

13-112

WHEN RECORDED RETURN TO:
 DRAPER PEAKS DEVELOPMENT, L.C.
 Wayne H. Corbridge
 758 South 400 East
 Orem, Utah 84097
 (801) 227-0550

9494486
 09/19/2005 12:47 PM \$146.00
 Book - 9189 Pg - 8910-8922
 GARY W. OTT
 RECORDER, SALT LAKE COUNTY, UTAH
 DRAPER PEAKS DEV
 WAYNE H CORBRIDGE
 758 S 400 E
 OREM UT 84097
 BY: ZJM, DEPUTY - WI 13 P.

**FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR
 DRAPER PEAKS CONDOMINIUM,
 an expandable Utah condominium project**

This First Amendment to the Declaration of Condominium for Draper Peaks Condominium, an expandable Utah condominium project, is made and executed by Draper Peaks Development, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097 (the "Declarant").

RECITALS

Whereas, the original Declaration of Condominium for Draper Peaks Condominium was recorded in the office of the County Recorder of Salt Lake County, Utah on November 2, 2004 as Entry No. 9214131 in Book 9056 at Pages 5344-5425 _____ of the Official Records (the "Declaration").

Whereas, the related Plat Maps have also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 32(a) of the Declaration, Declarant reserved the right to unilaterally amend the Declaration.

Whereas, Declarant is the fee simple owner of record of the real property described with particularity on Exhibit "A," attached hereto and incorporated herein by this reference.

Whereas, Declarant desires to amend the Declaration to reflect the change in the design and construction of "Type A Units" for Unit E1 and Unit F2 for full access for the handicapped as that term is defined in the state and federal Fair Housing Acts and applicable building codes and standards, and to create a staging area the accommodating shift of the appurtenant parking spaces, stalls or carports approximately 8.5' west of the ADA spaces. The numbering and assignment of the parking spaces in Buildings E and F remain the same.

Whereas, there was an inadvertent clerical error on the Plat Map for Building D which resulted in the mislabeling of the parking spaces, stalls or carports and Declarant desires to correct this error.

A G R E E M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this First Amendment to the Declaration of Condominium for Draper Peaks Condominium.

1. Article III of the Declaration is hereby amended to add the following new Section:

52. Assignment and Configuration of Parking Spaces, Stalls and Carports, and Fair Housing Act Adjustments. All assigned parking spaces are subject to reassignment. The Management Committee is hereby granted the right, authority and power to make adjustments, as it deems it necessary or appropriate in its sole discretion, from time to time in the assignment of parking spaces, stalls or carports in order to accommodate either the handicapped in accordance with the state and federal Fair Housing Acts or Unit Owners mutually requesting a change in writing. Written notice of any proposed change shall be given to the Units and Unit Owners affected or to be affected at least thirty (30) days in advance, and they shall be given the opportunity to be heard before a final decision is made. The decision of the Management Committee shall be binding, conclusive and final. No transfer, exchange or reassignment shall be effective until such time as it is approved by the Management Committee and a written amendment to the Declaration is duly recorded. For the reasons stated, the following parking spaces, stalls or carports are hereby assigned or reassigned (unless otherwise noted, the assignment of all other parking spaces, stalls and carports will remain the same):

<u>Bldg. No.</u>	<u>Unit No.</u>	<u>Carport No.</u>
D	3	3
D	4	4
D	7	7
D	8	8
D	11	11
D	12	12

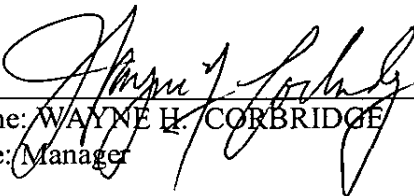
The location of the staging area, parking spaces, stalls or carports is shown on the attached map, marked Exhibit "B," Draper Peaks Site Plan, and incorporated herein by this reference.

2. In the event of any conflict, inconsistency or incongruity between the provisions of this First Amendment and any of the provisions of the Declaration, as amended, or Plat Map, the provisions of this First Amendment shall in all respects govern and control.

3. The effective date of this First Amendment to the Declaration is filed for record in the Office of the County Recorder of Salt Lake County, Utah.

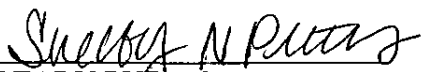
EXECUTED the 19 day of September, 2005.

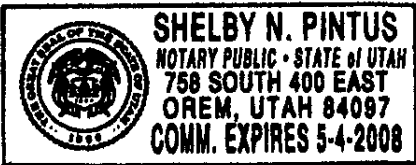
DRAPER PEAKS DEVELOPMENT, L.C.,
a Utah limited liability company

By: 
Name: WAYNE H. CORBRIDGE
Title: Manager

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 19 day of September, 2005, personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of DRAPER PEAKS DEVELOPMENT, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.


