

see

WHEN RECORDED RETURN TO:
Tuscany Properties, Inc.
8438 South Gad Way
Sandy, Utah 84093

7340512
04/30/99 4:37 PM 228.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
WEST JORDAN CITY
8000 S REDWOOD RD
WEST JORDAN, UT 84088
REC BY: N ZELAYA DEPUTY - WI

FOURTH SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM
FOR
TUSCANY TOWNHOMES,
A Utah Condominium Project

This FOURTH SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR TUSCANY TOWNHOMES is made and executed this 7th day of April, 1999, by TUSCANY PROPERTIES, INC., a Utah corporation., of 8438 South Gad Way, Sandy, Utah 84093 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the original Declaration of Condominium was recorded in the office of the County Recorder of Salt Lake County, Utah on the 8th day of July, 1997, as Entry No. 6686080, in Book 7706, at Page 2575 of the Official Records (the "Declaration");

Whereas, the related Plat Map for Phase I of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah;

Whereas, the First Amendment to the Declaration was recorded in the office of the County Recorder of Salt Lake County, Utah on the 14th day of July, 1997 as Entry No. 6689359 in Book 7709 at Page 2669 of the Official Records (the "First Amendment");

Whereas, the original declarant, TUSCANY DEVELOPMENT, INC., has assigned all of its right, title and interest to add property to the Project and to develop additional phases to Declarant;

Whereas, the Second Supplemental Declaration was recorded by Declarant in the Office of the County Recorder of Salt Lake County, Utah on the 3rd day of June, 1998 as Entry No. 6983542 in Book 7997 at Page 1531 of the Official Records (the "Second Supplemental Declaration");

Whereas, the related Plat Map for Phase II of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.

Whereas, the Third Supplemental Declaration was recorded by Declarant in the Office of the County Recorder of Salt Lake County, Utah on the 5th day of October, 1998 as Entry No. 7109413 in Book 8116 at Page 1052 of the Official Records (the "Third Supplemental Declaration");

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Whereas, the related Plat Map for Phase III of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 40 of the Declaration, the Declarant reserved an option, until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser, to expand the Project in accordance with the Act was expressly reserved;

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-3" attached hereto and incorporated herein by this reference (the "Phase 4 Property");

Whereas, under the provisions of the Declaration, the absolute right to add to the Project any or all portions of the Additional Land at any time and in any order was expressly reserved, without limitation except, if applicable, for the prior consent of the Office of Veterans Affairs, the Federal National Mortgage Association and Federal Home Loan Mortgage Association;

Whereas, Declarant desires to expand the Project by creating on the Phase 4 Property a residential condominium development; and

Whereas, Declarant now intends that the Phase 4 Property shall become subject to the Declaration and the Act.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this FOURTH SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR TUSCANY TOWNHOMES, a Utah Condominium Project. The Declaration is hereby amended as follows:

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definition:

(a) Fourth Supplemental Declaration shall mean and refer to this FOURTH SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR TUSCANY TOWNHOMES, a Utah Condominium Project.

(b) Fourth Supplemental Phase 4 Map shall mean and refer to the TUSCANY TOWNHOMES PHASE 4 AND AMENDMENT OF TUSCANY TOWNHOMES PHASE 3, prepared and certified to by L. Mark Neff, a duly registered Utah Land Surveyor holding Certificate No. 172065 and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Fourth Supplemental Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. RV Parking and Storage Units. The RV parking and storage units shown on the Plat Map of Phase 4 are Limited Common Areas appurtenant to and set aside for the exclusive use of the owner of Unit No. 4 in Building No. 45 as shown on said Plat ("Unit 4-45"). The owner of

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Unit 4-45 may, in his sole discretion and without any additional approval, assign, for a fee or other valuable consideration, the right to use, rent, or lease said RV parking and/or storage units, in whole or in part, to any other Unit Owners or residents at the Project. The RV parking and storage units shall be maintained, repaired and replaced by the owner of Unit 4-45, or his successors or assigns.

3. Legal Description. The real property described in Exhibit A-3 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of this Fourth Supplemental Declaration:

4. Annexation. Declarant hereby declares that the Phase 4 Property shall be annexed to and become subject to the Declaration, which upon recordation of this Fourth Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-3 subject to the functions, powers, rights, duties and jurisdiction of the Association.

5. Total Number of Units Revised. As shown on the Phase 4 Map, eleven (11) additional Buildings, consisting of one 6-plex, eight 4-plexes and two duplexes, containing forty-two (42) additional Units are created in the Project on the Phase 4 Property. Said additional Buildings and Units are located within a portion of the Additional Land. Upon the recordation of the Phase 4 Map and this Fourth Supplemental Declaration, the total number of Units in the Project will be two hundred and twenty-six (226). The said additional Units are substantially similar in construction, design and quality to the Units in the prior Phases.

6. Percentage Interest Revised. Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the Percentage Interest. Second Revised Exhibit "B" to the Declaration is deleted in its entirety and the "Third Revised Exhibit 'B'" attached hereto is substituted in lieu thereof and incorporated herein by this reference. The Percentage Interests set forth in Third Revised Exhibit "B" have been computed on the basis of par value.

