

WHEN RECORDED MAIL TO:

SRV Development, LLC  
 Attention: Alexander R. Miller  
 4485 South 2700 East  
 Salt Lake City, Utah 84123

9017247  
 03/30/2004 12:38 PM 34.00  
 Book - 8964 Pg - 6064-6070  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 SRV DEVELOPMENT LLC  
 ATTN: ALEXANDER R MILLER  
 4485 S 2700 E  
 SLC UT  
 BY: ZJM, DEPUTY - WL 7 P.

**THIRD AMENDMENT TO CONDOMINIUM DECLARATION  
 FOR THE CROSSINGS AT SOLITUDE CONDOMINIUMS  
 (INCORPORATING PHASE IV)**

This Third Amendment to Condominium Declaration is made and entered into this 30<sup>th</sup> day of March, 2004, by SRV Development, LLC, a Utah limited liability company.

**RECITALS**

- A. Declarant recorded a Condominium Declaration on April 21, 1998, as Entry No. 6935949 in Book 7951 at Page 2933, *et seq.* in the Official Records of the Salt Lake County, Utah Recorder's Office (the "Declaration") relating to The Crossings at Solitude Phase I Condominiums (the "Project"). A Record of Survey Map for the Project was concurrently filed with the Declaration. Except as indicated herein, all capitalized terms have the same meaning as set forth in the Declaration.
- B. An Amendment to Condominium Declaration dated March 7, 2000, relating to Phase II of the Project was recorded March 14, 2000 as Entry No. 7594840 in Book 8348 at Page 1606, *et seq.* in the Official Records of the Salt Lake County, Utah Recorder's Office.
- C. A Second Amendment to Condominium Declaration dated June 1, 2001, relating to Phase III of the Project was recorded June 6, 2001, as Entry No. 7915318 in Book 8645 at Page 6309, *et seq.* of the Official Records of the Salt Lake County, Utah Recorder's Office.
- D. Pursuant to Article V of the Declaration, the Project is an expandable project to be constructed in up to three (3) phases in accordance with the Utah Condominium Ownership Act, Utah Code Ann. 57-8-1 *et seq.* (the "Act").
- E. Declarant has now completed the construction of three phases of the Project, consisting of ten (10) Units.
- F. Declarant has acquired an additional approximately .33 acre parcel adjacent to the Project, and desires to construct three additional condominium units, to be added to the Project as an additional phase. As Section 5.01 of the Declaration calls for a phased expandable Project consisting of up to three (3) phases, an amendment of the Declaration, pursuant to Article XXI of the Declaration and the Act, is necessary to allow for one (1) additional phase, which shall be known as Phase IV.

G. This Amendment is executed in accordance with the terms of Article XXI of the Declaration, and the provisions of the Act.

NOW THEREFORE, the Declaration is amended as follows:

1. Expansion of the Project. The first sentence of Section 5.01 of the Declaration is hereby amended to read as follows:

The Project shall be a phased expandable Project consisting of at least one (1), and up to four (4) phases.

2. Additional Land. Section 5.03 of the Declaration is hereby amended such that "Exhibit D" to the Declaration, which describes the "Additional Land," shall include the property described on Exhibit "A" attached hereto and incorporated herein.

3. Additional Units. Section 5.07 of the Declaration is amended such that the maximum number of Units to be constructed upon the Additional Land shall be limited to ten (10), for a total of up to thirteen (13) Units in the Project.

4. Substantial Completion. The additional Units are substantially complete in accordance with the requirements of the Declaration, and SRV Development, LLC as Declarant is authorized to record a Supplemental Map pursuant to Section 5.12 of the Declaration, and this Amendment to the Declaration pursuant to section 5.13 of the Declaration confirming that an expansion of the Project has occurred. Exhibit "C" attached hereto and incorporated herein sets forth the Unit numbers, square footage, and percentage of undivided interest in the Common Elements, after incorporation of Phase IV, and supersedes and replaces the existing Exhibit "C" to the Declaration.

5. Authority. The undersigned is the President of The Crossings at Solitude Condominium Association, Inc., a Utah non-profit corporation (the "Association"). By his signature below, the undersigned confirms, pursuant to the requirements of Article XXI, that (i) this Amendment is executed pursuant to an affirmative vote or approval and consent of a two-thirds (2/3) majority of the Unit Owners; and (ii) that the undersigned has been duly authorized to execute this Third Amendment pursuant to the Bylaws of the Association.

6. Effective Date. This Third Amendment shall be effective upon recording with the Salt Lake County, Utah Recorder's Office.

IN WITNESS WHEREOF, the undersigned has executed this Third Amendment to Declaration this 30 day of March, 2004.

The Crossings at Solitude Condominium Association, Inc., a Utah non-profit corporation

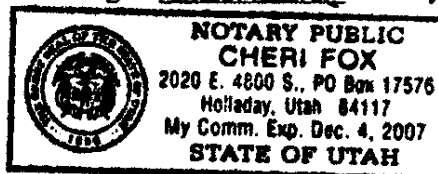
By Alexander R. Miller  
Name: Alexander R. Miller  
Title: President

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

On the 30<sup>th</sup> day of March, 2004, the foregoing was acknowledged before me by Alexander R. Miller, in his capacity as President of The Crossings at Solitude Condominium Association, Inc., a Utah non-profit corporation.

