

3601643

EXCHANGE AGREEMENT AND FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
AND  
RECORD OF SURVEY MAP FOR DONNER PLACE,  
A CONDOMINIUM PROJECT

THIS EXCHANGE AGREEMENT AND FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM AND RECORD OF SURVEY MAP FOR DONNER PLACE, A CONDOMINIUM PROJECT, made and entered into as of the 28th day of December, 1979, by and between Donner Place Owners' Association and the undersigned owners of condominium units in Donner Place, a Condominium Project;

W I T N E S S E T H:

WHEREAS, the original Declaration of Condominium for Donner Place, a Condominium Project submitted the property described in Exhibit "C" attached hereto and by this reference made a part hereof and the improvements thereon to the provisions of the Utah Condominium Ownership Act, as amended, and said Declaration of Condominium was recorded in the office of the Salt Lake County Recorder on the 28th day of September, 1977, as Entry No. 3002858 in Book 4555 at page 1257, and the original Record of Survey Plat of Donner Place, a Condominium Project, was recorded in the office of the Salt Lake County Recorder on the 28th day of September 1977, as Entry No. 3002859 in Book 77-9 at page 303; and

WHEREAS, the original Declaration of Condominium and Record of Survey Plat made specific assignments of parking spaces which are part of the limited common areas of the condominium to specific condominium units for the exclusive use of said unit owner; and

WHEREAS, certain changes in said parking stall assignments have been requested by various condominium unit owners for reasons of health, safety, and/or the owner's individual welfare, and all of the condominium unit owners are willing to accommodate said requests;

NOW, THEREFORE, it is agreed that, effective

WHEN RECORDED, MAIL TO:

Brent J. Giaque, Esq.  
50 South Main Street, Suite 1600  
Salt Lake City, Utah 84144

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November 1, 1979, parking stall assignments within the limited common areas of the Donner Place Condominium Project shall be as indicated in Addenda Nos. 1 and 2 to the Record of Survey Map of Donner Place, a Condominium Project, which addenda are attached hereto as Exhibits "A" and "B" to this Agreement. Except for the changes in parking stall assignments reflected in the addenda to the Record of Survey Map described above, this Agreement makes no other changes in either the Declaration of Condominium for Donner Place, a Condominium Project, or the Record of Survey Map of Donner Place, a Condominium Project, and both of said documents shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereby have executed this Exchange Agreement and First Amendment to Declaration of Condominium and Record of Survey Map as of the day and year first above written.

THE DONNER PLACE OWNERS ASSOCIATION

By *[Signature]*  
Its *President*

Attest:

*[Signature]*

DONNER PLACE CONDOMINIUM UNIT OWNERS

*[Signature]*  
Violet M. Tippetts (Unit 102)

The Donner Place Owners Association

*[Signature]*  
Steven A. Hulsh (Unit 103)

By *[Signature]*

*[Signature]*  
Mark H. Greene (Unit 104)

*[Signature]*  
Barbara J. Greene (Unit 104)

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Waldemar Christiansen  
Waldemar Christiansen (Unit 201)

Twyla Christiansen  
Twyla Christiansen (Unit 201)

Elmina C. Young  
Elmina C. Young (Unit 203)

Ethel M. Sorensen  
Ethel M. Sorensen (Unit 204)

Arthur W. Fairclough  
Arthur W. Fairclough (Unit 301)

Elaine S. Fairclough  
Elaine S. Fairclough (Unit 301)

Enid R. Adams  
Enid R. Adams (Unit 302)

Wayne B. Hawkins  
Wayne B. Hawkins (Unit 303)

Sonia B. H. Hawkins  
Sonia B. H. Hawkins (Unit 303)

John T. Lorenz  
John T. Lorenz (Unit 304)

Maurine B. Lorenz  
Maurine B. Lorenz (Unit 304)

Athena Nichols  
Athena Nichols (Unit 401)

Walker Kennedy  
Walker Kennedy (Unit 402)

Myra C. Kennedy  
Myra C. Kennedy (Unit 402)

Bonnie H. Durrance  
Bonnie H. Durrance (Unit 403)

Neil D. O'Donnell  
Neil D. O'Donnell (Unit 404)

Donna B. O'Donnell  
Donna B. O'Donnell (Unit 404)

Robert C. Buckmiller  
Robert C. Buckmiller (Unit 501)

Donna Buckmiller  
Donna Buckmiller (Unit 501)

William W. Bowerbank  
William W. Bowerbank (Unit 502)

Hazel S. Bowerbank  
Hazel S. Bowerbank (Unit 502)

Guy R. Toombes  
Guy R. Toombes (Unit 503)

Martha C. Toombes  
Martha C. Toombes (Unit 503)

Fred W. Fairclough  
Fred W. Fairclough (Unit 504)

Edith P. Fairclough  
Edith P. Fairclough (Unit 504)

Virginia W. Quealy  
Virginia W. Quealy (Unit 601)

Zions First National Bank

By Dr. C. R. Cornwall  
Dr. C. R. Cornwall (Unit 602)

(Deceased)\*  
Fred W. Bradshaw (Unit 603)

Ruth Bradshaw  
Ruth Bradshaw (Unit 603)

Thomas R. Harrison  
Thomas R. Harrison (Unit 604)

Dorothy W. Harrison  
Dorothy W. Harrison (Unit 604)

\*Ruth Bradshaw succeeded to the interest of Fred Bradshaw.

