

**SECOND AMENDMENT TO CONDOMINIUM DECLARATION
FOR
WINDSOR PARK TOWNHOMES**

THIS SECOND AMENDMENT is made and executed this 28th day of April, 1998, by WINDSOR PARK TOWNHOMES OWNERS ASSOCIATION, INC., a Utah Non-Profit Corporation (hereinafter referred to as the "Association"), acting by and through its Board of Trustees.

WITNESSETH

ENT 99894 BK 4797 PG 825
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1998 Oct 01 12:19 pm FEE 26.00 BY SS
RECORDED FOR ROBINSON SEILER & GLAZIER

WHEREAS, a Condominium Declaration for Windsor Park Townhomes, dated September 25, 1995 (hereinafter referred to as the "Declaration"), was recorded on the 18th day of October, 1995 in the office of the Utah County Recorder, State of Utah, as Entry No. 70713, in Book 3794, on Pages 147, et seq.;

WHEREAS, a First Amendment to Condominium Declaration for Windsor Park Townhomes, dated April 23, 1997 (hereinafter referred to as the "First Amendment"), was recorded on the 28th day of May, 1997 in the office of the Utah County Recorder, State of Utah, as Entry No. 40725, in Book 4280, on Pages 309, et seq.;

WHEREAS, pursuant to ARTICLE XXVII, AMENDMENT, of the Declaration, the vote of at least sixty-six and two-thirds percent (66 2/3%) of the undivided ownership interest in and to the Common Areas and Facilities has been obtained, and Resolutions therefore have been adopted by the Members and the Board of Trustees of the Association authorizing these amendments to the Declaration; and

WHEREAS, the Association does now desire to amend the Declaration.

NOW, THEREFORE, the Declaration of Condominium of Windsor Park Townhomes is hereby amended as follows:

ARTICLE VIII, PERSON TO RECEIVE SERVICE OF PROCESS, of the Declaration is hereby deleted in its entirety and restated as follows:

PERSON TO RECEIVE SERVICE OF PROCESS

The person to receive service of process in the cases provided herein or in the Act is **DEBBIE J. BISHOP** whose business address within the State of Utah is 847 East 500 North, Orem, Utah, 84097.

WHEREAS, pursuant to ARTICLE X, Section 10.01, Amendments of EXHIBIT "B" to the Declaration - Bylaws of Windsor Park Townhomes Owners Association, Inc., the vote of at least fifty-one percent (51%) of the Members of the Association has been obtained, and

Resolutions therefore have been adopted by the Members and the Board of Trustees of the Association authorizing these amendments to the Bylaws of the Association; and

WHEREAS, the Association does now desire to amend the Bylaws of the Association.

NOW, THEREFORE, the Bylaws of Windsor Park Townhomes Owners Association, Inc. are hereby amended as follows:

ARTICLE I, Section 1.02, Offices of EXHIBIT "B" to the Condominium Declaration for Windsor Park Townhomes - Bylaws of Windsor Park Townhomes Owners Association, Inc., is hereby deleted in its entirety and restated as follows:

1.02 **Offices.** The Principal Office of the Association shall be at 847 East 500 North, Orem, Utah, 84097.

ARTICLE IV, Section 4.02, Number, Tenure and Qualifications of EXHIBIT "B" to the Condominium Declaration for Windsor Park Townhomes - Bylaws of Windsor Park Townhomes Owners Association, Inc., is hereby deleted in its entirety and restated as follows:

4.02 **Number.** The affairs of this Association shall be managed by a Board of four (4) Trustees. The number of Trustees may be changed from time to time by Resolution of the Members and the Board of Trustees of the Association, but never less than three (3) nor greater than nine (9). The Members shall elect the Trustees to serve for the following respective terms: one (1) Trustee to serve for a term of three (3) years; one (1) Trustee to serve for a term of two (2) years; and one (1) or more Trustees, as applicable, to serve for a term of one (1) year. At each annual meeting of the Members, the Members shall elect for the respective term a new Trustee to fill the vacancy created by the expiring term of a Trustee. Trustees may, but need not be, Members of the Association. The Trustees of the Association shall hold office for his/her respective term and until his/her successor has been duly elected or appointed and qualified, unless he/she shall sooner resign, or shall be removed, or otherwise be disqualified to serve.

