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 GARY W. OTT
 RECORDER, SALT LAKE COUNTY, UTAH
 EMIGRATION PLACE DEV
 4293 RIVERBOAT RD #330
 SALT LAKE CITY UTAH 84123
 BY: SAM, DEPUTY - MI 6 P.

WHEN RECORDED, MAIL TO:

Emigration Place Dev, LLC
4393 Riverboat Rd #330
Salt Lake City, UT 84123

AMENDMENT TO MASTER DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
SUGARPLUM

A PLANNED UNIT DEVELOPMENT

THIS AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF SUGARPLUM, A PLANNED UNIT DEVELOPMENT, is made by EMIGRATION PLACE DEVELOPMENT, L.C., a Utah limited liability company (hereinafter referred to as "Emigration Place" or "Declarant.") .

Recitals

- A. On July 27, 1983, Sorenson Resources Company, a Utah corporation, executed that certain Master Declaration of Covenants, Conditions and Restrictions of Sugarplum, a Planned Unit Development (the "Declaration.") The Declaration was recorded on August 12, 1983, as Entry No. 3830328, in Book 5482, Page 1173 at the office of the Salt Lake County Recorder.
- B. The Declaration affects certain real property (the "Project") located in the Town of Alta, Salt Lake County, commonly known as Lots 1 through 9, Sugarplum, a planned unit development, and more particularly described on Exhibit "A" attached hereto and incorporated by reference herein.
- C. The Project and the individual lots in the Project were originally depicted in a plat map (the "Original Map") entitled "Sugarplum, a Planned Unit Development located in Section 6, T3S, R3E, SLB&M," recorded on August 12, 1983, as Entry No. 3830327, in Book 83-8, Page 99 at the office of the Salt Lake County Recorder.
- D. Subsequently, an amended plat map was prepared for the Project (the "Amended Map.") The Amended Map is entitled "Sugarplum, a Planned Unit Development located in Section 6, T3S, R3E, SLB&M (Amended) 'Less and Accepting [sic] Sugarplum Phase 1 Condominiums,'" and was recorded on November 26, 1984, as Entry No. 4019736, in Book 84-11, Page 16 at the office of the Salt Lake County Recorder. A purpose of the

Amended Plat was to amend the location, boundaries, use and density of certain lots within the Project.

E. Although the plat map for the Project was amended, the Declaration has not been amended. A purpose of this Amendment is to amend the Declaration so that it conforms to the Amended Map.

F. The rights of Sorenson Resources Company as Declarant have been assigned to Emigration Place pursuant to the provisions of section 1.11 of the Declaration.

G. Sections 2.1.5 and 13.2 of the Declaration allow the Declarant to amend the Declaration and/or the Map (including without limitation Exhibit "B" to the Declaration) to allocate a specific number of Units to be constructed on Lots.

H. The amendments described hereinbelow amend the Declaration and Exhibit "B" to the Declaration by changing the allocation of Units to be constructed on Lots 4 and 5 of the Project.

Description and Certification of Amendments

NOW, THEREFORE, the undersigned states, declares and agrees as follows:

1. Effect of Recitals and Definitions. The foregoing Recitals are incorporated into and form a part of this Amendment. For purposes of this Amendment, the following terms shall have the meanings stated in this section:

A. "Amended Map" shall mean the amended plat map for the Project described in Recital D above.

B. "Declarant" shall mean Emigration Place, in its capacity as successor to the rights of Sorenson Resources Company, the original Declarant under the Declaration.

C. "Declaration" shall mean that certain Master Declaration of Covenants, Conditions and Restrictions of Sugarplum, a Planned Unit Development, described in Recital A above.

D. "Lot 4" shall mean Lot 4, Sugarplum, a Planned Unit Development, as said lot is depicted and described in the Amended Map.

E. "Lot 5" shall mean Lot 5, Sugarplum, a Planned Unit Development, as said lot is depicted and described in the Amended Map.

