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 01/21/2005 03:06 PM \$88.00
 Book - 9086 Pg - 2258-2275
 GARY W. OTT
 RECORDER, SALT LAKE COUNTY, UTAH
 MARK L GREEN
 11077 SUSAN DR
 SANDY UT 84092
 BY: SBM, DEPUTY - WI 18 P.

Space above for County Recorder's use

**SUPPLEMENT CONCERNING CONVERTIBLE LAND
 TO
 DECLARATION OF CONDOMINIUM
 FOR
 CRESCENT HEIGHTS CONDOMINIUMS
 (Convertible Land Area #5)**

THIS SUPPLEMENT TO DECLARATION OF CONDOMINIUM (this "Supplement") is made and executed this _____ day of December, 2004, by CRESCENT HEIGHTS CONDOMINIUMS, L.L.C., a Utah limited liability company ("Declarant").

RECITALS

A. Whereas Declarant executed and caused to be recorded that certain Declaration of Condominium for Crescent Heights Condominiums (the "Declaration"), dated August 12, 1999, and caused the same to be recorded in the office of the Salt Lake County Recorder on September 1, 1999 as Entry No. 7481525 in Book 8306 at Page 6253 (the "Original Declaration," and as amended by the First, Second and Third Amendments (defined below), as the case may be, the "Declaration");

B. Whereas Declarant, LW Properties, Ltd., and Bonnie Jean H. Shoemaker executed and caused to be recorded that certain First Amendment to Declaration of Condominium for Crescent Heights Condominiums, dated September 24, 1999 (the "First Amendment"), and caused the same to be recorded in the office of the Salt Lake County Recorder on October 4, 1999 as Entry No. 7481525 in Book 8313 at Page 8429;

C. Whereas Declarant and the Association executed and caused to be recorded that certain Second Amendment to Declaration of Condominium for Crescent Heights Condominiums, dated September 24, 1999 (the "Second Amendment"), and caused the same to be recorded in the office of the Salt Lake County Recorder on August 16, 2001 as Entry No. 7976811 in Book 8490 at Page 225;

D. Whereas the Declaration subjects that certain real property more particularly described on Exhibit "A" hereto to the provisions of the Act; and

F. Whereas Section 19.01 of the Declaration, as amended by the Third Amendment, provides that the Convertible Land may be converted to additional Units and/or Limited Common Elements upon the consent of seventy-five percent (75%) of the Unit Owners;

G. Whereas Declarant desires to convert Convertible Land Area # 5, as described in the Declaration and that certain Record of Survey Map, Crescent Heights Condominiums, recorded in the office of the County Recorder of Salt Lake County, Utah, on September 1, 1999 as Entry No. 7457331 in Book 99-9P at Page 250 (the "Original Survey Map"), by converting such Convertible Land Area #5 into Units and Common Elements in the manner provided for in this Supplement and in the condominium plat recorded concurrently herewith entitled "Crescent Heights Condominiums Supplement No. 1 Amended" executed and acknowledged by Declarant on December ___ 2004, consisting of three (3) sheet(s), and prepared and certified to by Dale K. Bennett, a duly registered Utah Professional Engineer and Land Surveyor holding Certificate No. 103381 (which instrument is hereby declared to be a supplement to the Original Survey Map and is hereinafter referred to as the "Supplement to Survey Map"); and

H. Whereas seventy-five percent (75%) of the Unit Owners have consented to the conversion of Convertible Land Area #5 pursuant to that certain Action by Written Consent of the Members of Crescent Heights Condominium Association, Inc. in Lieu of a Meeting, with an effective date of December ____, 2004, a copy of which is attached hereto as Exhibit "B."

