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When Recorded Mail To:

D. R. Horton, Inc. 11075 South State Street, Suite 30 Sandy, Utah 84070 8595473 04/02/2003 04:12 PM 78.00 Book - 8770 Pg - 4869-4887 GARY W. OTT RECORDER, SALT LAKE COUNTY, UTAH D.R. HORTON INC 11075 S STATE STE.30 SANDY UT 84070 BY: RDJ, DEPUTY - WI 19 p.

AMENDMENT NO. 2 TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR STONE HAVEN CONDOMINIUMS

THIS AMENDMENT NO. 2 TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR STONE HAVEN CONDOMINIUMS (this "Amendment No. 2") is made and executed this 2nd day of April, 2003 by D. R. HORTON, INC., a Delaware corporation (hereinafter referred to as "Declarant"), pursuant to the provisions of the Utah Condominium Ownership Act contained in Title 57, Chapter 8 of the Utah Code, as it may be amended from time to time (the "Act").

RECITALS

- A. On May 6, 2002, Declarant caused to be recorded in the Office of the Recorder of Salt Lake County, Utah the Record of Survey Map of Stone Haven Condominiums Phase 1-Amended, as Entry No. 8224622 in Book 2002P at Page 100. On February 14, 2003 Declarant caused to be recorded in the Office of the Recorder of Salt Lake County, Utah the Record of Survey Map of Stone Haven Condominiums Phase 1-Second Amendment as Entry No. 8531547 in Book 2003P at Page 41. On February 14, 2003, Declarant caused to be recorded in the Office of the Recorder of Salt Lake County, Utah the Record of Survey Map of Stone Haven Condominiums Phase 2 as Entry No. 8531548 in Book 2003P at Page 42.
- B. In connection with the development of the Stone Haven Condominiums, Declarant executed that certain Amended and Restated Declaration of Condominium for Stone Haven Condominiums dated May 2, 2002 (the "Initial Declaration"). The Initial Declaration was recorded in the Office of the Recorder of Salt Lake County, Utah on May 6, 2002 as Entry No. 8224623 in Book 8595 at Pages 1297 1362. The Initial Declaration pertains to and affects the real property described as Phase 1 in Section 3.1 of the Initial Declaration.
- C. The Initial Declaration was amended by that certain Amendment No. 1 to the Amended and Restated Declaration of Condominium for Stone Haven Condominiums dated February 14, 2003 ("Amendment No. 1"). Amendment No. 1 was recorded in the Office of the Recorder of Salt Lake County, Utah on February 14, 2003 as Entry No. 8531549 in Book 8739 at Pages 1667 1698. Amendment No. 1 pertains to and affects the real property described as Phase 2 in Section 3.1 of the Initial Declaration, as amended by Amendment No. 1.
- D. In Section 8 of the Initial Declaration, Declarant reserved, pursuant to Sections 57-8-10(4) and 57-8-13.6 of the Act, the option to expand the Project (the "Option to Expand").

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The real property subject to the Option to Expand is described in Section 8.1.1 of the Initial Declaration. Such real property is described and referred to in the Initial Declaration as the "Additional Land." Declarant now desires to expand the Project to include that portion of the Additional Land referred to in Section 8.1.1 of the Initial Declaration as Phase 3, the legal description of which Phase 3 is set forth below.

E. Simultaneously with the recording of this Amendment No. 2 in the Office of the Recorder of Salt Lake County, Utah, Declarant shall record the Record of Survey Map of Stone Haven Condominiums Phase 3.

NOW THEREFORE, Declarant hereby declares and provides as follows:

