1/219th or .4566%         17       B-5       1/219th or .4566%         17       329       A-1       1/219th or .4566%         17       A-2       1/219th or .4566%         17       A-3       1/219th or .4566%         17       330       B-2       1/219th or .4566%         17       B-4       1/219th or .4566%	17	317	C-7	1/219th or .4566%
17 318 B-2 1/219th or .4566% 17 B-4 1/219th or .4566% 17 B-5 1/219th or .4566% 17 329 A-1 1/219th or .4566% 17 A-2 1/219th or .4566% 17 A-3 1/219th or .4566% 17 330 B-2 1/219th or .4566% 17 B-4 1/219th or .4566%	17		C-2	1/219th or .4566%
17 B-4 1/219th or .4566% 17 B-5 1/219th or .4566% 17 329 A-1 1/219th or .4566% 17 A-2 1/219th or .4566% 17 A-3 1/219th or .4566% 17 330 B-2 1/219th or .4566% 17 B-4 1/219th or .4566%	17		C-6	1/219th or .4566%
17 B-5 1/219th or .4566% 17 329 A-1 1/219th or .4566% 17 A-2 1/219th or .4566% 17 A-3 1/219th or .4566% 17 330 B-2 1/219th or .4566% 17 B-4 1/219th or .4566%	17	318	B-2	1/219th or .4566%
17 329 A-1 1/219th or .4566% 17 A-2 1/219th or .4566% 17 A-3 1/219th or .4566% 17 330 B-2 1/219th or .4566% 17 B-4 1/219th or .4566%	17		B-4	1/219th or .4566%
17 A-2 1/219th or .4566% 17 A-3 1/219th or .4566% 17 330 B-2 1/219th or .4566% 17 B-4 1/219th or .4566%	17	,	B-5	1/219th or .4566%
17 A-3 1/219th or .4566% 17 330 B-2 1/219th or .4566% 17 B-4 1/219th or .4566%	17	329	A-1	1/219th or .4566%
17 330 B-2 1/219th or .4566% 17 B-4 1/219th or .4566%	17		A-2	1/219th or .4566%
17 B-4 1/219th or .4566%	17		A-3	1/219th or .4566%
	17	330	B-2	1/219th or .4566%
17 B-5 1/219th or .4566%	17		B-4	1/219th or .4566%
	17		B-5	1/219th or .4566%
			_	

#### 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 PARCELS OF PROPERTY IDENTIFIED AT EXHIBIT "A" OF THE DECLARATION, AT EXHIBIT "A" TO EACH OF THE AMENDMENTS TWO THROUGH SIXTEEN, AND AT EXHIBIT "A" HERETO.