

When recorded, please return to

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

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03/11/2004 09:27 AM 51.00  
Book - 8956 Pg - 5344-5352  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
J & R DEVELOPMENT  
4505 S 5400 W  
WVC UT 84120  
BY: ZJM, DEPUTY - WI 9 P.

**AMENDMENT NO. 2**  
to  
**DECLARATION OF CONDOMINIUM, COVENANTS, CONDITIONS,  
AND RESTRICTIONS OF THE SAND DUNES**

**(Converting Phase 2 "Convertible Land")**

This Amendment No. 2 to Declaration of Condominium, Covenants, Conditions, and Restrictions of The Sand Dunes (the "Phase 2 Amendment"), is executed as of this 11 day of March, 2004, by J&R Development, LLC, a Utah limited liability company ("Developer"), 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 2002P, at Page 0316 (as to the Record of Survey Map), establishing the Sand Dunes Condominium Project (the "Project"). The Declaration was amended by Amendment No. 1 to Declaration of Condominium, Covenants, Conditions, and Restrictions of the Sand Dunes, which was recorded in the Office of the Salt Lake County Recorder, State of Utah, on December 12, 2003, as Entry No. 8922935, in Book 8923, at Page 346.

B. J&R Development, LLC, is the "Developer" of the Project, as defined in the Declaration.

C. The legal description of the real property comprising the "Tract," as defined and described in the Declaration, is set forth in Attachment "1" hereto.

D. Pursuant to Article XI of the Declaration, the Developer retains the unilateral right, privilege and option, from time to time, to convert all or any portion of the "Convertible Land" (as defined and described in the Declaration) into one or more Units or Limited Commons Areas.

E. Pursuant to Article XI of the Declaration, the Developer desires to amend the Declaration to convert that portion of the Convertible Land described in Attachment "2" hereto (the "Phase 2 Land") into Units and Limited Commons Areas as part of the Project, upon the following terms and conditions.

### AMENDMENTS

Pursuant to and in compliance with Article XI of the Declaration and the applicable provisions of the Utah Condominium Ownership Act, Utah Code Ann. § 57-8-1, et seq., the Developer hereby amends the Declaration as follows:

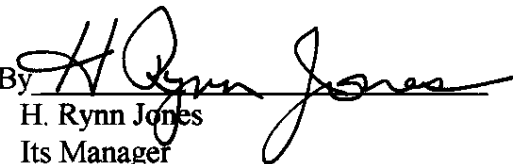
1. The Phase 2 Land (described in Attachment "2" hereto) is hereby converted into the twenty-six (26) Units that are separately numbered and individually described in the Supplemental Record of Survey Map covering the Phase 2 Land, entitled "Sand Dunes Condominiums Phase 2," executed and acknowledged by Developer on the 18 day of DECEMBER, ~~2004~~, prepared and certified by Sattar N. Tabriz (a duly registered Utah Land Surveyor, holding Certificate No. 155100), and filed for record in the office of the County Recorder of Salt Lake County, Utah, concurrently with the filing of this Phase 2 Amendment, and the Limited Common Areas associated with such Units (as reflected in the Supplemental Record of Survey Map and as defined in the Declaration).

2. Subject to the right of the Developer to convert the remaining portion of the Convertible Land not described in Attachment "2" and until such right is exercised or expires, the Project comprises a total of sixty (60) Units (thirty-four (34) Units in Phase 1 and twenty six (26) Units in Phase 2). Each Unit shall have an equal undivided interest in the Common Areas, subject to the rights and restrictions set forth in the Declaration, as amended. Pursuant to Utah Code Ann. §57-8-13.10(2) and Section 4.1 of the Declaration, the interests of each Unit in the Common Areas of the Project are reallocated as set forth in Attachment "3" hereto.

EXECUTED the day and year first above written.

"DEVELOPER"

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

By   
H. Rynn Jones  
Its Manager

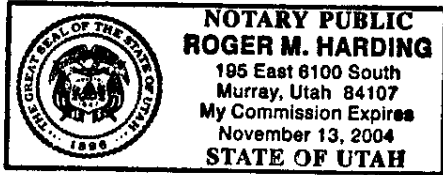
STATE OF UTAH )  
 : SS.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 10<sup>TH</sup> day of March, 2004, by H. Rynn Jones, as the Manager of J&R Development, LLC, a Utah limited liability company.