- 1. <u>Declaration Incorporated by Reference</u>. The Initial Declaration, as supplemented and amended by Amendment No. 1, in its entirety is hereby incorporated by reference and made a part of this Amendment No. 2 as though it were set forth herein in its entirety. The Initial Declaration, as supplemented and amended by Amendment No. 1, and as supplemented and amended by this Amendment No. 2, shall herein collectively be referred to as "this Declaration."
- 2. <u>Definitions</u>. All the terms which are defined in the Initial Declaration, as supplemented and amended by Amendment No. 1, shall continue to have the same meaning when used in this Declaration, except with respect to the following terms, which are hereby amended to have the following meanings:
- (a) 2.6 "Common Areas and Facilities" shall mean all portions of the Project other than the Units, as described in Section 6.1 of this Declaration, including the Limited Common Areas and Facilities. The undivided interest in the Common Areas and Facilities appurtenant to each Unit is based upon the Par Value of such Unit, as described in 6.2 of this Declaration and is set forth in Exhibit A attached to Amendment No. 2.
- (b) 2.15 "<u>Declaration</u>" shall mean the Initial Declaration, as supplemented and amended by Amendment No. 1, and as supplemented and amended by this Amendment No. 2.
- (c) 2.23 "Map" shall mean Record of Survey Map of Stone Haven Condominiums Phase 1-Second Amendment, the Record of Survey Map of Stone Haven Condominiums Phase 2 and the Record of Survey Map of Stone Haven Condominiums Phase 3, as recorded in the Office of the Recorder of Salt Lake County, Utah, a reduced copy of which is attached to Amendment No. 2 as Exhibit C, as it may be amended from time to time pursuant to this Declaration and the Act. It is contemplated that the Map may be amended at such time as the Buildings are constructed, in the event there are material changes in the Buildings' boundaries or elevations as constructed. Such an amendment to the Map is expressly authorized and may be undertaken by Declarant without the joinder or consent of any other Owners. It is also contemplated that the Map may be amended in the event that Declarant exercises the Option to Expand the Project in accordance with terms of Section 8 hereof.
- (d) 2.30 "<u>Property</u>" shall mean that certain real property situated in the County of Salt Lake, State of Utah, more particularly described in Section 3 of this Declaration, on which the Units and other improvements are located.

3. Section 3 of the Initial Declaration is hereby amended and restated in its entirety to read as follows:

3. <u>DESCRIPTION OF THE PROPERTY AND THE IMPROVEMENTS</u>

3.1 The Property on which the Units and improvements are located is situated in Salt Lake County, Utah and is more particularly described as follows:

That certain real property located in Salt Lake County, State of Utah, described as follows:

PHASE 1

BEGINNING AT A POINT THAT IS WEST 718.94 FEET AND SOUTH 958.61 FEET FROM THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; SAID EAST QUARTER CORNER BEING SOUTH 79°11'05" EAST 434.53 FEET FROM A SALT LAKE COUNTY SURVEY MONUMENT AT THE INTERSECTION OF 1300 EAST AND 6600 SOUTH STREETS. (BASIS OF BEARING BEING NORTH 00°28'06" EAST BETWEEN THE CENTERLINE MONUMENTS MARKING SAID 1300 EAST STREET); THENCE SOUTH 00°12'59" EAST A DISTANCE OF 80.14 FEET; THENCE NORTH 89°52'02" WEST A DISTANCE OF 117.48 FEET; THENCE WEST A DISTANCE OF 134.28 FEET; THENCE SOUTH A DISTANCE OF 111.79 FEET; THENCE WEST A DISTANCE OF 157.82 FEET; THENCE SOUTH A DISTANCE OF 106.10 FEET; THENCE NORTH 89°28'00" WEST A DISTANCE OF 140.79 FEET; THENCE NORTH A DISTANCE OF 143.91 FEET; THENCE EAST A DISTANCE OF 111.91 FEET; THENCE NORTH A DISTANCE OF 153.83 FEET; THENCE NORTH 86°31'22" WEST A DISTANCE OF 104.98 FEET: THENCE NORTH A DISTANCE OF 86.94 FEET TO A POINT OF CURVATURE OF A 20.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY A DISTANCE OF 31.37 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 89°52'06", SUBTENDED BY A CHORD THAT BEARS NORTH 44°55'57" EAST A DISTANCE OF 28.25 FEET; THENCE NORTH 89°52'00" EAST A DISTANCE OF 308.15 FEET; THENCE SOUTH A DISTANCE OF 115.32 FEET; THENCE EAST A DISTANCE OF 214.82 FEET TO THE REAL POINT OF BEGINNING, CONTAINING 2.58 ACRES OF LAND.