DECLARATION

1. Conversion. The area within the Project identified on the Original Survey Map as Convertible Land Area #5 is hereby converted to Units, Limited Common Elements and General Common Elements as more specifically set forth in this Supplement and as more specifically shown on the Supplement to Survey Map. The obligations, burdens and benefits created by the Declaration, as supplemented by this Supplement, shall bind and inure to the benefit of Declarant, the Owners, the Association, all other parties having any, right, title or interest in the Units created pursuant to this Supplement and their respective successors, assigns, heirs, devisees, executors, administrators and personal representatives. Each Owner of a Unit created pursuant to this Supplement shall comply strictly with the covenants, conditions and restrictions as set forth in this Declaration or in the deed to such Owner's Unit, and with the Bylaws and/or the Rules and Regulations, as any of the same may be lawfully amended from time to time, and failure to comply shall be ground for an action to recover sums due for damages, injunctive relief or both, maintainable by the Management Committee on behalf of the Owners, or in a proper case, by an aggrieved Owner.

2. Description of Improvements on Additional Land. The significant improvements located or to be located on Convertible Land Area #5 include one (1) Building containing a total of twelve (12) Units, twelve (12) basement parking spaces, and certain Common Elements. The location and configuration of the improvements referred to in the foregoing sentence are depicted on the Supplement to Survey Map. The Supplement to Survey Map shows the basements, the number of stories, and the number of Units which are or shall be contained in the Buildings located or to be located on Convertible Land Area #5. The principal materials used or to be used in the construction of the Buildings are as follows: all load bearing and non-load bearing walls are wood frame or concrete; the parking levels and ground floor are comprised of reinforced concrete; the

above-grade floors are of wooden joists covered with plywood and concrete; the roof is of wood covered with asphalt; interior walls are surfaced with sheetrock or gypsum board; and exterior walls are surfaced with split block and siding.

3. Description of Units. The Units that, through this Supplement to Declaration and the Supplement to Survey Map, are being created within Convertible Land Area #5 are Unit Nos. B-101 through B-106 and B-201 through B-206. The Supplement to Survey Map shows the Unit Number of each such Unit, its location, dimensions from which its Area may be determined, and the Common Elements to which it has immediate access.

4. Common Elements Within Convertible Land Area #5. The Limited Common Areas and Elements located or to be located on Convertible Land Area #5 consist of twelve (12) decks/patios and twelve (12) basement parking spaces and related storage areas attached to or within the Building located or to be located on Convertible Land Area #5 Land as shown on the Supplement to Survey Map. The exclusive use of each Limited Common Element is reserved to the Unit with which it is associated. Areas or facilities that are not identified as either a Unit or a Limited Common Element pursuant to this Supplement or the Supplement to Survey Map shall be Common Elements.

5. Revised Exhibit "E." Attached to this Supplement (and incorporated herein by this reference) is a Revised Exhibit "E" which furnishes the following information with respect to each Unit heretofore contained in the Condominium Project and each Unit which through this Supplement to Declaration and the Supplement to Survey Map is being created pursuant to the conversion of Convertible Land Area #5: (i) The Unit Number; (ii) The Number of the Building within which it is contained; (iii) The Square Footage of the Unit; and (iv) The percentage of undivided ownership interest in the Common Elements that shall be appurtenant to the Unit after the conversion with which this Supplement to Declaration is concerned. Said percentages of undivided ownership interest have been computed and derived as described in Section 3.03 of the Declaration, and the "Square Footage" of each of Units has been computed and determined in the manner required for determination of "Area" by Section 3.03 of the Declaration.

6. Effect of Supplements. Upon recordation of this Supplement and the Supplement to Survey Map, the Revised Exhibit "E" attached hereto shall automatically become effective for all purposes and shall completely supersede the Exhibit "E" which was in effect prior to such recordation. Upon the recordation of this Supplement and the Supplement to Survey Map, they shall automatically supplement the Declaration and the Original Survey Map, with the Declaration and Survey Map for the Condominium Project thereafter consisting of the Declaration (as previously Amended) and the Original Survey Map as amended and supplemented by this Supplement and the Supplement to Survey Map.

7. Applicability of Declaration. Except to the extent that they may be inconsistent with the contents of this Supplement, all of the terms, provisions, covenants, conditions, and restrictions provided for or described in the Declaration apply to the Building, the Units, and the Common Elements which are produced by, described in, contemplated by, and/or created pursuant to this Supplement and the Supplement to Survey Map. To the extent that the contents of this Supplement

are inconsistent with the terms of the Declaration, the contents hereof shall control and apply with respect to said Building, Units, Limited Common Areas, and Common Elements.