In all other respects, the undersigned hereby confirms, republishes, and reinstates all other provisions of the Condominium Declaration for Windsor Park Townhomes, dated September 25, 1995, and recorded on the 13th day of October, 1995 in the office of the Utah County Recorder, State of Utah, as Entry No. 70713, in Book 3794, on Pages 147, et seq., which concerns the real property described in Exhibit "A" attached hereto, and which has not been modified by this Second Amendment.

IN WITNESS WHEREOF, the Declarant has caused this Second Amendment to be executed as of the date first above written.

WINDSOR PARK TOWNHOMES
OWNERS ASSOCIATION, INC.
A Utah Non-Profit Corporation

By: Duward S. Pederson
DUARD S. PEDERSON, Trustee and President

By: Michael J. Whitmore
MICHAEL J. WHITMORE, Trustee and
Vice President

By: Chad A. Lasson
CHAD A. LASSON, Trustee and
Secretary/Treasurer

By: Lori Blakesley
LORI BLAKESLEY, Trustee

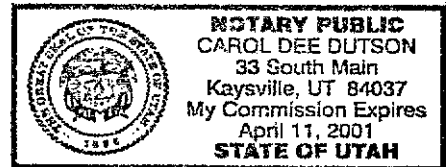
STATE OF UTAH)
) :ss.
COUNTY OF UTAH)

I, the undersigned, a Notary Public, hereby certify that on the 15 day of April, 1998, personally appeared before me, DUARD S. PEDERSON, who being by me first duly sworn, declared that he is a Trustee and the President of WINDSOR PARK TOWNHOMES OWNERS ASSOCIATION, INC., a Utah Non-Profit Corporation, and that he signed the foregoing instrument on behalf of said Corporation.

Carol Dee Dutton

NOTARY PUBLIC

Residing At: 33 S. Main Kaysville, Ut
My Commission Expires: 4-11-2001



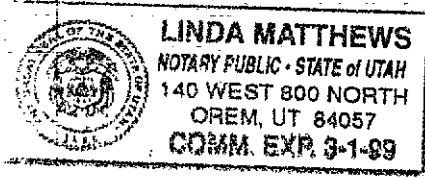
STATE OF UTAH)
) :ss.
COUNTY OF UTAH)

I, the undersigned, a Notary Public, hereby certify that on the 28th day of April, 1998, personally appeared before me, MICHAEL J. WHITMORE, who being by me first duly sworn, declared that he is a Trustee and the Vice President of WINDSOR PARK TOWNHOMES OWNERS ASSOCIATION, INC., a Utah Non-Profit Corporation, and that he signed the foregoing instrument on behalf of said Corporation.

Linda Matthews

NOTARY PUBLIC

Residing At: Orin Utah
My Commission Expires: 3-1-99



STATE OF UTAH)
 :SS.
COUNTY OF UTAH)

I, the undersigned, a Notary Public, hereby certify that on the 28th day of April, 1998, personally appeared before me, CHAD A. LASSON, who being by me first duly sworn, declared that he is a Trustee and the Secretary/Treasurer of WINDSOR PARK TOWNHOMES OWNERS ASSOCIATION, INC., a Utah Non-Profit Corporation, and that he signed the foregoing instrument on behalf of said Corporation.

Linda Matthews
NOTARY PUBLIC

Residing At: Oron Uta
My Commission Expires: 3-1-99



LINDA MATTHEWS
NOTARY PUBLIC - STATE of UTAH
140 WEST 800 NORTH
OREM, UT 84057
COMM. EXP. 3-1-99

STATE OF UTAH)
 :SS.
COUNTY OF UTAH)

I, the undersigned, a Notary Public, hereby certify that on the 28th day of April, 1998, personally appeared before me, LORI BLAKESLEY, who being by me first duly sworn, declared that she is a Trustee of WINDSOR PARK TOWNHOMES OWNERS ASSOCIATION, INC., a Utah Non-Profit Corporation, and that she signed the foregoing instrument on behalf of said Corporation.