PHASE 2

BEGINNING AT A POINT THAT IS WEST 1157.08 FEET AND SOUTH 957.32 FEET FROM THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; SAID EAST QUARTER CORNER BEING SOUTH 79°11'05" EAST 434.53 FEET FROM A SALT LAKE COUNTY SURVEY MONUMENT AT THE INTERSECTION OF 1300 EAST AND 6600 SOUTH STREETS. (BASIS OF BEARING BEING NORTH 00°28'06" EAST BETWEEN THE CENTERLINE MONUMENTS MARKING SAID 1300 EAST STREET); THENCE SOUTH A DISTANCE OF 153.83 FEET; THENCE WEST A DISTANCE OF 111.91 FEET; THENCE NORTH A DISTANCE OF 76.76 FEET: THENCE EAST A DISTANCE OF 7.13 FEET: THENCE NORTH A DISTANCE OF 83.44 FEET; THENCE SOUTH 86°31'22" EAST A DISTANCE OF 104.98 FEET TO THE REAL POINT OF BEGINNING, CONTAINING 0.39 ACRES OF LAND.

PHASE 3

BEGINNING AT A POINT THAT IS WEST 719.38 FEET AND SOUTH 842.80 FEET FROM THE EAST OUARTER CORNER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; SAID EAST QUARTER CORNER BEING SOUTH 79°11'05" EAST 434.53 FEET FROM A SALT LAKE COUNTY SURVEY MONUMENT AT THE INTERSECTION OF 1300 EAST AND 6600 SOUTH STREETS, (BASIS OF BEARING BEING NORTH 00°28'06" EAST BETWEEN THE CENTERLINE MONUMENTS MARKING SAID 1300 EAST STREET); THENCE SOUTH 00°12'59" EAST A DISTANCE OF 115.81 FEET; THENCE WEST A DISTANCE OF 214.82 FEET; THENCE NORTH A DISTANCE OF 115.32 FEET; THENCE NORTH 89°52'00" EAST A DISTANCE OF 214.39 FEET TO THE REAL POINT OF BEGINNING, CONTAINING 0.57 ACRES OF LAND.

3.2 With the addition to the Project of Phase 3 of the Additional Land, so that the Project consists of Phase 1, Phase 2 and Phase 3, the improvements will consist of three (3) buildings (which together with any other buildings constructed on the Additional Land shall collectively be referred to herein as the "Buildings"). With the Project consisting of Phase 1, Phase 2 and Phase 3, the completed Buildings are designated on the Map as Building #1, Building #2 and Building #3. Building #1 shall have four (4) floors above ground containing 32 Residential Units and a below-ground parking area containing 23 Storage Units. Building #2 shall have four (4) floors above ground containing 24 Residential

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Units and a below-ground parking area containing 20 Storage Units. Building #3 shall have four (4) floors above ground containing 32 Residential Units and a below-ground parking area containing 22 Storage Units. The Buildings shall be principally constructed of: concrete footings and foundation; steel and concrete frame below ground; wood frame above ground; cultured stone and stucco exteriors; sheetrock interiors; asphalt shingle roofs; and such other materials as allowed by current building codes. The Buildings will be supplied with telephone, cable television, electricity, natural gas, water, and sewer service. The Project also includes the Common Areas and Facilities described herein, which Common Areas and Facilities shall initially include a clubhouse that will be constructed of essentially the same types of materials as the Buildings, an outdoor swimming pool, an outdoor play area for children, and the landscaped areas, parking areas and private roadways in the locations identified on the Map.

