WHEN RECORDED MAIL TO:

Bradley R. Helsten, Esq. NELSON RASMUSSEN & CHRISTENSEN, P.C. 576 E. South Temple Salt Lake City, Utah 84102 8190621 33/29/2002 04:02 PM 23.00 Book - 8582 P3 - 5827-5830 GARY W. OTT RECORDER, SALT LAKE COUNTY, UTAH GARY MANGUM 2804 E PALMA WY ELC UT 84121 SY: TAS, DEPUTY - WI 4 P.

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HIGHLAND CENTER OFFICE CONDOMINIUMS

RECITALS:

WHEREAS the Declarant previously caused to be recorded the **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HIGHLAND CENTER OFFICE CONDOMINIUMS** ("**Declaration**") recorded on November 11, 2001 as Entry No. 8053317, Book 8522, Page 8529-8577 in the offices of the Salt Lake County Recorder which governs the real property set forth on Exhibit "A"; and

WHEREAS the Declarant previously caused to be recorded the FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HIGHLAND CENTER OFFICE CONDOMINIUMS ("First Amendment") recorded on January 10, 2002 as Entry No. 8117431, Book 8553, Pages 1183-1186 in the offices of the Salt Lake County Recorder; and

WHEREAS the Declarant reserved the right under Article XII. 1. H. of the Declaration to expand and further subdivide any portions of the property under the control of the Declarant without consent of other members of the Association; and

WHEREAS the Declarant now desires to further expand and subdivide the Property as more fully set forth herein and amend the Declarations in accordance with the terms thereof, all in accordance with the provisions of the Utah Condominium Ownership Act (UCA § 57-8-1 et. seq. 1963 as amended).

NOW, THEREFORE, it is hereby declared that Declaration shall be and are hereby amended as follows.

AMENDMENT

- 1. <u>Definitions.</u> Unless otherwise defined herein, all of the capitalized terms used in this Second Amendment shall have the same meaning as set forth in the Declaration.
- 2. Option to Expand. Pursuant to Article XII. 1. H. of the Declaration, the Declarant hereby exercises its reserved option to expand the Project by further subdividing the first floor of the Building. A Supplemental Condominium Plan, entitled "Highland Center Office Condominiums Second Amended" ("Amended Plan") shall be recorded in connection with this Amendment, showing detail of the subdivision and the additional Units added to the Project.
- 3. <u>Amendment of Exhibit "B."</u> Exhibit "B" of the Declaration shall be amended as set forth on Exhibit "B" attached hereto.
- 4. <u>Designation of Limited Common Area.</u> Pursuant to the authority reserved by the Declarant, the area designated as "Basement Parking" on the Amended Plan is hereby designated as Limited Common Area and shall be assigned and allocated among the members of the Association by the Declarant as set forth in the records of the Association.
- 5. <u>Ratification</u>. Except as expressly set forth in this Second Amendment, the Declaration shall remain in full force and effect.
- 6. <u>Effective Date</u>. This Second Amendment shall take effect upon its being filed for record in the office of the County Recorder of Salt Lake County, Utah.

DECLARANT:

THE HIGHLAND CENTER, L.C.,

a Utah limited liability company

By:___

STATE OF UTAH

:ss.

COUNTY OF SALT LAKE)

On this <u>79</u> day of March, 2002, personally appeared before me, Gary Mangum, the signer of the above instrument, who duly acknowledged to me that he executed the same in the capacity indicated.

NOTARY PUBLIC
BRADLEY R. HELSTEN
576 East South Temple
Salt Lake City, UT 84102
My Commission Expires
April 29, 2002
STATE OF UTAN

NOTARY PUBLIC

EXHIBIT "A"

LEGAL DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF LOT 16, FULLER GARDENS, NO. 1 ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, AND RUNNING THENCE SOUTH 15°45'10" East 60.04 feet along the East line of Said Lot 16; thence East 6.17 feet; thence North 21°15'00" WEST 4.17 FEET; THENCE EAST 118.97 FEET; THENCE NORTH 84°13'28" EAST 37.12 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HIGHLAND DRIVE, SAID POINT BEING 758.95 FEET EAST AND NORTH 387.51 FEET MORE OR LESS FROM THE SOUTHWEST CORNER OF LOT 15, BLOCK 1, TEN ACRE PLAT "A", BIG FIELD SURVEY, SAID POINT ALSO BEING NORTH 05°25'00" WEST 690.89 FEET ALONG THE SALT LAKE COUNTY SURVEYORS MONUMENT LINE AND SOUTH 78° 00'55" WEST 40.54 FEET FROM THE SALT LAKE COUNTY SURVEYORS MONUMENT AT THE INTERSECTION OF HIGHLAND DRIVE AND LINCOLN LANE; THENCE NORTH 01°37'46" WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HIGHLAND DRIVE 25.27 FEET; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, ALONG THE ARC OF A 5,692.67 FOOT RADIUS TO THE LEFT, CHORD BEARS NORTH 07°08'06" WEST 84.14 FEET, A DISTANCE OF 84.14 FEET; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HIGHLAND DRIVE NORTH 07°33'30" WEST 165.56 FEET; THENCE WEST 198.70 FEET TO A POINT WHICH IS NORTH 05°50'32" WEST 6.86 FEET FROM THE NORTHWEST CORNER OF LOT 21, FULLER GARDENS NO. 5 SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE SOUTH 05°50'32" EAST 92.64 FEET; THENCE NORTH 89°41'21" WEST 5.42 FEET; THENCE SOUTH 21°15'00" EAST ALONG THE EASTERLY LINE OF SAID FULLER GARDENS NO. 1, 140.11 FEET TO THE POINT OF BEGINNING.

CONTAINS: 52,267 SQ. FT, 1,200 ACRES

Salt Lake County, State of Utah

22-04-208-001 THRU-005

BK8582P6583

EXHIBIT "B"
List of Units, Votes and Assessment Percentages

Building Address	<u>Unit</u>	<u>Votes</u>	Approximate Usable Square Footage	Assessment Percentages
4252 South Highland Drive	100	12	2,350.00	11.57%
4252 South Highland Drive	101	12	2,350.00	11.57%
4252 South Highland Drive	102	6	1,128.00	5.55%
4252 South Highland Drive	103	6	1,189.00	5.85%
4252 South Highland Drive	104	10	1,980.00	9.75%
4252 South Highland Drive	105	2	321.00	1.58%
4252 South Highland Drive	200	54	10,997.00	54.13%
TOTAL		100	20,315.00	100.00%

P:\Sara Work\BRH\Mangum\Highland Center\Second Amended Declarations.wpd