

SIXTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HILLCREST
CONDOMINIUMS,
An Expandable Utah Condominium Project

THIS SIXTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HILLCREST CONDOMINIUMS, an expandable Utah condominium project (this "**SIXTH Amendment**"), is made effective as of the 25 day of October, 2012, by Solitude Construction LLC, a Utah limited liability company ("**Declarant**").

RECITALS:

- A. On or around May 13, 2005, Hillcrest Saratoga Condominiums, LLC, as the original declarant, made and executed that certain Declaration of Covenants, Conditions and Restrictions of the Hillcrest Condominiums, an Expandable Utah Condominium Project (the "**Declaration**") thereby creating Hillcrest Condominiums, an expandable Utah Condominium Project (the "**Project**"), which Declaration was recorded in the office of the Utah County Recorder on May 13, 2005, as Entry No. 51908:2005.
- B. A related condominium plat entitled Phase 1 Hillcrest Condominiums (the "**Plat**") was recorded concurrently with the Declaration in the office of the Utah County Recorder, as Entry No. 2005-51907, Map No. 11082, Book 41, Page 601.
- C. The Declaration and Plat submitted to the provisions of the Utah Condominium Ownership Act (the "**Act**"), Utah Code Annotated, Section 57-8-1, et seq., certain real property described in Recital A of the Declaration and in the Plat.
- D. The original declarant, as provided in Section 16 of the Declaration and pursuant to Section 57-8-13.6 of the Act, reserved the sole and exclusive right to expand the Project from time to time by adding thereto all or any portion of that certain real property (the "**Additional Land**") described in Section 16.7 of the Declaration.
- E. The undersigned Declarant is the successor-in-interest to the original declarant with respect to that portion of the Additional Land described on Exhibit A attached hereto and incorporated herein by reference (the "**Phase 2 Property**").
- F. The undersigned Declarant desires to add to the Project the Phase 2 Property as set forth herein.

AGREEMENT:

NOW, THEREFORE, the Declaration is hereby amended a SIXTH time as follows, with such amendment to become effective upon the recording of this SIXTH Amendment and the



Plat of the Phase 2 Property (the "Phase 2 Plat"), a copy of which is attached hereto as Exhibit B and incorporated herein by reference:

1. Units and Boundaries. The Project as hereby expanded shall consist of eighty four (120) total condominium units located in eight (8) buildings. Each Unit in the Phase 2 Property is given an identifying number and the single Building constructed on the Phase 2 Property is depicted on the Phase 2 Plat as Building J. The Project as expanded by this SIXTH Amendment shall continue to be known as Hillcrest Condominiums, an Expandable Utah Condominium Project.


2. Reallocation of Undivided Interests in Common Areas. Attached as Exhibit A to the Declaration is a Table of Units, Undivided Ownership Interests, and Votes (the "Table of Units & Ownership Interests"). Pursuant to the provisions of Section 57-8-13.10 of the Act, the undivided ownership interests in the Common Areas and Facilities of the Project and the votes in the Association appurtenant to each Unit in the Project are hereby reallocated between the Units in accordance with the attached Amended Exhibit A to the Declaration of Covenants, Conditions and Restrictions of the Hillcrest Condominiums, an Expandable Utah Condominium Project, Table Of Units, Undivided Ownership Interests, And Votes (the "Amended Table of Units & Ownership Interests"), which is attached hereto as Exhibit C and incorporated herein by reference. The Amended Table of Units, Undivided Ownership Interests, and Votes hereby amends, restates and replaces in its entirety each and every prior Table of Units & Undivided Ownership Interests.

3. Construction. From and after the date hereof, all references in the Declaration and the Plat, as amended and supplemented, shall be deemed to and shall refer to the Declaration and the Plat, as amended hereby and by the Phase 2 Plat. Except as modified by this SIXTH Amendment, each of the words used in this SIXTH Amendment shall have the meaning given to each such term in the Declaration and Declarant hereby ratifies and confirms all of the terms and provisions of the Declaration.