- 4. Submission to the Act. Declarant hereby submits the Phase 3 portion of the Property and all Buildings and other improvements located thereon to the provisions of the Act. Consequently, the Property described in Section 3 of this Declaration, consisting of the Phase 1 portion of the Property, the Phase 2 portion of the Property, and the Phase 3 portion of the Property, together with all Buildings and all other improvements located thereon have been submitted to the provisions of the Act by Declarant. All of said Project is and shall be held, conveyed, hypothecated, encumbered, leased, subleased, rented, used and improved as a condominium project. All of the Project is and shall be subject to the covenants, conditions, restrictions, uses, limitations and obligations set forth herein, each and all of which are declared and agreed to be for the benefit of the Project and in furtherance of a plan for improvement of the Project and division thereof into Residential Units and Storage Units; further, each and all of the provisions hereof shall be deemed to run with the land and shall be a burden and a benefit to the Declarant, the successors and assigns of the Declarant, and any person acquiring, leasing, subleasing or owning an interest in the real property and improvements comprising the Project. their assigns, lessees, sublessees, heirs, executors, administrators, devisees and successors. The Declarant and the Condominium Association are each hereby granted a limited license to use the name "Stone Haven Condominiums" in connection with the administration, sale and operation of their respective interests in the Project.
- 5. Section 8.1.1 of the Initial Declaration is hereby amended to delete from the description of the Additional Land contained therein the real property described as Phase 2 and Phase 3.
- 6. Pursuant to Section 8.1.6 of Initial Declaration, the ownership interest in the Common Area and Facilities for all Units in the Project is hereby amended and restated to be as set forth in Exhibit A attached to this Amendment No. 2 and incorporated herein by this reference.
- 7. Except as expressly provided in this Amendment No. 2, all other terms and conditions of Initial Declaration, as previously amended by Amendment No. 1, are unmodified and remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Amendment No. 2 as of the date first above written.

D. R. HORTON, INC., a Delaware corporation Tallet V.P. Vice President STATE OF UTAH) : ss. **COUNTY OF SALT LAKE** The foregoing instrument was acknowledged before me this 2 day of April, 2003, by Rustin J. Tolbert, the Vice President of D. R. Horton, Inc., a Delaware corporation. CONNIE JEAN QUINTANA **Notary Public** State of Utah My Commission Expires June 28, 2003 390 East Wyandotte Ave., Sandy, UT 84070 My Commission Expires: Residing at: SANDY UTAH

EXHIBIT A TO AMENDMENT NO. 2 TO THE AMENDED AND RESTATED

DECLARATION OF CONDOMINIUM FOR

STONE HAVEN CONDOMINIUMS

(Schedule of Units)

RESIDENTIAL UNIT NUMBER	PAR VALUE OF THE RESIDENTIAL UNIT	FRACTION OF UNDIVIDED INTEREST IN THE COMMON AREAS AND FACILITIES ALLOCATED TO EACH RESIDENTIAL UNIT
1-101	10	10/945
1-102	10	10/945
1-103	10	10/945
1-104	10	10/945
1-105	10	10/945
1-106	10	10/945
1-107	10	10/945
1-108	10	10/945
1-209	10	10/945
1-210	10	10/945
1-211	10	10/945
1-212	10	10/945
1-213	10	10/945
1-214	10	10/945
1-215	10	10/945
1-216	10	10/945
1-317	10	10/945
1-318	10	10/945
1-319	10	10/945
1-320	10	10/945
1-321	10	10/945
1-322	10	10/945
1-323	10	10/945
1-324	10	10/945
1-425	10	10/945
1-426	10	10/945
1-427	10	10/945
1-428	10	10/945
1-429	10	10/945
1-430	10	10/945
1-431	10	10/945
1-432	10	10/945

RESIDENTIAL UNIT NUMBER	PAR VALUE OF THE RESIDENTIAL UNIT	FRACTION OF UNDIVIDED INTEREST IN THE COMMON AREAS AND FACILITIES ALLOCATED TO EACH RESIDENTIAL UNIT
2-101	10	10/945
2-102	10	10/945
2-103	10	10/945
2-103	10	10/945
2-105	10	10/945
2-106	10	10/945
2-207	10	10/945
2-208	10	10/945
2-209	10	10/945
2-210	10	10/945
2-211	10	10/945
2-212	10	10/945
2-313	10	10/945
2-314	10	10/945
2-315	10	10/945
2-316	10	10/945
2-317	10	10/945
2-318	10	10/945
2-419	10	10/945
2-420	10	10/945
2-421	10	10/945
2-422	10	10/945
2-423	10	10/945
2-424	10	10/945
3-101	10	10/945
3-102	10	10/945
3-103	10	10/945
3-104	10	10/945
3-105	10	10/945
3-106	10	10/945
3-107	10	10/945
3-108	10	10/945
3-209	10	10/945
3-210	10	10/945
3-211	10	10/945
3-212	10	10/945
3-213	10	10/945
3-214	10	10/945
3-215	10	10/945
3-216	10	10/945
3-317	10	10/945