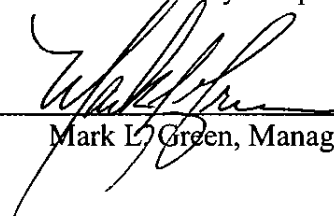
8. Interpretation. This Supplement to Declaration has been prepared and executed pursuant to the Declaration and should be read and construed in light of that fact. Any term used herein which is defined in the Declaration shall, to the extent permitted by the context hereof, have the meaning ascribed therein. The Captions which precede the Sections of this Supplement are for convenience only and shall in no way affect the manner in which any provision hereof is construed. Whenever the context so requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any part thereof, and any gender shall include both other genders. The invalidity or unenforceability of any portion of this Supplement shall not affect the validity or enforceability of the remainder hereof.

9. Effective Date. This Supplement and the Supplement to Survey Map shall take effect upon their being filed for record in the office of the County Recorder of Salt Lake County, Utah.

Declarant has caused its name to be signed by the signature of a duly authorized officer as of the day and year first written above.

“DECLARANT”

CRESCENT HEIGHTS CONDOMINIUMS, L.L.C.,
a Utah limited liability company

By: 
Mark L. Green, Manager

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



On this 21 day of ^{January 2005} ~~December, 2004~~, personally appeared before me Mark L. Green who acknowledged being, or who is personally known to me to be, the Manager of Crescent Heights Condominiums, L.L.C., a Utah limited liability company, and being authorized to do so, did execute the foregoing instrument for the purposes therein contained by signing on behalf of such company as an authorized officer of the company.


Notary Public

EXHIBIT "A"

(Attached to and forming a part of the Supplement to Declaration of Condominium
for Crescent Heights Condominiums)

Legal Description of the Land

A part of the Northeast Quarter of Section 19, Township 3 South, Range 1
East, Salt Lake Base and Meridian, U.S. Survey in Sandy City, Salt Lake County,
Utah:

Beginning at a point on the West line of 700 East Street being 59.79 feet
South $0^{\circ}04'20''$ West and 70.11 feet North $89^{\circ}46'10''$ West from the Northeast Corner
of said Section 19; said West line is 53.0 feet perpendicularly distant Westerly from
the centerline of said street; thence South $0^{\circ}13'50''$ West 625.20 feet along said West
line to a point on an existing boundary line fence; thence North $89^{\circ}41'06''$ West
390.16 feet along said fence; thence North $0^{\circ}04'20''$ East 645.82 feet to the Southerly
line of 11000 South Street; said Southerly line is 40.0 feet perpendicularly distant
Southerly from the centerline of said 11000 South Street; thence South $89^{\circ}35'40''$
East 371.94 feet along said Southerly line; thence South $44^{\circ}41'10''$ East 28.33 feet
to the point of beginning.

Contains 252,224 sq. ft. or 5.790 acres

EXHIBIT "B"

(Attached to and forming a part of the Supplement to Declaration of Condominium
for Crescent Heights Condominiums)

Action by Written Consent

(See Attached)

REVISED EXHIBIT "E"

(Attached to and forming a part of the Declaration of Condominium
for Crescent Heights Condominiums pursuant to the Supplement to which it is attached)

Interest in General Common Elements

<u>Unit No.</u>	<u>Square Footage</u>	<u>Percent Interest In General Common Elements</u>
A1-101	1,100	2.29%
A1-102	1,220	2.54%
A1-103	1,070	2.23%
A1-104	1,070	2.23%
A1-105	1,070	2.23%
A1-106	1,070	2.23%
A1-107	1,220	2.54%
A1-108	1,100	2.29%
A1-201	1,100	2.29%
A1-202	1,220	2.54%
A1-203	1,070	2.23%
A1-204	1,070	2.23%
A1-205	1,070	2.23%
A1-206	1,070	2.23%
A1-207	1,220	2.54%
A1-208	1,100	2.29%
A2-101	1,100	2.29%
A2-102	1,220	2.54%
A2-103	1,070	2.23%
A2-104	1,070	2.23%
A2-105	1,070	2.23%
A2-106	1,070	2.23%
A2-107	1,220	2.54%
A2-108	1,100	2.29%
A2-201	1,100	2.29%
A2-202	1,220	2.54%
A2-203	1,070	2.23%
A2-204	1,070	2.23%
A2-205	1,070	2.23%
A2-206	1,070	2.23%
A2-207	1,220	2.54%
A2-208	1,100	2.29%

