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**WHEN RECORDED RETURN TO:**

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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
JAMES R. BLAKESLEY  
2595 E 3300 S  
SLC UT 84109  
BY: RDJ, DEPUTY - WI 8 P.

**SECOND AMENDMENT TO AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
OF THE OAK CREST GARDENS CONDOMINIUM**

This Second Amendment to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of the Oak Crest Gardens Condominium, dated for reference August 9, 2001, is executed by the Oak Crest Gardens Homeowners Association, Inc., of P. O. Box 171014, Salt Lake City, Utah 84117 (the "Association").

**RECITALS**

A. Original Declaration. On February 6, 1964, the OAK CREST GARDENS CONDOMINIUM PROJECT (hereinafter, the "Project") was created by filing for record in the Office of the Recorder of Salt Lake County, Utah: (1) an instrument entitled "Enabling Declaration for OAK CREST GARDENS CONDOMINIUM PROJECT" (hereinafter referred to as the "Original Declaration") as Entry No. 1977698 in Book 2152 at Page 236 of the Official Records; and (2) an instrument styled "Record of Survey Map of the OAK CREST GARDENS CONDOMINIUM PROJECT" (hereinafter referred to as the "Original Map"), as Entry No. 197769 in Book AA at Page 92 of the Official Records.

B. Amended Declaration. On April 6, 1981, the Original Declaration and Original Map were supplemented and modified by an instrument entitled "Certificate of Amendment of Enabling Declaration for OAK CREST GARDENS CONDOMINIUM PROJECT" (hereinafter referred to as the "First Amendment") recorded in the Office of the County Recorder of Salt Lake County, Utah on April 8, 1981 as Entry No. 3552254 in Book 5234 at Page 740 of the Official Records.

C. Amended and Restated Declaration. The Amended and Restated Declaration of Condominium for OAK CREST GARDENS was recorded in the Office of the County Recorder of Salt Lake County, Utah on or about April 26, 1995 as Entry No. 6067765 in Book 7139 at Page 1785 of the Official Records (the "Amended and Restated Declaration").

D. First Amendment to Amended and Restated Declaration. The First Amendment to the Amended and Restated Declaration was recorded in the Office of the County Recorder of Salt Lake County, Utah on or about August 23, 1999 as Entry No. 7448817 in Book 8304 at Page 0361 of the Official Records (the "First Amendment").

E. Real Property Affected. This document affects that certain real property located in Salt Lake County, Utah described with particularity on Exhibit "B" attached hereto and incorporated herein by this reference.

BK 8493 PG 5520

F. All of the voting requirements of Article III, Section 31 of the Amended and Restated Declaration have been satisfied.

#### AMENDMENT

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, the Association hereby executes this Second Amendment to the Declaration of Covenants, Conditions, and Restrictions of the Oak Crest Gardens Condominium for and in behalf of the Unit Owners

1. Article III, Section 3 of the Declaration is hereby amended to read as follows:

3. Computation of Percentage of Undivided Ownership Interest. The percentage of undivided ownership interest in the Common Areas which, at any point in time, is appurtenant to a residential Unit shall be equal to the ratio between the size of such *Residential Base Unit* and the aggregate size of all *Residential Base Units* in the Project, with minor adjustments for the purpose of assuring that the total undivided ownership interest equals 100.00%.

For the purposes of these calculations, the term "*Residential Base Unit*" shall mean the number of square feet of floor space within each such Unit, pursuant to the records of the County Recorder of Salt Lake County, Utah, plus the additional square footage of (a) each appurtenant Parking Stall, deemed to represent an average unit value of 100 square feet per Stall and (b) each appurtenant Storage Unit, deemed to represent an average unit value of 55 square feet.

2. Article III, Section 22(d) of the Declaration is hereby amended to add the following provision:

(d) Apportionment. The total of such Common Expenses shall be apportioned among all residential Units on the basis of their respective percentages of ownership in the Common Areas. The percentages of ownership shall be calculated in the manner set forth in Article III, Section 3 of the Declaration, based upon Amended Exhibit "A," which is attached hereto and incorporated herein by this reference, as it may amended from time to time.

3. Article III of the Declaration is amended to add Section 40, which reads as follows:

40. Assignment and Exchange of Parking and Storage Spaces. Unit owners may, by written agreement delivered to the Management Committee, exchange the right

BK8493PG5521

to use, and/or assignment of a Parking Stall and/or a Storage Unit, provided each residential unit must at all times have at least one Parking Stall and one Storage Unit appurtenant.

No assignment or exchange shall be effective until the agreement is approved in writing by the Management Committee and the amendment to Exhibit "A" is recorded in the Office of the County Recorder of Salt Lake County, Utah.

The Management Committee will review, update, and/or correct Exhibit "A" annually for all recorded changes that have been provided to the Management Committee in the preceding 12 month period, beginning on October 1 of each calendar year. The Management Committee will determine and charge the owner(s) who have submitted a recorded change, all legal and recording expenses necessary to amend Exhibit "A" in the Office of the County Recorder of Salt Lake County, Utah.

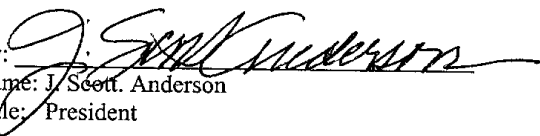
For purposes of computing percentages of ownership interests, any changes to Exhibit "A" that are a result of the October annual review, will become effective on January 1 of the following year. No adjustments to percentages of ownership and/or financial adjustments will be made during the interim period.