Linda Matthews
NOTARY PUBLIC

Residing At: Oron Uta
My Commission Expires: 3-1-99



LINDA MATTHEWS
NOTARY PUBLIC - STATE of UTAH
140 WEST 800 NORTH
OREM, UT 84057
COMM. EXP. 3-1-99

G:\PARK\CONDO\15238.AMD

The following described tract of land situated in the City of Provo, Utah County, State of Utah, to wit:

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF 1230 NORTH STREET, PROVO, UTAH, WHICH POINT IS 2.0 FEET NORTH OF THE NORTH EDGE OF AN EXISTING CONCRETE SIDEWALK AND WHICH POINT OF BEGINNING IS ALSO NORTH 1,568.69 FEET AND WEST 1,000.45 FEET (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM SECTION LINE BEARINGS, UTAH CENTRAL ZONE) FROM THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89°40' WEST ALONG SAID RIGHT OF WAY LINE 16.515 FEET; THENCE NORTH 2°50' EAST 86.12 FEET; THENCE NORTH 16°20'38" EAST 30.80 FEET; THENCE NORTH 0°48'33" WEST 376.75 FEET; THENCE SOUTH 89°11'27" WEST 112.70 FEET; THENCE NORTH 50°30'47" WEST 41.84 FEET; THENCE WEST 41.46 FEET; THENCE NORTH 40°02'19" EAST 8.15 FEET; THENCE NORTH 42°42'14" EAST 35.20 FEET; THENCE NORTH 18°56'09" EAST 76.93 FEET; THENCE NORTH 1°38'52" EAST 165.21 FEET; THENCE SOUTH 87°24' EAST 240.37 FEET; THENCE SOUTH 1°17'46" WEST 99.78 FEET; THENCE NORTH 86°56'41" WEST 105.52 FEET; THENCE SOUTH 1°17'46" WEST 159.22 FEET; THENCE SOUTH 88°42'14" EAST 50.00 FEET; THENCE SOUTH 2°50' WEST 200.40 FEET; THENCE WEST 16.52 FEET; THENCE SOUTH 2°50' WEST 322.29 FEET TO THE POINT OF BEGINNING.
CONTAINS 66,247 SQ. FT. OR 1.5208 ACRES.

TOGETHER WITH THE TWO (2) FOLLOWING PERPETUAL, NONEXCLUSIVE EASEMENTS IN THE TWO (2) PROPERTIES DESCRIBED BELOW (THE "SERVIENT TENEMENTS"), FOR THE BENEFIT OF AND APPURTENANT TO THE PROPERTY DESCRIBED ABOVE AND TO ANY ADDITIONAL LAND WHICH MAY IN THE FUTURE BE ADDED TO THIS CONDOMINIUM PROJECT AND TO EACH AND EVERY CONDOMINIUM AT ANY TIME SITUATED WITHIN THE PROPERTY DESCRIBED ABOVE OR WITHIN SAID ADDITIONAL LAND (COLLECTIVELY THE "DOMINANT TENEMENT"): (1) AN EASEMENT OVER, ALONG, UPON AND ACROSS THE SERVIENT TENEMENTS FOR PEDESTRIAN AND VEHICULAR INGRESS TO AND EGRESS FROM THE DOMINANT TENEMENT; AND (2) AN EASEMENT IN, UNDER, OVER, THROUGH, ALONG, UPON AND ACROSS THE SERVIENT TENEMENTS TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE, AS REQUIRED, UTILITY LINES, PIPES, CONDUITS AND APPURTENANCES THERETO OF ALL TYPES SERVING THE DOMINANT TENEMENT:

EASEMENT AREA "A"