B-101	1,006	2.10%
B-102	949	1.98%
B-103	1,125	2.34%
B-104	1,125	2.34%
B-105	949	1.98%
B-106	1,006	2.10%
B-201	1,006	2.10%
B-202	949	1.98%
B-203	1,125	2.34%
B-204	1,125	2.34%
B-205	949	1.98%
B-206	1,006	2.10%
	48,000	100.00%

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**ACTION BY WRITTEN CONSENT
OF THE
MEMBERS OF
CRESCENT HEIGHTS CONDOMINIUM ASSOCIATION, INC.
IN LIEU OF A MEETING**

Pursuant to Section 16-6a-707 of the Utah Revised Nonprofit Corporation Act, the undersigned, being _____ percent (____%) of the members (collectively, the "Consenting Members") of Crescent Heights Condominium Association, Inc., a Utah nonprofit corporation (the "Company"), hereby take the following actions in lieu of a meeting of the Members, by consent of said Members, as set forth in the following resolutions, as if taken by a vote of the Members at a special meeting of the Members at which all of the Members were present:

Supplement Concerning Convertible Land

WHEREAS, pursuant to Section 19.01 of the Condominium Declaration for Crescent Heights Condominium (the "Declaration"), Convertible Land may be converted to additional Units and/or Limited Common Elements upon the consent of seventy-five percent (75%) the Members of the Company (i.e. Unit Owners); and

WHEREAS, the respective Ownership Interests attributable to each Condominium Unit are set forth on Exhibit "E" of the Declaration, a true and correct copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Consenting Members constitute in excess of seventy-five percent of the Members of the Company and Unit Owners and desire to consent to the conversion of Convertible Land Area #5 pursuant to a supplement to the Declaration substantially in the form of that certain Supplement Concerning Convertible Land to Declaration of Condominium for Crescent Heights Condominiums (Convertible Land Area #5) attached hereto as Exhibit "B" (the "Supplement"); and

WHEREAS, the Declarant under the Declaration has recommended and submitted the Supplement to the Members for vote thereon; it is hereby

RESOLVED that the Supplement be and hereby is accepted, adopted, and approved in full.

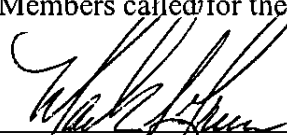
FURTHER RESOLVED that all of the membership interests of the Company held by the Consenting Members be and hereby are voted in favor of adopting and approving the Supplement.

Miscellaneous

WHEREAS, in order to effectuate the intent of the foregoing resolutions; it is hereby

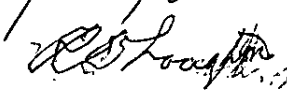
RESOLVED that this Action by Written Consent to the adoption of the foregoing resolutions may be executed in counterparts, all of which taken together shall constitute but one and the same original.

IN WITNESS WHEREOF, each of the undersigned, all being Members of the Company, have signed this document effective as of the ____ day of December, 2004, and by so doing (1) consents to the transaction of the business hereof, (2) affirms that he or she has read the foregoing document, (3) approves, adopts and ratifies the foregoing document and all acts taken or authorized therein, and (4) waives any and all notice of the time, place or purpose of a special meeting of the Members called for the purpose of voting on approval of the foregoing resolutions.



