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 12/12/2003 12:46 PM 59.00  
 Book - 8923 Pg - 346-353  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 J & R DEVELOPMENT LLC  
 4505 S 5400 W  
 WVC UT 84120  
 BY: BRN, DEPUTY - NA 8 P.

When recorded, please return to

J&R Development, LLC  
 4505 South 5400 West  
 West Valley City, Utah 84120

**AMENDMENT NO. 1**  
 to  
**DECLARATION OF CONDOMINIUM, COVENANTS, CONDITIONS,  
 AND RESTRICTIONS of THE SAND DUNES**

This Amendment No. 1 to Declaration of Condominium, Covenants, Conditions, and Restrictions of The Sand Dunes, is executed as of this 12 day of December, 2003, by The Sand Dunes Condominium Owners Association, a Utah nonprofit corporation (the "Association"), with respect to the following.

**RECITALS**

A. The Declaration of Condominium, Covenants, Conditions, and Restrictions of The Sand Dunes (the "Declaration"), and the Record of Survey Map of The Sand Dunes, were recorded in the Office of the Salt Lake County Recorder, State of Utah, on November 7, 2002, as Entry No. 8415210, in Book 8681, at Page 4229 (as to the Declaration), and as Entry No. 8415209, in Book 2002 P, at Page 0316 (as to the Record of Survey Map), establishing the Sand Dunes Condominium Project (the "Project").

B. The legal description of the real property presently subject to the Project is described in Exhibit "A" attached hereto. The Declaration provides that the Project may be expanded to include the "Convertible Land," as described in the Declaration, and the legal description of the Convertible Land is set forth in Exhibit "B" attached hereto.

C. J&R Development, LLC, is the "Developer" of the Project, as defined in the Declaration and is the Class B member, also as defined in the Declaration.

D. Pursuant to Article 12.3 of the Declaration, the Association desires to amend the Declaration, and the Developer, by execution of this instrument, hereby consents to the amendment of the Declaration, in the following respects.

**AMENDMENTS**

1. Article 8.9 of the Declaration is amended and restated in its entirety to read as follows:

8.9 Fencing. The Developer shall provide and install the fencing for the perimeter of the Tract, as shown on the Plat and as required by South Jordan City, and it shall be the obligation of the Association to maintain such perimeter fencing. Except for such fencing, no Owner shall install fencing on a Unit or on any of the Limited Common Areas, except with the prior written consent of the Architectural Control Committee (and such request shall be handled in accordance with Article IX).

2. Article 9.8 of the Declaration is amended and restated in its entirety to read as follows:

9.8 Dwelling Size. Each Residential Unit, exclusive of the garage, shall be a minimum of 1,200 sq. ft. above grade, and a minimum of 2,400 sq. ft. total for all levels, including the basement.

3. Attached hereto as Exhibit "C" is a true and correct copy of the unanimous written consent of all of the Owners of Units in the Project to the amendments stated herein. By its execution hereof, the Developer hereby consents to these amendments.

EXECUTED the day and year first above written.

THE SAND DUNES CONDOMINIUM OWNERS  
ASSOCIATION, a Utah nonprofit corporation

By H. Rynn Jones  
H. Rynn Jones  
Its President

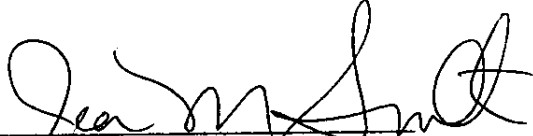
"DEVELOPER"

J&R DEVELOPMENT, LLC, a Utah limited  
liability company

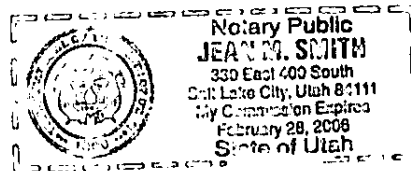
By H. Rynn Jones  
H. Rynn Jones  
Its Manager

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

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December, 2003, by H. Rynn Jones the President of The Sand Dunes Condominium Owners Association, a Utah nonprofit corporation.