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RESIDENTIAL UNIT NUMBER	PAR VALUE OF THE RESIDENTIAL UNIT	FRACTION OF UNDIVIDED INTEREST IN THE COMMON AREAS AND FACILITIES ALLOCATED TO EACH RESIDENTIAL UNIT
3-318	10	10/045
3-316	10	10/945
3-319 3-320	10	10/945
3-320 3-321	10	10/945
3-321	10	10/945
3-322	10	10/945 10/945
3-323 3-324		
3-32 4 3-425	10	10/945
3-425 3-426	10	10/945
	10	10/945
3-427 3-428	10	10/945
- · - ·	10	10/945
3-429	10	10/945
3-430	10	10/945
3-431	10	10/945
3-432	10	10/945
STORAGE UNIT NUMBER	PAR VALUE OF THE STORAGE UNIT	FRACTION OF UNDIVIDED INTEREST IN THE COMMON AREAS AND FACILITIES ALLOCATED TO EACH STORAGE UNIT
201	1	1/945
202	1	1/945
203	ĺ	1/945
204	1	1/945
205	1	1/945
206	1	1/945
207	1	1/945
208	1	1/945
209	1	1/945
210	1	1/945
211	1	1/945
212	1	1/945
213	1	1/945
213	1	1/945
215	1	1/945
216	1	1/945
217	<u>i</u> 1	
217	I 1	1/945
218	I 1	1/945
219 220	1 1	1/945
	1	1/945
221	1	1/945

STORAGE UNIT NUMBER	PAR VALUE OF THE STORAGE UNIT	FRACTION OF UNDIVIDED INTEREST IN THE COMMON AREAS AND FACILITIES ALLOCATED TO EACH STORAGE UNIT
222	1	1/945
223	i	1/945
224	i	1/945
225	Î.	1/945
226	1	1/945
227	1	1/945
228	1	1/945
229	1	1/945
230	1	1/945
231	1	1/945
232	1	1/945
233	1	1/945
234	1	1/945
235	1	1/945
236	1	1/945
237	1	1/945
238	1	1/945
239	1	1/945
240	1	1/945
241	1	1/945
242	1	1/945
243	1	1/945
301	1	1/945
302	1	1/945
303	1	1/945
304	1	1/945
305	1	1/945
306	1	1/945
307	1	1/945
308	1	1/945
309	1	1/945
310	1	1/945
311	1	1/945
312	1	1/945
313	1	1/945
314	1	1/945
315 316	1	1/945 1/945
317		1/945 1/945
317	1	1/945 1/945
318	1	1/945
317	1	1/7 4 3

STORAGE UNIT NUMBER	PAR VALUE OF THE STORAGE UNIT	FRACTION OF UNDIVIDED INTEREST IN THE COMMON AREAS AND FACILITIES ALLOCATED TO EACH STORAGE UNIT
320	1	1/945
321	1	1/945
322	1	1/945
		100% Total