BEGINNING AT THE NORTHWEST CORNER OF THE HARDY ENTERPRISES PROPERTY, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF 200 WEST STREET (FREEDOM BOULEVARD) AND SAID POINT BEING NORTH 2,118.73 FEET AND WEST 1,457.98 FEET (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM SECTION LINE BEARINGS, UTAH CENTRAL ZONE) FROM THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°59'02" EAST 291.57 FEET TO THE WEST LINE OF THE PROPERTY AS DEEDED MARCH 14, 1995, BY SPECIAL WARRANTY DEED RECORDED AS ENTRY NO. 1569, IN BOOK 3637 AT PAGE 737 IN THE OFFICE OF THE UTAH COUNTY RECORDER; THENCE 18°56'09" WEST ALONG SAID WEST LINE 0.67 FEET; THENCE SOUTH 42°42'14" WEST ALONG SAID WEST LINE 35.20 FEET; THENCE SOUTH 40°02'19" WEST ALONG SAID WEST LINE 24.17 FEET; THENCE SOUTH 89°59'02" WEST 12.00 FEET; THENCE NORTH 0°00'58" WEST 15.00 FEET; THENCE SOUTH 89°59'02" WEST 240.40 FEET TO THE EAST RIGHT OF WAY LINE OF 200 WEST STREET (FREEDOM BOULEVARD); THENCE NORTH 0°55' EAST ALONG SAID EAST LINE 30.00 FEET TO THE POINT OF BEGINNING.

EASEMENT AREA "B"

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF 1230 NORTH STREET, PROVO, UTAH, WHICH POINT IS 2.0 FEET NORTH OF THE NORTH EDGE OF AN EXISTING CONCRETE SIDEWALK, AND WHICH POINT OF BEGINNING IS ALSO NORTH 1,568.69 FEET AND WEST 1,000.45 FEET (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM SECTION LINE BEARINGS, UTAH CENTRAL ZONE) FROM THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 2°50' EAST 322.29 FEET; THENCE EAST 16.52 FEET; THENCE SOUTH 2°50' WEST 322.39 FEET TO SAID NORTH RIGHT OF WAY LINE; THENCE NORTH 89°40' WEST ALONG SAID NORTH LINE 16.515 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A" CONTINUED

ENT 99894 BK 4797 PG 831

Legal Description of those two (2) Portions of the Additional Land added to the Project
by
this First Amendment to the Declaration and the First Supplemental Map

PARCEL I

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF 1230 NORTH STREET, PROVO, UTAH, WHICH POINT IS NORTH 1,568.78 FEET AND WEST 1,016.96 FEET FROM THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE RUNNING NORTH 89°40'00" WEST 18.52 ALONG SAID RIGHT OF WAY LINE; THENCE NORTH 02°50'00" EAST 280.24 FEET; THENCE NORTH 89°40'00" WEST 320.64 FEET; THENCE NORTH 00°55'00" EAST 12.53 FEET; THENCE NORTH 89°49'48" WEST 39.31 FEET; THENCE NORTH 02°24'20" WEST 1.82 FEET; THENCE NORTH 40°02'19" EAST 288.60 FEET; THENCE EAST 41.46 FEET; THENCE SOUTH 50°30'47" EAST 41.84 FEET; THENCE NORTH 89°11'27" EAST 112.70 FEET; THENCE SOUTH 00°48'33" EAST 376.75 FEET; THENCE SOUTH 16°20'38" WEST 30.80 FEET; THENCE SOUTH 02°50'00" WEST 86.12 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.5958 ACRES.

PARCEL II

BEGINNING AT A POINT WHICH IS NORTH 1,890.58 FEET AND WEST 907.14 FEET FROM THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE WEST 60.86 FEET; THENCE NORTH 02°50'00" EAST 200.40 FEET; THENCE NORTH 88°42'14" WEST 50.00 FEET; THENCE NORTH 01°17'46" EAST 159.22 FEET; THENCE SOUTH 86°56'41" EAST 105.52 FEET; THENCE SOUTH 01°17'46" WEST 354.93 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.6481 ACRES.