NOTARY PUBLIC
Residing At: OREM, UT
Commission Expires: 5-4-2008



LEGAL DESCRIPTION OF TRACT
EXHIBIT "A-1"

The Land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE I OF DRAPER PEAKS

A part of the West half of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Draper, Salt Lake County, Utah:

Beginning at the Southwest Corner of the Draper Landing Condominium development at a point on the East Line of 150 East Street as it exists at 30.00 foot half-width being 1563.03 feet North $0^{\circ}03'00''$ West along the Monument Line of 300 East Street to an existing Centerline Monument at 12300 South Street; 1294.71 feet continuing North $0^{\circ}03'00''$ West along said Monument Line of 300 North Street extended Northerly; and 1293.65 feet South $89^{\circ}59'29''$ West from the South Quarter Corner of said Section 30; and running thence North $89^{\circ}59'29''$ East 150.85 feet along the South Line of said Condominium Development; thence South $0^{\circ}00'35''$ East 200.53 feet to the North Line of Draper Peaks, a Commercial Subdivision; thence South $89^{\circ}56'35''$ West 150.78 feet to a point on the East Line of 150 East Street as it exists at 30.00 foot half-width; thence North $0^{\circ}01'40''$ West 200.66 feet along said East Line to the point of beginning.

**Contains 30,253 sq. ft.
or 0.695 acre**

**LEGAL DESCRIPTION OF TRACT
EXHIBIT "A-2"**

The Land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE 2 OF DRAPER PEAKS

A part of the West half of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Draper, Salt Lake County, Utah:

Beginning at a point on the South Line of the Draper Landing Condominium development being 1563.03 feet North 0°03'00" West along the Monument Line of 300 East Street to an existing Centerline Monument at 12300 South Street; 1294.71 feet continuing North 0°03'00" West along said Monument Line of 300 North Street extended Northerly; and 976.42 feet South 89°59'29" West from the South Quarter Corner of said Section 30; and running thence South 0°00'31" East 71.00 feet; thence South 89°59'29" West 30.00 feet; thence South 0°00'31" East 29.59 feet to a point of curvature; thence Southeasterly along the arc of a 110.00 foot radius curve to the left a distance of 67.41 feet (Central Angle equals 35°06'45" and Long Chord bears South 17°33'54 East 66.36 feet); thence South 45°21'35" West 116.16 feet to the Northerly Line of 12150 South Street as it exists at 25.50 foot half-width; thence Northwesterly along the arc of a 246.00 foot radius curve to the Left a distance of 75.79 feet (Central Angle equals 17°39'10" and Long Chord bears North 53°28'00" West 75.49 feet) along said Northerly Line; thence South 89°56'35" West 13.07 feet along the North Line of Draper Peaks, a Commercial Subdivision; thence North 0°00'31" West 200.53 feet to the South Line of said Draper Landing Condominium development; thence North 89°59'29" East 166.38 feet along the South Line of said Condominium Development to the point of beginning.

**Contains 32,174 sq. ft.
or 0.739 acre**

LEGAL DESCRIPTION OF TRACT
EXHIBIT "A-3"

The Land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE 3 OF DRAPER PEAKS

A part of the West half of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Draper, Salt Lake County, Utah:

Beginning at a point on the Northerly Line of 12175 South Street as it exists at 25.50 foot half-width being 1563.03 feet North 0°03'00" West along the Monument Line of 300 East Street to an existing Centerline Monument at 12300 South Street; 954.25 feet continuing North 0°03'00" West along said Monument Line of 300 East Street extended Northerly; and 958.51 feet North 89°52'30" West from the South Quarter Corner of said Section 30; and running thence along said Northerly Line of 12175 South Street the following two courses: Northwesterly along the arc of a 195.00 foot radius curve to the right a distance of 112.04 feet (Central Angle equals 32°55'12" and Long Chord bears North 53°01'51" West 110.51 feet) to a point of reverse curvature; and Northwesterly along the arc of a 246.00 foot radius curve to the left a distance of 34.65 feet (Central Angle equals 8°04'10" and Long Chord bears North 40°36'20" West 34.62 feet); thence North 45°21'35" East 116.16 feet; thence Northwesterly along the arc of a 110.00 foot radius curve to the right a distance of 67.41 feet (Central Angle equals 35°06'45" and Long Chord bears North 17°33'54" West 66.36 feet) to a point of tangency; thence North 0°00'31" West 29.59 feet; thence North 89°59'29" East 30.00 feet; thence South 0°00'31" East 29.59 feet to a point of curvature; thence Southwesterly along the arc of an 80.00 foot radius curve to the left a distance of 74.13 feet (Central Angle equals 53°05'30" and Long Chord bears South 26°33'16" East 71.51 feet); thence North 36°53'59" East 30.00 feet; thence Southeasterly along the arc of a 50.00 foot radius curve to the left a distance of 32.21 feet (Central Angle equals 36°54'30" and Long chord bears South 71°33'16" East 31.66 feet) to a point of tangency; thence North 89°59'29" East 31.80 feet; thence South 0°00'31" East 30.00 feet; thence South 89°59'29" West 31.80 feet to a point of curvature; thence Northwesterly along the arc of an 80.00 foot radius curve to the right a distance of 2.83 feet (Central Angle equals 2°01'38" and Long Chord bears North 88°59'42" West 2.83 feet); thence South 20°30'33" West 168.36 feet to the point of beginning.