No assignment and/or exchange shall be effective until the agreement is approved in writing by the Management Committee and the amendment to Exhibit "A" is recorded.

4. The effective date of this document is the date it is recorded in the Office of the County Recorder of Salt Lake County, Utah.

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

OAK CREST GARDENS HOMEOWNERS  
ASSOCIATION, INC.

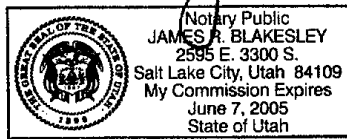
By:   
Name: J. Scott Anderson  
Title: President

BK 8493 PG 5522

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

On the 21 day of August, 2001, personally appeared before me J. SCOTT ANDERSON who by me being duly sworn, did say, that he is the President of the OAK CREST GARDENS HOMEOWNERS ASSOCIATION, INC., and that the within and foregoing instrument was signed in behalf of said Association by authority of its Declaration of Condominium, a Resolution of the Board of Trustees, and Articles of Incorporation, and said J. SCOTT ANDERSON duly acknowledged to me that said Association executed the same.

Notary Public  
Residing at:



My Commission Expires:

BK8493PG5523

## AMENDED EXHIBIT "A"

<b>Unit No.</b>	<b>Square Feet of Floor Space Within Unit</b>	<b>Parking Stall No.</b>	<b>Storage Unit No.</b>	<b>Percentage of Ownership</b>
101	2140	11, 23	UU, 109-7	2.448
102	1485	41, 42	X	1.739
103	1485	68, 69	VV	1.739
104	2165	6, 89	B	2.418
105	965	27	PP	1.119
106	865	22, 56	P,O, ZZ	1.229
107	865	82	QQ	1.019
108	965	33	V	1.119
201	2665	19, 20, 21	KK	3.017
202	1825	35, 36	S, 110-1	2.133
203	1545	15, 29	RR, 109-1	1.853
204	1825	5	U	1.978
205	900	34	SS	1.054
206	500	1	R	0.654
301	2425	66, 67	YY	2.678
302	1825	80, 81	F	2.078
303	1825	58, 59	OO	2.078
304	2425	50, 51	Q	2.678
305	900	75	109-2, 5, 6	1.164
401	1825	13, 14	CC	2.078
402	1825	37, 38	D, 110-3	2.133
403	1825	25, 26	LL	2.078
404	1825	52, 53	Y	2.078
405	1220	24	WW	1.374
406	1825	44, 45	A, 110-6	2.133
407	2215	31, 32	TT	2.468
408	1600	57	E	1.754
501	1825	12, 16	XX	2.078
502	1825	4, 48	N	2.078
503	1825	60, 61	EE	2.078
504	1825	43, 47	Z	2.078
505	1825	72, 74	DD, 109-4, 8	2.188
506	1825	2, 3	C	2.078
507	1825	30	FF	1.978
508	1825	76, 77	L	2.078

BK8493PG5524

<b>Unit No.</b>	<b>Square Feet of Floor Space Within Unit</b>	<b>Parking Stall No.</b>	<b>Storage Unit No.</b>	<b>Percentage of Ownership</b>
601	2165	63, 64	BB	2.418
602	1825	7, 8	T	2.078
603	1485	17	NN	1.639
604	1825	88, 87	W, 110-5	2.133
605	1825	65, 62	MM	2.078
606	1825	84, 85	M	2.078
607	1825	18, 54	AA	2.078
608	1825	44,88	K	2.078
701	1485	70	JJ, 109-3	1.694
702	1825	78, 79	G	2.078
703	2165	73	GG	2.318
704	1825	39, 40	H, 110-2	2.133
705	1825	55	II	1.978
706	1825	49, 83	I, 110-4	2.133
707	1825	71, 28	HH	2.078
708	1825	9, 10	J	2.078

BK8493PG5525

# EXHIBIT "B"

## Legal Description

<u>Unit No.</u>	<u>Parcel No.</u>
101	16-11-255-002
102	16-11-255-003
103	16-11-255-004
104	16-11-255-005
105	16-11-255-006
106	16-11-255-007
107	16-11-255-008
108	16-11-255-009
201	16-11-255-012
202	16-11-255-013
203	16-11-255-014
204	16-11-255-015
205	16-11-255-016
206	16-11-255-017
301	16-11-255-018
302	16-11-255-019
303	16-11-255-020
304	16-11-255-021
305	16-11-255-022
401	16-11-255-023
402	16-11-255-024
403	16-11-255-025
404	16-11-255-026
405	16-11-255-027
406	16-11-255-028
407	16-11-255-029
408	16-11-255-030
501	16-11-255-031
502	16-11-255-032
503	16-11-255-033
504	16-11-255-034
505	16-11-255-035
506	16-11-255-036
507	16-11-255-037
508	16-11-255-038
601	16-11-255-039
602	16-11-255-040
603	16-11-255-041
604	16-11-255-042

BK 84 93 PG 55 26

<u>Unit No.</u>	<u>Parcel No.</u>
605	16-11-255-043
606	16-11-255-044
607	16-11-255-045
608	16-11-255-046
701	16-11-255-047
702	16-11-255-048
703	16-11-255-049
704	16-11-255-050
705	16-11-255-051
706	16-11-255-052
707	16-11-255-053
708	16-11-255-054

BK8493PG5527