EXHIBIT B TO AMENDMENT NO. 2 TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR STONE HAVEN CONDOMINIUMS

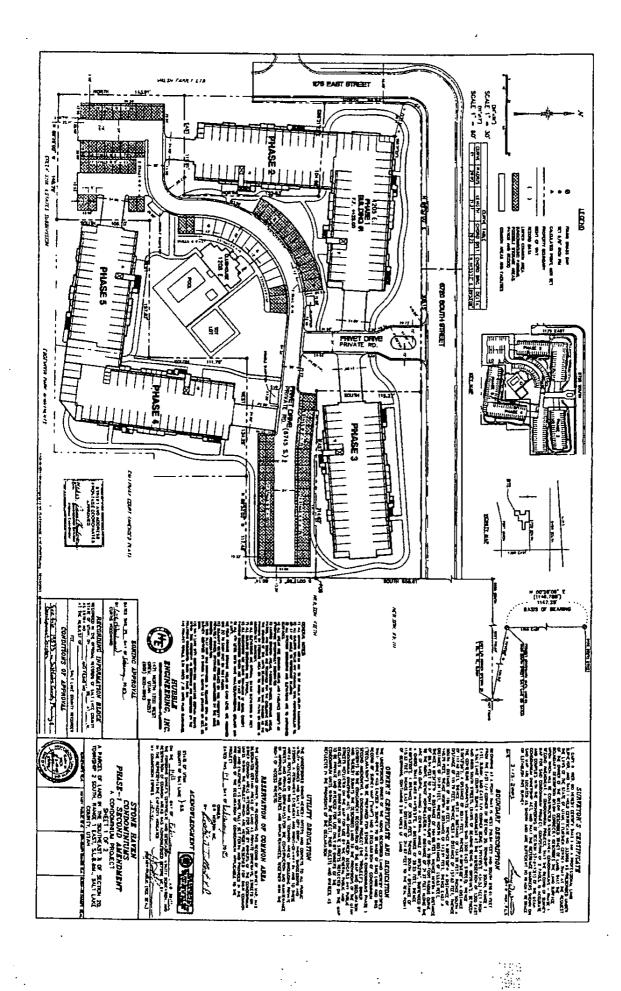
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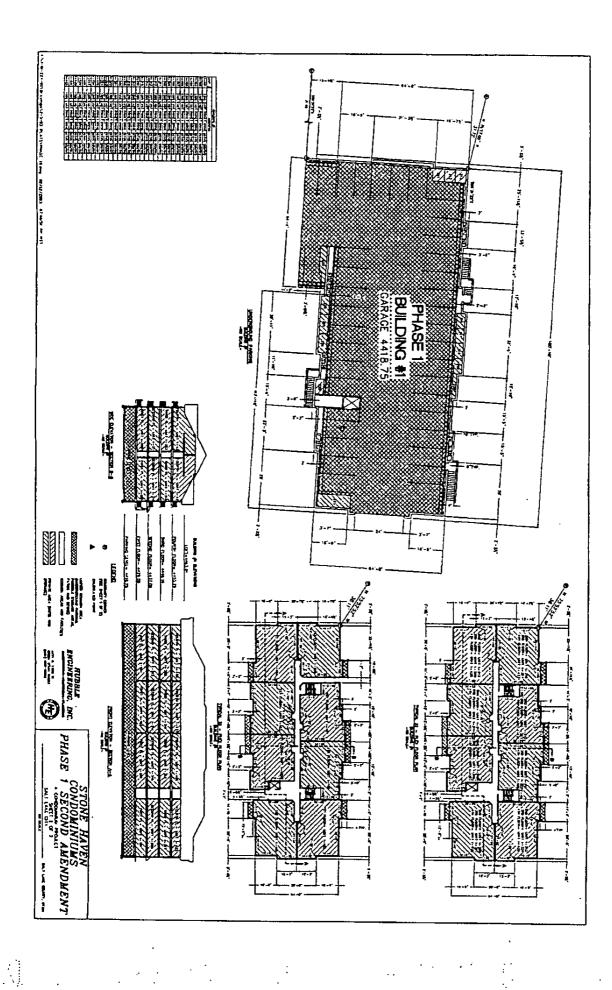
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EXHIBIT C TO AMENDMENT NO. 2 TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR STONE HAVEN CONDOMINIUMS

(Reduced Copy of Map)