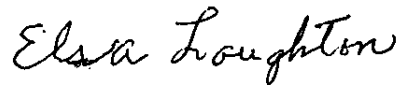
Estate of Fern L. Smith (Unit A1-101)

Date: 12-3-04



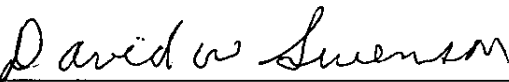
Ray Loughton (Unit A1-102)

Date: Re 12-8-04



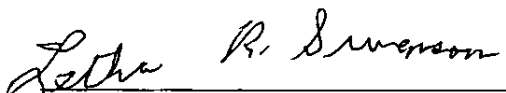
Elsa Loughton (Unit A1-102)

Date: 12-8-04



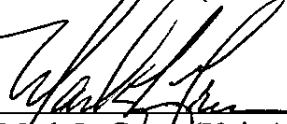
David Swenson (Unit A1-103)

Date: 12-8-04



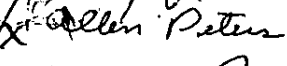

Letha Swenson (Unit A1-103)

Date: 12-8-04



Mark L. Green (Unit A1-104)

Date: 12-3-04

Mike Kampros (Unit A1-105 & A1-106)

Date: 12-8-04

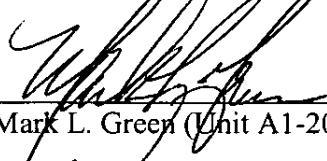
ALLEN & HARRIETT PETER A1-105

Joe Pearson (Unit A1-107)

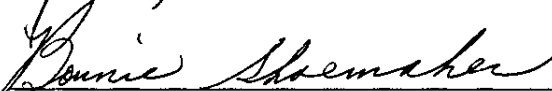
Date: _____

Guadalupe Angeles (Unit A1-108)


Date: _____


Mark L. Green (Unit A1-201)

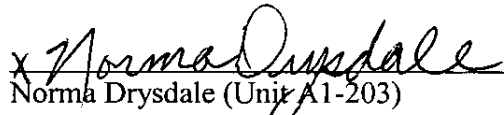
Date: 12-3-04


Bonnie Shoemaker (Unit A1-202)

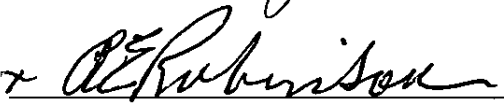
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Wayne Drysdale (Unit A1-203)

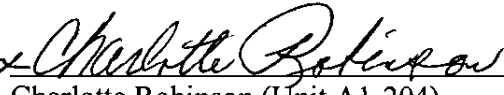
Date: 12-8-04

x 
Norma Drysdale (Unit A1-203)

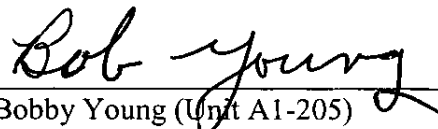
Date: 12-8-04

x 
A.E. Robinson (Unit A1-204)

Date: 12/8/04

x 
Charlotte Robinson (Unit A1-204)

Date: 12/8/04


Bobby Young (Unit A1-205)

Date: 12-08-04

Grant Larsen (Unit A1-206)

Date: _____

Marian Larsen (Unit A1-206)

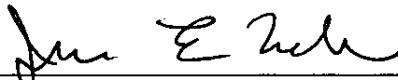
Date: _____

Sunae Chen (Unit A1-207)

Date: _____

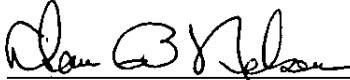
Chen-Shan Chen (Unit A1-207)

Date: _____



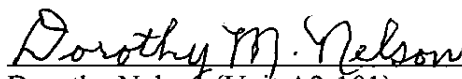
Jean Moler (Unit A1-208)

Date: 12-08-04



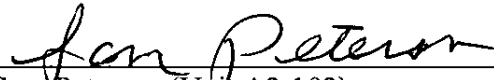
Dan Nelson (Unit A2-101)

Date: 12-9-04



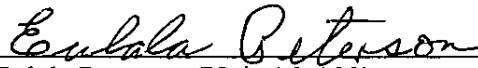
Dorothy Nelson (Unit A2-101)

Date: 12-9-04



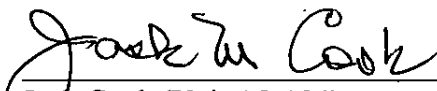
Sam Peterson (Unit A2-103)