IN WITNESS WHEREOF, the undersigned has executed this SIXTH Amendment on the date and year first above written.

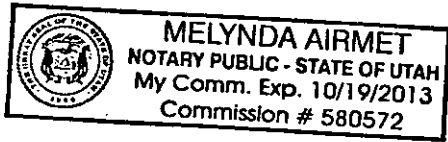
DECLARANT:

SOLITUDE CONSTRUCTION LLC, a Utah limited liability company


 Printed Name: N. PAUL GIFFORD
 Title: Manager

STATE OF UTAH)
) ss.
County of Utah)

The foregoing instrument was acknowledged before me this 25 day of ^{October, 2012} ~~May, 2011~~, by N. Paul Gifford, as an authorized officer of Solitude Construction LLC.



Melynda Airmet
Notary Public

EXHIBIT A
PHASE 2 PROPERTY LEGAL DESCRIPTION

That certain real property located in Utah County, Utah, legally described as follows.

Commencing at a point which is West 1401.35 feet and South 2630 feet from the North Quarter Corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence South 20'23'34" East 113.46 feet; thence South 69'36'26" West 120.74 feet; thence South 12'44'38" West 142.00 feet; thence North 77'15'23" West 64.55 feet; thence North 12'44'38" East 240.65 feet; thence North 69'36'26" East

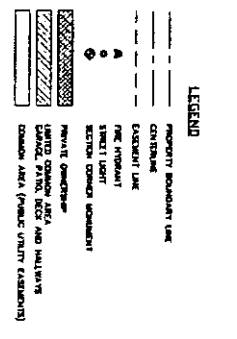
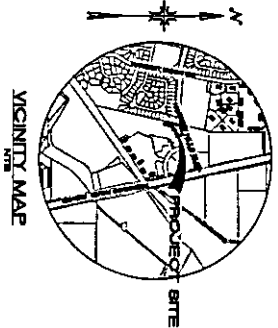
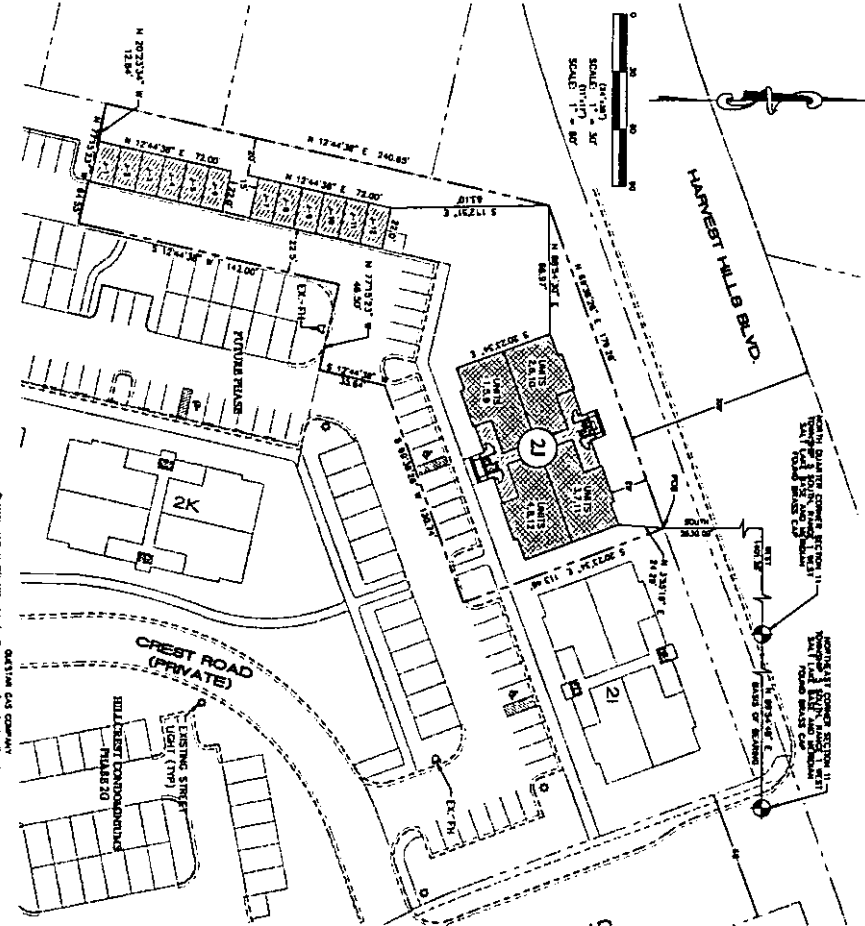
Parcel contains: .77 acres more or less.