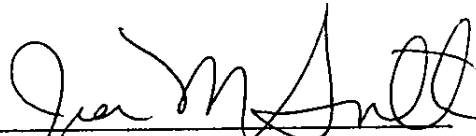
  
NOTARY PUBLIC  
Residing at: SLC, Utah

My Commission Expires:  
2-28-06

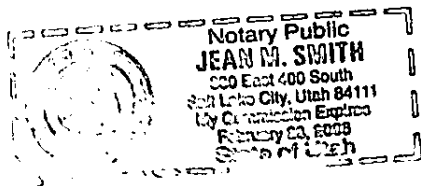


STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December, 2003, by H. Rynn Jones, as the Manager of J&R Development, LLC, a Utah limited liability company.

  
NOTARY PUBLIC  
Residing at: SLC, Utah

My Commission Expires:  
2-28-06



**EXHIBIT "A"**

**LEGAL DESCRIPTION OF PHASE 1**

Located in Salt Lake County, Utah:

Unit Nos. 1 through 34, contained within The Sand Dunes Condominiums, as the same is identified in the Record of Survey Map recorded in the office of the County Recorder of Salt Lake County, Utah, as Entry No. 8415209, in Book 2002P, at Page 0316, and in the "The Sand Dunes Declaration of Condominium, Covenants, Conditions, and Restrictions," recorded in the office of the County Recorder of Salt Lake County, Utah, as Entry No. 8415210, in Book 8681, at Page 4229.

Tax parcel nos. 27-17-301-002 THRU 035 - 0000

## EXHIBIT "B"

### CONVERTIBLE LAND

Located in Salt Lake County, Utah:

Beginning at a point which lies South 0°00'01" East 2639.67 feet along the East line of Section 18 and North 89°59'59" East 40.00 feet from the Northeast corner of Section 18; Township 3 South; Range 1 West, Salt Lake Base & Meridian, said point being a point on the east right-of-way line of 4000 West Street, and traversing thence South 89°36'02" East 872.17 feet, thence South 32°35'51" East 627.40 feet, thence South 41°33'37" East 243.94 feet, to a point on a curve, to the left having a radius of 330.00 feet and a central angle of 24°12'36", thence along the arc of said curve a distance of 139.44 feet, said arc subtended by a chord bearing North 87°25'59" West, a distance of 138.40 feet, to a point on a reverse curve, to the right having a radius of 570.00 feet and a central angle of 23°29'07", thence along the arc of said curve a distance of 233.64 feet, said arc subtended by a chord bearing North 87°47'57" West, a distance of 232.01 feet, thence North 76°03'39" West 281.94 feet, to a point on a curve to the left having a radius of 330.00 feet and a central angle of 14°54'58", thence along the arc of said curve a distance of 85.91 feet, said arc subtended by a chord bearing North 83°31'04" West, a distance of 85.67 feet, thence North 0°58'47" West 101.28 feet, to a point on a curve to the right, having a radius of 436.50 feet and a central angle of 2°41'18", thence along the arc of said curve a distance of 20.48 feet, said arc subtended by a chord bearing South 88°26'04" West, a distance of 20.48 feet, thence North 2°49'54" West 31.00 feet, to a point on a curve to the right, having a radius of 467.50 feet and a central angle of 7°03'07", thence along the arc of said curve a distance of 57.54 feet, said arc subtended by a chord bearing South 89°23'27" East, a distance of 57.50 feet, thence North 4°52'18" East 149.50 feet, thence North 85°07'42" West 13.74 feet, thence North 4°52'18" East 119.32 feet, thence North 87°52'39" West 130.09 feet, thence South 88°58'07" West 325.05 feet, thence South 0°00'01" East 92.84 feet, thence South 90°00'00" West 85.00 feet, to a point on a curve to the right, having a radius of 15.00 feet and a central angle of 89°59'33", thence along the arc of said curve a distance of 23.56 feet, said arc subtended by a chord bearing North 45°00'00" West, a distance of 21.21 feet, thence South 89°59'59" West 130.98 feet, thence North 0°00'01" West 303.29 feet, to the point of beginning;

Containing 10.52 acres or 458,008 sf more or less.