Date: 12/9/4



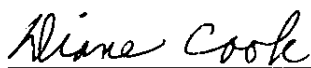
Eulala Peterson (Unit A2-103)

Date: 12/9/4



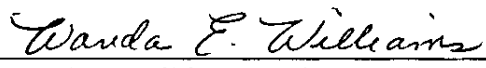
Jack Cook (Unit A2-104)

Date: 12/9/04



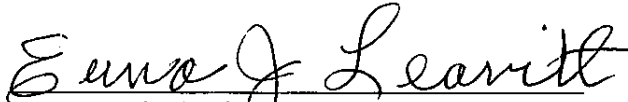
Diane Cook (Unit A2-104)

Date: 12/9/04



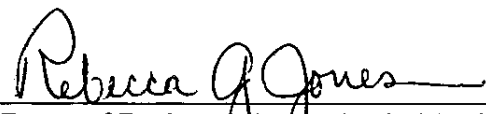
Wanda E. Williams (Unit A2-106)

Date: 12/9/04



Euna Leavitt (Unit A2-107)

Date: 12-8-04



Estate of Evelyne Johnson (Unit A2-108)

Date: 12-8-04

Pat Johnson
Pat Johnson (Unit A2-201)

Date: 10 Dec 2004

Dale Johnson
Dale Johnson (Unit A2-201)

Date: 12-10-04

Kay Bradford
Kay Bradford (Unit A2-202)

Date: 12-08-04

LeRae Bradford
LeRae Bradford (Unit A2-202)

Date: 12-08-04

DonnaLee Heiden
DonnaLee Heiden (Unit A2-203)

Date: 12-06-04

Lorraine Hansen
Lorraine Hansen (Unit A2-204)

Date: 12-9-04

Vera Humphrey (Unit A2-206)

Date: _____

Jayne Ebert
Jayne Ebert (Unit A2-207)

Date: _____

Betty Hoeschen
Betty Hoeschen (Unit A2-208)

Date: 12-08-04

Mark L. Green
Crescent Heights, L.L.C., by its Manager,
Mark L. Green
(Units A2-102, A2-105 and A2-205)

Date: 12-3-04

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A

**EXHIBIT A
TO
ACTION BY WRITTEN CONSENT**

Exhibit "E" to Declaration

[see attached]

EXHIBIT E

(Attached to and forming a part of the Declaration of Condominium
for Crescent Heights Condominiums)

Interest in General Common Elements

<u>Unit N^o</u>	<u>Square Footage</u>	<u>Percent Interest In General Common Elements</u>
A1-101	1,100	3.0830
A1-102	1,220	3.4193
A1-103	1,070	2.9989
A1-104	1,070	2.9989
A1-105	1,070	2.9989
A1-106	1,070	2.9989
A1-107	1,220	3.4193
A1-108	1,100	3.0830
A1-201	1,100	3.0830
A1-202	1,220	3.4193
A1-203	1,070	2.9989
A1-204	1,070	2.9989
A1-205	1,070	2.9989
A1-206	1,070	2.9989
A1-207	1,220	3.4193
A1-208	1,100	3.0830
A2-101	1,100	3.0830
A2-102	1,220	3.4193
A2-103	1,070	2.9989
A2-104	1,070	2.9989
A2-105	1,070	2.9989
A2-106	1,070	2.9989
A2-107	1,220	3.4193
A2-108	1,100	3.0830
A2-201	1,100	3.0830
A2-202	1,220	3.4193
A2-203	1,070	2.9989
A2-204	1,070	2.9989
A2-205	1,070	2.9989
A2-206	1,070	2.9989
A2-207	1,220	3.4193
A2-208	1,100	3.0830

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BOOK 8306 PAGE 227

B

**EXHIBIT B
TO
ACTION BY WRITTEN CONSENT**

Supplement Concerning Convertible Land
to
Declaration of Condominium
for
Crescent Heights Condominiums
(Convertible Land Area # 5)

[see attached]

NO ATTACHMENT RECORDED
CO. RECORDER