EXHIBIT B
PHASE 2 PLAT

[see attached]

HILLCREST CONDOMINIUMS PHASE 2J

CREATED BY: SAATCHI AND SAATCHI
 1 SOUTH MAJOR / WEST 24TH STREET, SUITE 200
 SALT LAKE CITY, UT 84143



NOTE: ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF SALT LAKE COUNTY, UTAS, ORDINANCES AND ALL OTHER APPLICABLE REGULATIONS. THE CITY ENGINEER SHALL REVIEW THE PROJECT AND THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SALT LAKE COUNTY, UTAS, AND THE STATE OF UTAH. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SALT LAKE COUNTY, UTAS, AND THE STATE OF UTAH. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SALT LAKE COUNTY, UTAS, AND THE STATE OF UTAH.

PLANNING HOMES	DATE	DATE	DATE	DATE	DATE
PLANNING HOMES	11/11/11	11/11/11	11/11/11	11/11/11	11/11/11
PLANNING HOMES	11/11/11	11/11/11	11/11/11	11/11/11	11/11/11
PLANNING HOMES	11/11/11	11/11/11	11/11/11	11/11/11	11/11/11
PLANNING HOMES	11/11/11	11/11/11	11/11/11	11/11/11	11/11/11
PLANNING HOMES	11/11/11	11/11/11	11/11/11	11/11/11	11/11/11
PLANNING HOMES	11/11/11	11/11/11	11/11/11	11/11/11	11/11/11

OWNER'S DECLARATION

I, the undersigned, being the owner of the above described property, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am not aware of any facts which would render the same misleading or deceptive.

ACKNOWLEDGMENT

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

ACCEPTANCE BY LESSEE/BOUY

I, the undersigned, being the lessee/bouy of the above described property, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am not aware of any facts which would render the same misleading or deceptive.

HILLCREST CONDOMINIUMS PHASE 2J

4th FLOOR PLAN OF UNIT 21, HILLCREST CONDOMINIUMS PHASE 2J

EXHIBIT C
AMENDED TABLE OF UNITS & OWNERSHIP INTERESTS

[see attached]

EXHIBIT C TO SIXTH AMENDMENT TO DECLARATION— HILLCREST CONDOMINIUMS
 Amended Table of Units & Ownership Interests

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EXHIBIT A - Amended

(Units, Undivided Ownership Interests, and Votes)

<u>UNIT NO.</u>	<u>SIZE</u> (Square Feet)*	<u>UNDIVIDED</u> <u>OWNERSHIP</u> <u>INTERESTS</u> (Percentage)	<u>VOTES</u>
A-1	1,261	0.833%	1
A-2	1,261	0.833%	1
A-3	1,261	0.833%	1
A-4	1,261	0.833%	1
A-5	1,261	0.833%	1
A-6	1,261	0.833%	1
A-7	1,261	0.833%	1
A-8	1,261	0.833%	1
A-9	1,261	0.833%	1
A-10	1,261	0.833%	1
A-11	1,261	0.833%	1
A-12	1,261	0.833%	1
B-1	1,261	0.833%	1
B-2	1,261	0.833%	1
B-3	1,261	0.833%	1
B-4	1,261	0.833%	1
B-5	1,261	0.833%	1
B-6	1,261	0.833%	1
B-7	1,261	0.833%	1
B-8	1,261	0.833%	1
B-9	1,261	0.833%	1
B-10	1,261	0.833%	1
B-11	1,261	0.833%	1
B-12	1,261	0.833%	1
C-1	1,261	0.833%	1
C-2	1,261	0.833%	1
C-3	1,261	0.833%	1
C-4	1,261	0.833%	1
C-5	1,261	0.833%	1
C-6	1,261	0.833%	1
C-7	1,261	0.833%	1
C-8	1,261	0.833%	1
C-9	1,261	0.833%	1
C-10	1,261	0.833%	1
C-11	1,261	0.833%	1
C-12	1,261	0.833%	1
D-1	1,261	0.833%	1
D-2	1,261	0.833%	1
D-3	1,261	0.833%	1