Tax parcel no. 27-17-301-001-0000

**EXHIBIT "C"**

**UNANIMOUS CONSENT OF OWNERS**

WHEREAS, Hubble Homes, LLC, is the owner of twenty (20) Units, The Rushton Family Partnership, LLC, is the owner of two (2) Units, Dorothy R and Harry V Jones Family, LLC, is the owner of two (2) Units, and H Jones Construction, LLC, is the owner of two (2) Units in The Sand Dunes Condominiums Project, and are the sole Class A members of The Sand Dunes Condominium Owners Association (the "Association"), as defined in The Sand Dunes Declaration of Condominium, Covenants, Conditions, and Restrictions (the "Declaration"), which was recorded in the office of the County Recorder of Salt Lake County, Utah, on November 7, 2002, as Entry No. 8415210, in Book 8681, at Page 4229; and

WHEREAS, J&R Development, LLC, is the "Developer" as defined in the Declaration, is the owner of all other Units in the Project, and is the sole Class B member of the Association; and

WHEREAS, the Association desires to amend the Declaration, and the Developer is willing to consent to such amendment; now, therefore, it is hereby

RESOLVED that the Declaration shall be amended, pursuant to Article 12.3 of the Declaration, in the following respects:

1. That Article 8.9 of the Declaration be amended and restated in its entirety to read as follows:

8.9 Fencing. The Developer shall provide and install the fencing for the perimeter of the Tract, as shown on the Plat and as required by South Jordan City, and it shall be the obligation of the Association to maintain such perimeter fencing. Except for such fencing, no Owner shall install fencing on a Unit or on any of the Limited Common Areas, except with the prior written consent of the Architectural Control Committee (and such request shall be handled in accordance with Article IX).

2. That Article 9.8 of the Declaration be amended and restated in its entirety to read as follows:

9.8 Dwelling Size. Each Residential Unit, exclusive of the garage, shall be a minimum of 1,200 sq. ft. above grade, and a minimum of 2,400 sq. ft. total for all levels, including the basement.

and it is further

RESOLVED that the Association, by and through its President, is authorized and directed to execute, acknowledge and record an amendment to the Declaration consistent with the foregoing.


Pursuant to the Utah Revised Nonprofit Corporation Act, the undersigned, constituting the sole Class A member of the Association, and the Developer, as the sole Class B member of the Association, hereby consent to the above actions by the Association, and such action shall have the same force and effect as if authorized by a vote of the Members at a special meeting of the Association, duly called, convened and conducted.

DATED as of the 12 day of December, 2003.

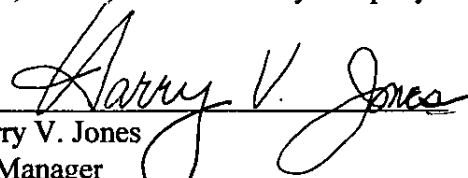
HUBBLE HOMES, LLC, a Utah limited liability company

By   
Its Manager GARY PETERSON

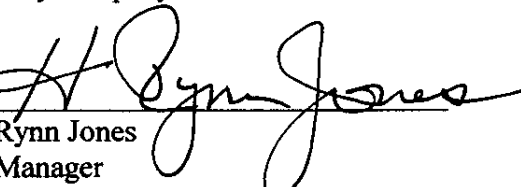
THE RUSHTON FAMILY PARTNERSHIP, LLC,  
a Utah limited liability company

By   
Don R. Rushton  
Its Manager

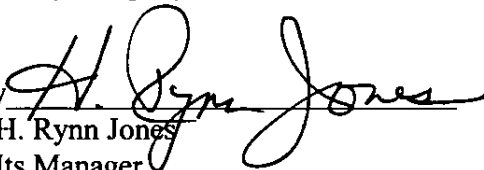
DOROTHY R & HARRY V JONES FAMILY,  
LLC, a Utah limited liability company

By   
Harry V. Jones  
Its Manager

H. JONES CONSTRUCTION, LLC, a Utah limited liability company

By   
H. Rynn Jones  
Its Manager

J&R DEVELOPMENT, LLC, a Utah limited liability company

By   
H. Rynn Jones  
Its Manager