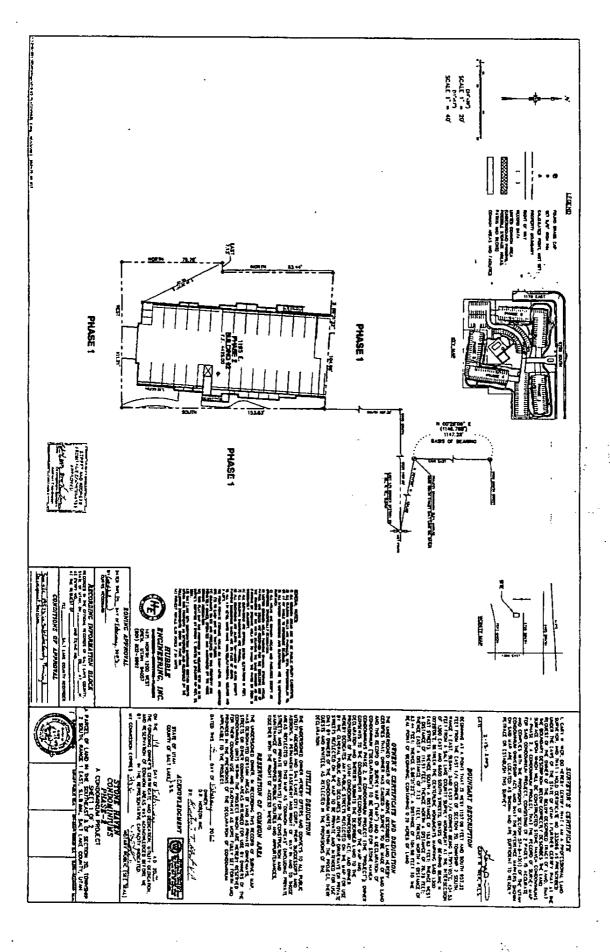
THE REDUCED COPIES OF THE STONE HAVEN CONDOMINIUMS PHASE 1 SECOND AMENDMENT RECORD OF SURVEY MAP, THE STONE HAVEN CONDOMINIUMS PHASE 2 RECORD OF SURVEY MAP AND THE STONE HAVEN CONDOMINIUMS PHASE 3 RECORD OF SURVEY MAP ATTACHED AS EXHIBIT C ARE INCLUDED HEREIN ONLY FOR THE CONVENIENCE OF THE READER OF THIS DECLARATION. ALL REFERENCES TO THE "MAP" CONTAINED IN THE DECLARATION ARE REFERENCES TO THE FULL SIZED RECORD OF SURVEY MAPS RECORDED IN THE OFFICE OF THE RECORDER OF SALT LAKE COUNTY, UTAH, AND NOT TO THESE REDUCED COPIES.



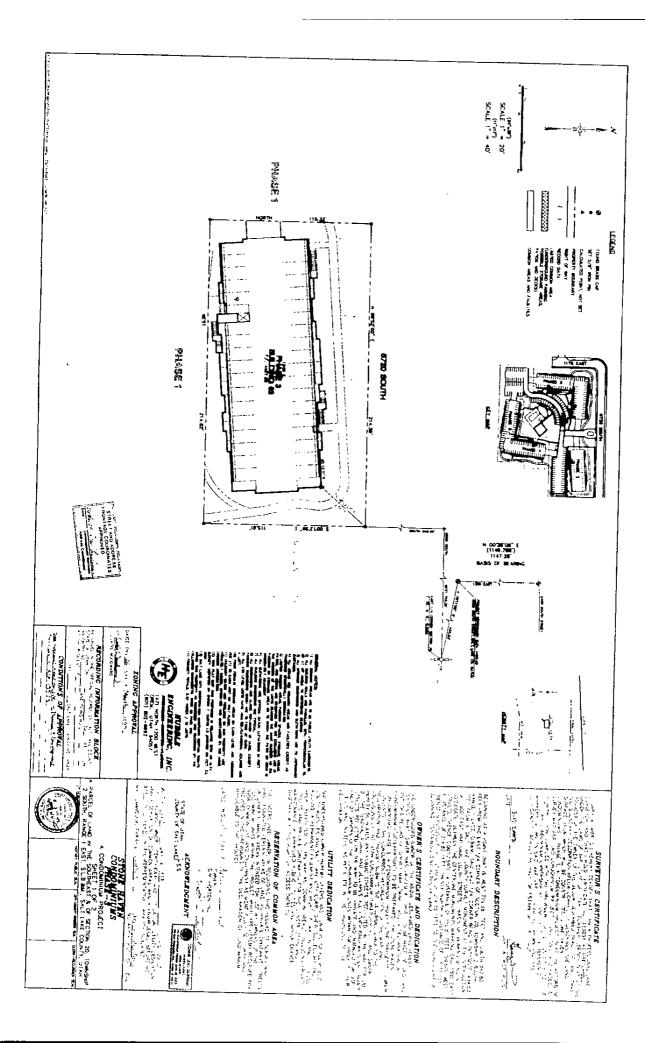


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