7. Second Supplemental Declaration Revised. The Second Supplemental Declaration is hereby revised to conform to the Fourth Supplemental Phase 4 Map. If there is any inconsistency, incongruity or conflict between the former and the latter, the latter shall in all instances govern and control.

8. Effective Date. The effective date of this Fourth Supplemental Declaration and the Phase III Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above written.


DECLARANT:
TUSCANY PROPERTIES, INC., a Utah corporation

By: 
Title: Bryson D. Garbett, President

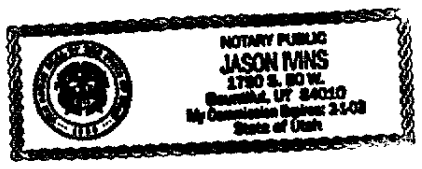
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STATE OF UTAH)
)
) SS:
)
COUNTY OF SALT LAKE)

On the 16 day of April, 1999, personally appeared before me Bryson D. Garbett, who by me being duly sworn, did say that he is the President of TUSCANY PROPERTIES, INC., a Utah corporation and that the within and foregoing instrument was signed in behalf of said corporation pursuant to its Articles of Incorporation or a resolution of its Board of Directors, and said Bryson D. Garbett duly acknowledged to me that said corporation executed the same.



NOTARY PUBLIC
Residing At:
My Commission Expires:



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EXHIBIT "A-3"
TUSCANY TOWNHOMES PHASE IV
BOUNDARY DESCRIPTION

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

Beginning on the West line of Section 19 at North 00°07'12" East, a distance of 1,146.220 feet from the Southwest corner of Section 19, Township 2 South, Range 1 West, Salt Lake Base and Meridian, running thence North 00°07'12" East, a distance of 999.451 feet; thence East a distance of 115.574 feet to the westerly right-of-way line of the Denver & Rio Grande Railroad; thence along of said right-of-way, around a curve to the left, through a central angle of 06°28'55", an arc distance of 329.763 feet, a chord bearing South 16°32'36" East, a distance of 329.587 feet; thence South 19°47'03" East, a distance of 451.588 feet to the northeast corner of Tuscany Townhomes Phase 3; thence along the said Phase 3 northerly line the following four (4) courses: West, a distance of 95.622 feet, thence South 49°25'04" West, a distance of 46.077 feet, thence North 40°34'56" West, a distance of 39.468 feet, thence West a distance of 59.360 feet, thence South 00°07'12" West a distance of 258.657 feet, thence North 89°58'01" West, a distance of 148.171 feet to the point of beginning. [Contains approximately 211,584.28 square feet or 4.857 acres]

BK8273PG5117

THIRD REVISED EXHIBIT "B"
 PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase</u>	<u>Bldg.</u>	<u>Unit</u>	<u>Percentage of Ownership Interest</u>
I	1	1	0.4425%
I	1	2	0.4425%
I	1	3	0.4425%
I	1	4	0.4425%
I	2	1	0.4425%
I	2	2	0.4425%
I	2	3	0.4425%
I	2	4	0.4425%
I	3	1	0.4425%
I	3	2	0.4425%
I	3	3	0.4425%
I	3	4	0.4425%
I	4	1	0.4425%
I	4	2	0.4425%
I	4	3	0.4425%
I	4	4	0.4425%
I	5	1	0.4425%
I	5	2	0.4425%
I	5	3	0.4425%
I	5	4	0.4425%
I	5	5	0.4425%
I	5	6	0.4425%
I	6	1	0.4425%
I	6	2	0.4425%
I	6	3	0.4425%
I	6	4	0.4425%
I	7	1	0.4425%
I	7	2	0.4425%
I	7	3	0.4425%
I	7	4	0.4425%

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<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
I	8	1	0.4425%
I	8	2	0.4425%
I	8	3	0.4425%
I	8	4	0.4425%
I	9	1	0.4425%
I	9	2	0.4425%
I	9	3	0.4425%
I	9	4	0.4425%
I	10	1	0.4425%
I	10	2	0.4425%
I	10	3	0.4425%
I	10	4	0.4425%
I	11	1	0.4425%
I	11	2	0.4425%
I	11	3	0.4425%
I	11	4	0.4425%
I	12	1	0.4425%
I	12	2	0.4425%
I	12	3	0.4425%
I	12	4	0.4425%
I	12	5	0.4425%
I	12	6	0.4425%
I	13	1	0.4425%
I	13	2	0.4425%
I	13	3	0.4425%
I	13	4	0.4425%
I	13	5	0.4425%
I	13	6	0.4425%
I	14	1	0.4425%
I	14	2	0.4425%
I	14	3	0.4425%
I	14	4	0.4425%
I	14	5	0.4425%
I	14	6	0.4425%