D-4	1,261	0.833%	1
D-5	1,261	0.833%	1
D-6	1,261	0.833%	1
D-7	1,261	0.833%	1
D-8	1,261	0.833%	1
D-9	1,261	0.833%	1
D-10	1,261	0.833%	1
D-11	1,261	0.833%	1
D-12	1,261	0.833%	1
E-1	1,261	0.833%	1
E-2	1,261	0.833%	1
E-3	1,261	0.833%	1
E-4	1,261	0.833%	1
E-5	1,261	0.833%	1
E-6	1,261	0.833%	1
E-7	1,261	0.833%	1
E-8	1,261	0.833%	1
E-9	1,261	0.833%	1
E-10	1,261	0.833%	1
E-11	1,261	0.833%	1
E-12	1,261	0.833%	1
F-1	1,261	0.833%	1
F-2	1,261	0.833%	1
F-3	1,261	0.833%	1
F-4	1,261	0.833%	1
F-5	1,261	0.833%	1
F-6	1,261	0.833%	1
F-7	1,261	0.833%	1
F-8	1,261	0.833%	1
F-9	1,261	0.833%	1
F-10	1,261	0.833%	1
F-11	1,261	0.833%	1
F-12	1,261	0.833%	1
G-1	1,261	0.833%	1
G-2	1,261	0.833%	1
G-3	1,261	0.833%	1
G-4	1,261	0.833%	1
G-5	1,261	0.833%	1
G-6	1,261	0.833%	1
G-7	1,261	0.833%	1
G-8	1,261	0.833%	1
G-9	1,261	0.833%	1
G-10	1,261	0.833%	1
G-11	1,261	0.833%	1
G-12	1,261	0.833%	1
H-1	1,261	0.833%	1
H-2	1,261	0.833%	1
H-3	1,261	0.833%	1

H-4	1,261	0.833%	1
H-5	1,261	0.833%	1
H-6	1,261	0.833%	1
H-7	1,261	0.833%	1
H-8	1,261	0.833%	1
H-9	1,261	0.833%	1
H-10	1,261	0.833%	1
H-11	1,261	0.833%	1
H-12	1,261	0.833%	1
I-1	1,261	0.833%	1
I-2	1,261	0.833%	1
I-3	1,261	0.833%	1
I-4	1,261	0.833%	1
I-5	1,261	0.833%	1
I-6	1,261	0.833%	1
I-7	1,261	0.833%	1
I-8	1,261	0.833%	1
I-9	1,261	0.833%	1
I-10	1,261	0.833%	1
I-11	1,261	0.833%	1
I-12	1,261	0.833%	1
J-1	1,261	0.833%	1
J-2	1,261	0.833%	1
J-3	1,261	0.833%	1
J-4	1,261	0.833%	1
J-5	1,261	0.833%	1
J-6	1,261	0.833%	1
J-7	1,261	0.833%	1
J-8	1,261	0.833%	1
J-9	1,261	0.833%	1
J-10	1,261	0.833%	1
J-11	1,261	0.833%	1
J-12	1,261	0.833%	1

*Size has been determined on the basis of the approximate number of square feet of floor space within each respective Unit, as shown on the Map and rounded off. Such number is not a representation or warranty of Declarant as to the actual size of a Unit.