Contains 22,107 sq. ft.
or 0.508 acre

**LEGAL DESCRIPTION OF TRACT
EXHIBIT "A-4"**

The Land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE 4 OF DRAPER PEAKS

A part of the West half of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Draper, Salt Lake County, Utah:

Beginning at a point on the Northerly Line of 12175 South Street as it exists at 25.50 foot half-width being 1563.03 feet North 0°03'00" West along the Monument Line of 300 East Street to an existing Centerline Monument at 12300 South Street; 942.04 feet continuing North 0°03'00" West along said Monument Line of 300 East Street extended Northerly; and 819.16 feet North 89°52'30" West from the South Quarter Corner of said Section 30; and running thence along said Northerly Line of 12175 South Street the following two courses: North 89°52'30" West 71.47 feet to a point of curvature; and Northwesterly along the arc of a 195.00 foot radius curve to the right a distance of 69.38 feet (Central Angle equals 20°23'03" and Long Chord bears North 79°40'59" West 69.01 feet); thence North 20°30'33" East 168.36 feet; thence Southeasterly along the arc of an 80.00 foot radius curve to the left a distance of 2.83 feet (Central Angle equals 2°01'38" and Long Chord bears South 88°59'42" East 2.83 feet) to a point of tangency; thence North 89°59'29" East 99.50 feet; thence South 0°00'31" East 30.00 feet; thence South 89°59'29" West 21.98 feet; thence South 0°00'31" East 140.17 feet to the point of beginning.

**Contains 19,429 sq. ft.
or 0.446 acre**

LEGAL DESCRIPTION OF TRACT
EXHIBIT "A-5"

The Land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE 5 OF DRAPER PEAKS

A part of the West half of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Draper, Salt Lake County, Utah:

Beginning at a point on the Northerly Line of 12175 South Street as it exists at 25.50 foot half-width being 1563.03 feet North 0°03'00" West along the Monument Line of 300 East Street to an existing Centerline Monument at 12300 South Street; 942.04 feet continuing North 0°03'00" West along said Monument Line of 300 East Street extended Northerly; and 712.64 feet North 89°52'30" West from the South Quarter Corner of said Section 30; and running thence North 89°52'30" West 106.52 feet along said Northerly Line of 12175 South Street; thence North 0°00'31" West 140.17 feet; thence North 89°59'29" East 21.98 feet; thence North 0°00'31" West 30.00 feet; thence North 89°59'29" East 129.82 feet; thence South 0°00'31" East 30.00 feet; thence South 89°59'29" West 45.28 feet; thence South 0°00'31" East 140.42 feet to the point of beginning.

**Contains 18,839 sq. ft.
or 0.432 acre**

**LEGAL DESCRIPTION OF TRACT
EXHIBIT "A-6"**

The Land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE 6 OF DRAPER PEAKS

A part of the West half of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Draper, Salt Lake County, Utah:

Beginning at a point on the Northerly Line of 12175 South Street as it exists at 25.50 foot half-width being 1563.03 feet North 0°03'00" West along the Monument Line of 300 East Street to an existing Centerline Monument at 12300 South Street; 942.04 feet continuing North 0°03'00" West along said Monument Line of 300 East Street extended Northerly; and 582.86 feet North 89°52'30" West from the South Quarter Corner of said Section 30; and running thence North 89°52'30" West 129.78 feet along said Northerly Line of 12175 South Street; thence North 0°00'31" West 140.42 feet; thence North 89°59'29" East 45.28 feet; thence North 0°00'31" West 30.00 feet; thence North 89°59'29" East 8.07 feet; thence North 0°00'31" West 17.14 feet; thence North 89°56'35" East 76.43 feet; thence South 0°00'31" East 187.92 feet to the point of beginning.