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<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
II	15	1	0.4425%
II	15	2	0.4425%
II	15	3	0.4425%
II	15	4	0.4425%
II	15	5	0.4425%
II	15	6	0.4425%
II	16	1	0.4425%
II	16	2	0.4425%
II	16	3	0.4425%
II	16	4	0.4425%
II	16	5	0.4425%
II	16	6	0.4425%
II	17	1	0.4425%
II	17	2	0.4425%
II	17	3	0.4425%
II	17	4	0.4425%
II	17	5	0.4425%
II	17	6	0.4425%
II	18	1	0.4425%
II	18	2	0.4425%
II	18	3	0.4425%
II	18	4	0.4425%
II	19	1	0.4425%
II	19	2	0.4425%
II	19	3	0.4425%
II	19	4	0.4425%
II	20	1	0.4425%
II	20	2	0.4425%
II	20	3	0.4425%
II	20	4	0.4425%
II	21	1	0.4425%
II	21	2	0.4425%
II	21	3	0.4425%
II	21	4	0.4425%

<u>Phase</u>	<u>Bldg. No</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
II	22	1	0.4425%
II	22	2	0.4425%
II	22	3	0.4425%
II	22	4	0.4425%
II	23	1	0.4425%
II	23	2	0.4425%
II	23	3	0.4425%
II	23	4	0.4425%
II	23	5	0.4425%
II	23	6	0.4425%
II	24	1	0.4425%
II	24	2	0.4425%
II	24	3	0.4425%
II	24	4	0.4425%
II	24	5	0.4425%
II	24	6	0.4425%
II	25	1	0.4425%
II	25	2	0.4425%
II	25	3	0.4425%
II	25	4	0.4425%
II	26	1	0.4425%
II	26	2	0.4425%
II	26	3	0.4425%
II	26	4	0.4425%
III	27	1	0.4425%
III	27	2	0.4425%
III	27	3	0.4425%
III	27	4	0.4425%
III	27	5	0.4425%
III	27	6	0.4425%
III	28	1	0.4425%
III	28	2	0.4425%
III	28	3	0.4425%
III	28	4	0.4425%
III	28	5	0.4425%
III	28	6	0.4425%

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<u>Phase</u>	<u>Bldg.</u>	<u>Unit</u>	<u>Percentage of Ownership Interest</u>
III	29	1	0.4425%
III	29	2	0.4425%
III	29	3	0.4425%
III	29	4	0.4425%
III	29	5	0.4425%
III	29	6	0.4425%
III	30	1	0.4425%
III	30	2	0.4425%
III	30	3	0.4425%
III	30	4	0.4425%
III	31	1	0.4425%
III	31	2	0.4425%
III	31	3	0.4425%
III	31	4	0.4425%
III	32	1	0.4425%
III	32	2	0.4425%
III	32	3	0.4425%
III	32	4	0.4425%
III	32	5	0.4425%
III	32	6	0.4425%
III	33	1	0.4425%
III	33	2	0.4425%
III	33	3	0.4425%
III	33	4	0.4425%
III	33	5	0.4425%
III	33	6	0.4425%
III	34	1	0.4425%
III	34	2	0.4425%
III	34	3	0.4425%
III	34	4	0.4425%
III	35	1	0.4425%
III	35	2	0.4425%
III	35	3	0.4425%
III	35	4	0.4425%
III	36	1	0.4425%
III	36	2	0.4425%

<u>Phase</u>	<u>Bldg.</u>	<u>Unit</u>	<u>Percentage of Ownership Interest</u>
III	37	1	0.4425%
III	37	2	0.4425%
III	38	1	0.4425%
III	38	2	0.4425%
III	39	1	0.4425%
III	39	2	0.4425%
III	40	1	0.4425%
III	40	2	0.4425%
III	41	1	0.4425%
III	41	2	0.4425%
III	42	1	0.4425%
III	42	2	0.4425%
III	42	3	0.4425%
III	42	4	0.4425%
IV	43	1	0.4425%
IV	43	2	0.4425%
IV	43	3	0.4425%
IV	43	4	0.4425%
IV	44	1	0.4425%
IV	44	2	0.4425%
IV	44	3	0.4425%
IV	44	4	0.4425%
IV	44	5	0.4425%
IV	44	6	0.4425%
IV	45	3	0.4425%
IV	45	4	0.4425%
IV	45	1	0.4425%
IV	45	2	0.4425%
IV	46	3	0.4425%
IV	46	4	0.4425%
IV	46	1	0.4425%
IV	46	2	0.4425%

<u>Phase</u>	<u>Bldg.</u>	<u>Unit</u>	<u>Percentage of Ownership Interest</u>
IV	47	3	0.4425%
IV	47	4	0.4425%
IV	47	1	0.4425%
IV	47	2	0.4425%
IV	48	3	0.4425%
IV	48	4	0.4425%
IV	48	1	0.4425%
IV	48	2	0.4425%
IV	49	3	0.4425%
IV	49	4	0.4425%
IV	49	1	0.4425%
IV	49	2	0.4425%
IV	50	1	0.4425%
IV	50	2	0.4425%
IV	50	3	0.4425%
IV	50	4	0.4425%
IV	51	1	0.4425%
IV	51	2	0.4425%
IV	51	3	0.4425%
IV	51	4	0.4425%
IV	52	3	0.4425%
IV	52	4	0.4425%
IV	53	1	0.4425%
IV	53	2	0.4425%
TOTALS			100%

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