  
\_\_\_\_\_  
NOTARY PUBLIC

Residing at: 195 E 6100 S.  
MURRAY, UT 84107

My Commission Expires:  
11-13-04



**ATTACHMENT "1"**

**LEGAL DESCRIPTION OF "TRACT"**

**Located in Salt Lake County:**

**Phase 1 Property:**

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 through 035-0000

**Convertible Property:**

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. 27-17-300-004

## ATTACHMENT "2"

### "PHASE 2 LAND"

#### Located in Salt Lake County, Utah:

Beginning at a point which lies South  $0^{\circ}00'01''$  East 2864.10 feet along the West line of Section 17, Township 3 South; Range 1 West, Salt Lake Base & Meridian, and North  $89^{\circ}59'59''$  East 726.00 feet from the Northwest corner of said Section 17; and traversing thence  
S  $86^{\circ}37'17''$  E 65.11 feet,  
S  $00^{\circ}25'12''$  W 69.70 feet, thence  
S  $02^{\circ}10'13''$  W 20.00 feet, to a point on a non tangent curve to the left,  
having a radius of 486.50 feet and a central angle of  $02^{\circ}10'13''$ ,  
thence along the arc of said curve a distance of 18.43 feet, said arc  
subtended by a chord bearing S  $88^{\circ}54'53''$  E, a distance of 18.43 feet, thence  
N  $90^{\circ}00'00''$  E 33.16 feet, to a point on a curve to the left,  
having a radius of 136.50 feet and a central angle of  $32^{\circ}35'51''$ ,  
thence along the arc of said curve a distance of 77.66 feet, said arc  
subtended by a chord bearing N  $73^{\circ}42'05''$  E, a distance of 76.62 feet, thence  
N  $57^{\circ}24'09''$  E 8.34 feet, to a point on a curve to the left,  
having a radius of 15.00 feet and a central angle of  $90^{\circ}00'00''$ ,  
thence along the arc of said curve a distance of 23.56 feet, said arc  
subtended by a chord bearing N  $12^{\circ}24'09''$  E, a distance of 21.21 feet, thence  
N  $57^{\circ}24'09''$  E 31.00 feet, thence  
S  $32^{\circ}35'51''$  E 34.03 feet, thence  
N  $57^{\circ}24'09''$  E 100.00 feet, thence  
S  $32^{\circ}35'51''$  E 361.99 feet, thence  
S  $41^{\circ}33'36''$  E 243.94 feet, to a point on a non tangent curve to the left,  
having a radius of 330.00 feet and a central angle of  $24^{\circ}12'32''$ ,  
thence along the arc of said curve a distance of 139.43 feet, said arc  
subtended by a chord bearing N  $87^{\circ}25'59''$  W, a distance of 138.40 feet,  
to a point of reverse curvature to the right,  
having a radius of 570.00 feet and a central angle of  $23^{\circ}29'08''$ ,  
thence along the arc of said curve a distance of 233.64 feet, said arc  
subtended by a chord bearing N  $87^{\circ}47'43''$  W, a distance of 232.01 feet, thence  
N  $76^{\circ}03'39''$  W 281.94 feet, to a point on a curve to the left,  
having a radius of 330.00 feet and a central angle of  $15^{\circ}08'33''$ ,  
thence along the arc of said curve a distance of 87.21 feet, said arc  
subtended by a chord bearing N  $83^{\circ}38'49''$  W, a distance of 86.96 feet, thence  
N  $00^{\circ}15'17''$  W 101.31 feet, to a point on a non tangent curve to the left,  
having a radius of 436.50 feet and a central angle of  $02^{\circ}41'19''$ ,  
thence along the arc of said curve a distance of 20.48 feet, said arc  
subtended by a chord bearing S  $88^{\circ}26'04''$  W, a distance of 20.48 feet, thence  
N  $02^{\circ}49'54''$  W 31.00 feet, to a point on a non tangent curve to the right,

having a radius of 467.50 feet and a central angle of  $07^{\circ}03'06''$ ,  
thence along the arc of said curve a distance of 57.54 feet, said arc  
subtended by a chord bearing  $S 89^{\circ}22'44'' E$ , a distance of 57.50 feet, thence  
 $N 04^{\circ}52'18'' E$  149.49 feet, thence  
 $N 85^{\circ}07'42'' W$  13.74 feet, thence  
 $N 04^{\circ}52'18'' E$  119.32 feet,  
to the Point of Beginning;

Containing 4.92 acres or 214357 sf, more or less.

**ATTACHMENT "3"**

**UNIT NUMBERS AND INTERESTS IN COMMON AREAS**

Each Unit in the Project shall have an equal undivided interest in the Common Areas, which shall be the percentage interests specified below (subject to further reallocation if and when the remaining Convertible Land not subject to this Amendment No. 2 is converted):

Unit No.	Percentage Interest in Common Areas
<b>Phase 1 Units</b>	
101	1.66667
102	1.66667
103	1.66667
104	1.66667
105	1.66667
106	1.66667
107	1.66667
108	1.66667
109	1.66667
110	1.66667
111	1.66667
112	1.66667
113	1.66667
114	1.66667
115	1.66667
116	1.66667
117	1.66667
118	1.66667

Unit No.	Percentage Interest in Common Areas
119	1.66667
120	1.66667
121	1.66667
122	1.66667
123	1.66667
124	1.66667
125	1.66667
126	1.66667
127	1.66667
128	1.66667
129	1.66667
130	1.66667
131	1.66667
132	1.66667
133	1.66667
134	1.66667
<b>Phase 2 Units</b>	
201	1.66667
202	1.66667
203	1.66667



204	1.66667
205	1.66667
206	1.66667
207	1.66667
208	1.66667
209	1.66667
210	1.66667
211	1.66667
212	1.66667
213	1.66667
214	1.66667
215	1.66667
216	1.66667
217	1.66667
218	1.66667
219	1.66667
220	1.66667
221	1.66667
222	1.66667
223	1.66667
224	1.66667
225	1.66667
226	1.66667
Total	100.00%