F. "Emigration Place" shall mean Emigration Place Development, L.C., a Utah limited liability company.

G. "Original Map" shall mean the plat map of the Project described in Recital C above.

H. "Project" shall have the meaning stated in Recital B above.

2. Specific Amendments. The Declaration has been and is hereby amended as follows:

A. The first sentence of the second paragraph of Section 3.1 of the Declaration is hereby deleted. As a result, Section 3.1 shall read in its entirety as follows:

"3.1 Use of Individual Lots

"Except as otherwise provided herein, each Lot may be used in any manner consistent with the requirements of applicable zoning and other land use ordinances and regulations. Nevertheless, without limiting the nature of the Improvements that may be constructed on any Lot or the nature of the form of legal ownership of such improvements (e.g., condominiums, planned unit developments, subdivision of Lots, etc.), it is anticipated that Lots 1-4, inclusive, and 6-9, inclusive, shall be improved with Condominium Buildings, commercial buildings, and appurtenant facilities;

"In addition, Declarant, its successors or assigns, and other Developers may use any Units in the Project owned by Declarant or such other Developers for model home units, sales offices, project management offices and other general administrative facilities.

"Lot A shall be part of the Common Area, as described in Section 2.1.5 above, and shall not be developed or improved with any residential or commercial buildings."

B. Exhibit "B" attached to the Declaration is amended in the following manner:

(i) By deleting the words "parking and commercial development of the Air Space" which appear opposite Lot 5, and substituting in lieu thereof the number "40";

(ii) By deleting the number "85" which appears opposite Lot 4, and substituting in lieu thereof the number "45"; and

(iii) By adding the following: "The restrictive covenant reserving a parking facility on Lot 5 for the owners of Lot 4 and Lots 6-9 and the Units constructed thereon is hereby deleted."

3. **Effective Date.** This Amendment shall take effect on the date that it is recorded at the office of the Salt Lake County Recorder.

4. **Governing Law and Severability.** This Amendment shall, in all respects, be governed by the internal laws of the State of Utah, excluding local laws governing choice of law. The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity or unenforceability of any one provision or portion thereof shall not affect the validity or enforceability of any other provisions hereof.

5. **Counterparts.** This Amendment may be executed in any number of counterparts, provided each counterpart is identical in its terms. Each such counterpart, when executed and delivered will be deemed to be an original, and all such counterparts shall be deemed to constitute one and the same instrument. For convenience in recording, signature pages from multiple counterparts may be detached from their counterparts and attached to a single counterpart to be recorded.

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed and acknowledged as of the dates indicated below.

EMIGRATION PLACE DEVELOPMENT, L.C.

By: Justin Berry
Title: Manager
Date: 3/29/2006

STATE OF UTAH) :ss

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 29th day of March, 2006, by Justin Berry, as Manager of Emigration Place Development, L.C.

Robin J. Blanke

My commission expires: Notary Public

June 1, 2008

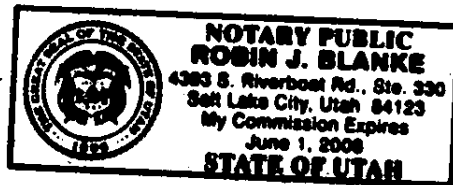


EXHIBIT "A"