Cheri Fox  
Notary Public  
Residing at Salt Lake County, Utah

My Commission Expires:  
12-4-07



IN WITNESS WHEREOF, the undersigned has executed this Third Amendment to Declaration this 30 day of March, 2004.

SRV Development, LLC  
A Utah limited liability company

By Alexander R. Miller  
Name: Alexander R. Miller  
Title: Managing Member, SRV Development, LLC

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

On the 30<sup>th</sup> day of March, 2004, the foregoing was acknowledged before me by Alexander R. Miller, in his capacity as Managing Member of SRV Development, LLC, a Utah limited liability company

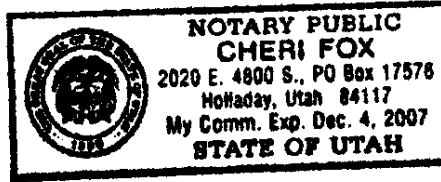
Cheri Fox

Notary Public  
Residing at Salt Lake County, Utah

My Commission Expires:

12-4-07

714289v1/IBR



**EXHIBIT A**

The Crossings at Solitude Phase IV Land Description  
To Be Added To "Additional Land"

Tax ID No(s). a portion only of Tax ID #24-27-226-019-0000 and 24-27-221-021-0000.

**Legal Description:**

A parcel of land lying and situate in the Northeast Quarter of Section 27, Township 2 South, Range 3 East, Salt Lake Base and Meridian, Salt Lake County, Utah. Comprising 0.33 acres out of those certain parcels of land owned in fee simple by Solitude Ski Corporation, known as the Giles Flat Mining Claim, (United States Mineral Survey Number 4960). Basis of bearing for subject parcel being North 89°48'56" West 1309.22 feet between the brass cap monuments monumentalizing the North line of the Northeast Quarter of the Northeast Quarter of said Section 27, Subject parcel being more particularly described as follows:

Beginning at the Northeast corner of the Alpine Creek Condominiums, Building A, said point being located South 32°09'31" East 1492.26 feet from the G.L.O. brass cap monument monumentalizing the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 27; Thence the following 2 (two) courses coincident with the North line of said Condominiums (1) South 87°43'00" West 87.46 feet; (2) North 02°17'00" West 11.58 feet; Thence South 87°43'00" West 54.56 feet coincident with said North line and the prolongation thereof; Thence North 04°34'00" West 34.46 feet; Thence North 21°13'38" East 34.47 feet; Thence North 04°34'00" West 30.34 feet to a point on the South property line of The Crossings at Solitude-Phase 1, Building A; Thence coincident with said property line North 89°20'04" East 137.34 feet to the southeast corner of said Crossings parcel; Thence South 01°15'20" West 104.26 feet to the Point of Beginning.

RESERVING there upon a utility easement across the following described parcel: Beginning at the Southwest corner of the above described parcel; Thence North 04°34'00" West 6.56 feet; Thence North 85°26'00" East 65.62 feet; Thence South 00°35'51" East 20.75 feet to a point on the south line of said Grantors parcel; Thence coincident with said line the following 2 (two) courses, (1) South 87°43'00" West 10.13 feet; (2) North 02°17'00" West 11.58 feet; Thence South 87°43'00" West 54.56 feet coincident with said South line and the prolongation thereof to the Point of Beginning.

RESERVING there upon an easement for access and utility purposes, being 25 feet wide the centerline of which is described as follows: Beginning at a point South 87°43'00" West 65.32 feet from the point of beginning for the above described parcel said point being on the South property line running thence and North 01°23'31" West 7.17 feet to a point on a 300.0 foot radius curve to the right and along the arc of said curve 19.95 feet (center bears North 88°36'29" East); thence North 02°25'03" East 45.95 feet to a point on a 300.0 foot radius curve to the left and along said arc 33.07 feet (center bears North 87°34'57" West) to a point on the North property line of the above described parcel and the point of terminus.

The above described parcel shall include such non-exclusive easements and licenses held by the Seller for ingress and egress from the parcel to be sold (regardless of whether such rights are included in the above legal description), including, but not limited to non-exclusive vehicular and pedestrian access and utility easements. Seller shall retain rights of ingress and egress for pedestrians, skiers, vehicles and utilities and otherwise over the Subject Property for the benefit of Seller's adjacent property at the Resort and skiways around and within the Subject Property. Without limiting the generality of the foregoing, Purchaser agrees that Seller shall have non-exclusive rights of ingress and egress for pedestrians, skiers, vehicles and utilities over and off of the roads constructed by Purchaser, and Seller shall be entitled to a non-exclusive easement for a road constructed to Seller's other property at the Resort.

EXHIBIT "C"

<u>Unit</u>		<u>Square Feet</u>	<u>% of Common Elements</u>
101		2174	6.48%
201		2196	6.54%
301		2160	6.43%
401		2588	7.71%
501		2556	7.61%
601		2515	7.49%
701		2581	7.69%
801		3017	8.99%
901		3029	9.02%
1001		3042	9.06%
1101		2572	7.66%
1201		2572	7.66%
<u>1301</u>		<u>2572</u>	<u>7.66%</u>
Total	13	33,575	100.00%