**Contains 22,090 sq. ft.
or 0.507 acre**

LEGAL DESCRIPTION OF TRACT
EXHIBIT "A-7"

The Land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE 7 OF DRAPER PEAKS

A part of the West half of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Draper, Salt Lake County, Utah:

Beginning at the Northwest Corner of the Early Holdings LLC Subdivision being 1563.03 feet North $0^{\circ}03'00''$ West along the Monument Line of 300 East Street to an existing Centerline Monument at 12300 South Street; 1131.81 feet continuing North $0^{\circ}03'00''$ West along said Monument Line of 300 East Street extended Northerly; and 445.50 feet South $89^{\circ}56'35''$ West from the South Quarter Corner of said Section 30; and running thence South $0^{\circ}03'00''$ East 395.17 feet along the Westerly Boundary of said Subdivision to the Northerly Line of 12175 South Street as it exists at 25.50 foot half-width; thence along said Northerly Line the following four courses: Northwesterly along the arc of a 40.00 foot radius curve to the right a distance of 30.85 feet (Central Angle equals $44^{\circ}11'24''$ and Long Chord bears North $26^{\circ}22'57''$ West 30.09 feet) to a point of tangency; North $4^{\circ}17'15''$ West 80.43 feet to a point of curvature; Northwesterly along the arc of a 108.00 foot radius curve to the left a distance of 161.33 feet (Central Angle equals $85^{\circ}35'15''$ and Long Chord bears North $47^{\circ}04'53''$ West 146.74 feet to a point of tangency; and North $89^{\circ}52'30''$ West 10.59 feet; thence North $0^{\circ}00'31''$ West 187.92 feet; thence North $89^{\circ}56'35''$ East 137.22 feet to the point of beginning.

**Contains 31,755 sq. ft.
or 0.729 acre**

**LEGAL DESCRIPTION OF TRACT
EXHIBIT "A-8"**

The Land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE 8 OF DRAPER PEAKS

A part of the West half of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Draper, Salt Lake County, Utah:

Beginning at a point on the South Line of the Draper Landing Condominium development being 1563.03 feet North 0°03'00" West along the Monument Line of 300 East Street to an existing Centerline Monument at 12300 South Street; 1294.71 feet continuing North 0°03'00" West along said Monument Line of 300 East Street extended Northerly; and 758.28 feet South 89°59'29" West from the South Quarter Corner of said Section 30; and running thence North 89°59'29" East 108.73 feet along the South Line of said Condominium Development; thence South 0°11'11" East 163.46 feet; thence South 0°00'31" East 17.14 feet; thence South 89°59'29" West 149.08 feet; thence North 0°00'31" West 95.59 feet; thence North 89°59'29" East 39.84 feet; thence North 0°00'31" West 85.00 feet to a point on the South Line of said Draper Landing Condominium and the point of beginning.

**Contains 23,494 sq. ft.
or 0.539 acre**

LEGAL DESCRIPTION OF TRACT
EXHIBIT "A-9"

The Land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

PHASE 9 OF DRAPER PEAKS

A part of the West half of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey in Draper, Salt Lake County, Utah:

Beginning at a point on the South Line of the Draper Landing Condominium development being 1563.03 feet North 0°03'00" West along the Monument Line of 300 East Street to an existing Centerline Monument at 12300 South Street; 1294.71 feet continuing North 0°03'00" West along said Monument Line of 300 East Street extended Northerly; and 768.28 feet South 89°59'29" West from the South Quarter Corner of said Section 30; and running thence South 0°00'31" East 85.00 feet; thence South 89°59'29" West 39.84 feet; thence South 0°00'31" East 95.59 feet; thence South 89°59'29" West 56.50 feet; thence North 0°00'31" West 30.00 feet; thence South 89°59'29" West 31.80 feet to a point of curvature; thence Northwesterly along the arc of a 50.00 foot radius curve to the right a distance of 32.21 feet (Central Angle equals 36°54'30" and Long Chord bears North 71°33'16" West 31.66 feet); thence South 36°53'59" West 30.00 feet; thence Northwesterly along the arc of an 80.00 foot radius curve to the right a distance of 74.13 feet (Central Angle equals 53°05'30" and Long Chord bears North 26°33'16" West 71.51 feet) to a point of tangency; thence North 0°00'31" West 100.59 feet to a point on the South Line of said Draper Landing Condominium development; thence North 89°59'29" East 208.14 feet along the South Line of said Condominium Development to the point of beginning.

Contains 30.197 sq. ft.
or 0.693 acre

28-30-300-

EXHIBIT "B"

DRAPER PEAKS SITE PLAN