Legal Description of Project

BEGINNING AT A 2" STEEL PIPE PLACED IN THE ROCK KERN OF CORNER #2 OF THE BLACKJACK MINING LODE CLAIM, SURVEY #5288, SAID CLAIM CORNER BEING LOCATED S 32°13'19" W 3,377.23 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S 18°16' E 263.39 FEET ALONG THE WEST LINE OF SAID BLACKJACK CLAIM; THENCE N 71°45' E 187.88 FEET; THENCE S 17°07' W 221.95 FEET TO THE BEGINNING POINT OF A 442.256 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY 132.00 FEET ALONG THE ARC OF SAID CURVE TO A POINT ON SAID WEST LINE OF THE BLACKJACK CLAIM; THENCE S 18°16' E 37.99 FEET TO CORNER #3 OF SAID BLACKJACK CLAIM; THENCE N 71°42'58" E 57.42 FEET ALONG THE SOUTH LINE OF SAID BLACKJACK CLAIM TO A POINT ON THE ARC OF A 376.256 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY 183.785 FEET ALONG THE ARC OF SAID CURVE; THENCE S 30°46' E 51.10 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF THE SNOWBIRD CLAIM, SURVEY #5152; THENCE N 22°44'53" E 307.27 FEET ALONG SAID SOUTHEASTERLY LINE TO A POINT ON SAID SOUTH LINE OF THE BLACKJACK CLAIM; THENCE N 71°42'58" E 490.31 FEET TO A POINT ON THE NORTH LINE OF THE MARTHA CLAIM, SURVEY #5897; THENCE N 49°42' E 403.65 FEET ALONG SAID NORTH LINE; THENCE N 16°32'40" W 323.28 FEET; THENCE S 22°40' W 212.12 FEET; THENCE N 67°20' W 152.0 FEET; THENCE N 22°41'34" E 134.98 FEET; THENCE S 73°29'05" W 116.41 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF THE HELLGATE NO. 2 MINERAL MINING LODE CLAIM, SURVEY #5282; THENCE N 22°40' E 153.85 FEET TO CORNER #1 OF SAID HELLGATE NO. 2 CLAIM; THENCE N 66°37' W 35.28 FEET ALONG THE NORTH LINE OF SAID HELLGATE NO. 2 CLAIM TO A POINT ON THE SOUTH LINE OF THE HELLGATE MINERAL MINING LODE CLAIM, SURVEY #5282; THENCE N 65°32'42" E 550.52 FEET TO CORNER #2 OF SAID HELLGATE CLAIM; THENCE N 15°50'49" W 239.0 FEET ALONG THE EAST LINE OF SAID HELLGATE CLAIM; THENCE N 42°35'38" W 73.70 FEET; THENCE N 22°42' W 65.0 FEET; THENCE S 53°53' W 68.0 FEET; THENCE S 76°19' W 54.0 FEET; THENCE SOUTHWESTERLY 1595 FEET MORE OR LESS ALONG THE CENTERLINE OF LITTLE COTTONWOOD CREEK TO A POINT ON THE SOUTH LINE OF SAID HELLGATE NO. 2 CLAIM; THENCE S 67°14'21" E 186.96 FEET MORE OR LESS ALONG SOUTH LINE TO A POINT ON THE NORTH LINE OF SAID BLACKJACK CLAIM; THENCE S 71°42'58" W 113.55 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN ACCESS EASEMENT, BEING A FORTY FOOT WIDE NON-EXCLUSIVE RIGHT OF WAY FOR INGRESS, AND EGRESS, TWENTY FEET TO EITHER SIDE OF A CENTER LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 13 FEET SOUTH OF ENGINEERING STATION 56 + 30.35 OF UTAH STATE BYPASS HIGHWAY IN LITTLE COTTONWOOD CANYON, SALT LAKE COUNTY, UTAH SAID POINT BEING N 79°58'58" W 116.39 FEET FROM UTAH DEPARTMENT OF HIGHWAYS MONUMENT NO. SL-A-13, WHICH SAID MONUMENT IS S 13°39'21" W 2531 FEET FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTHWESTERLY TO THE CORNER NO. 1 OF THE SURVEYED HELLGATE NO. 2 MINERAL MINING LODE CLAIM, SURVEY NO. 5282; THENCE S 22°40' W ALONG THE SOUTHEAST BOUNDARY LINE OF SAID HELLGATE NO. 2 MINERAL MINING LODE CLAIM 200.0 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 1 OF BLACKJACK VILLAGE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED IN SALT LAKE COUNTY, STATE OF UTAH; THENCE N 73°32'30" E 116.41 FEET TO THE BOUNDARY OF THE SUBJECT PROJECT DESCRIBED ABOVE.

CONTAINS 25.78 ACRES

Tax Parcel No.	1	30-06-403-006
886471/01	No. 2	30-06-428-033
3	No. 3	30-06-428-034
	No. 4	30-06-428-035
	No. 5	30-06-428-036