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Leonard J. Lewis (Unit 701)

Lois A. C. Lewis (Unit 701)

Donner Place, Inc. (Unit 101)

G. Kenneth Handley (Unit 101) By

Its

Attest:

[Signature]

A.D.K. Investment Co. (Unit 202)

By Don E. Huish  
Its

Attest:

[Signature]

Huish Distributing Co. (Unit 702)

By Don E. Huish  
Its President

Attest:

[Signature]

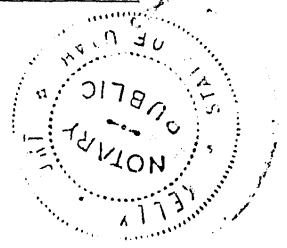
STATE OF UTAH )  
COUNTY OF SALT LAKE ) ss.

On this 5<sup>th</sup> day of February, 1981, personally appeared before me [Signature], who, being by me duly sworn, did say that he is the President of The Donner Place Owners Association, a UTAH corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and said [Signature] duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

89065288 INC1341

[Signature]  
NOTARY PUBLIC  
Residing at: Salt Lake County

My Commission Expires:  
1/29/85



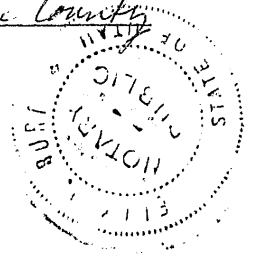
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 5<sup>th</sup> day of February, 1981, personally appeared before me Violet M. Tippetts, one of the signers of the foregoing instrument, who duly acknowledged to me that she executed the same.

Kelly D. Bust  
NOTARY PUBLIC  
Residing at: Salt Lake County

My Commission Expires:

1/29/85



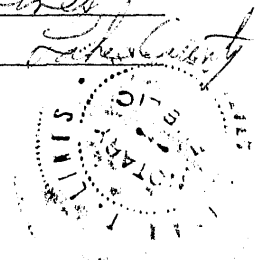
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 28<sup>th</sup> day of December, 1977, personally appeared before me Steven A. Huish, one of the signers of the foregoing instrument, who duly acknowledged to me that he executed the same.

Steven A. Huish  
NOTARY PUBLIC  
Residing at: Salt Lake County

My Commission Expires:

MY COMMISSION EXPIRES OCT. 22, 1978



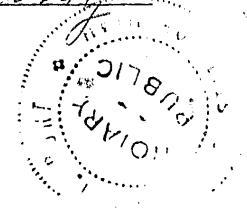
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 3<sup>rd</sup> day of February, 1981, personally appeared before me Mark H. Greene and Barbara J. Greene, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelly D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:

1/29/85



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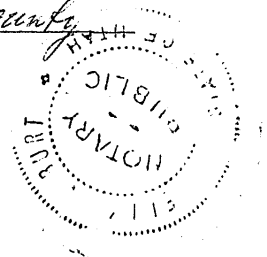
STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On the 5<sup>th</sup> day of February, 1981, personally appeared before me Waldemar Christiansen and Twyla Christiansen, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelly D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:

1/29/85



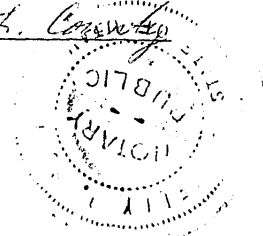
STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On the 5<sup>th</sup> day of February, 1981, personally appeared before me Elmina C. Young, one of the signers of the foregoing instrument, who duly acknowledged to me that she executed the same.

Kelly D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:

1/29/85



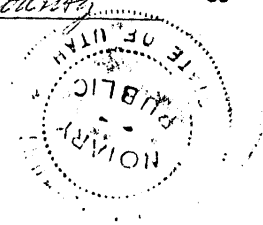
STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On the 5<sup>th</sup> day of February, 1981, personally appeared before me Ethel M. Sorensen, one of the signers of the foregoing instrument, who duly acknowledged to me that she executed the same.

Kelly D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:

1/29/85



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PAGE 1343

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

On the 3<sup>rd</sup> day of February, 1981, personally appeared before me Arthur W. Fairclough and Elaine S. Fairclough, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelly D. Burt  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:  
1/29/85

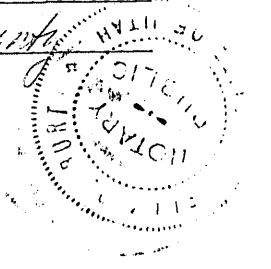


STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 3<sup>rd</sup> day of February, 1981, personally appeared before me Enid R. Adams, one of the signers of the foregoing instrument, who duly acknowledged to me that she executed the same.

Kelly D. Burt  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:  
1/29/85

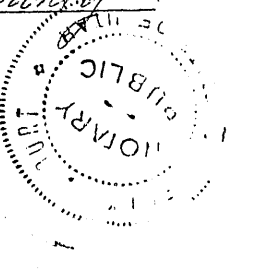


STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 3<sup>rd</sup> day of February, 1981, personally appeared before me Wayne P. Hawkins and Sofia B. H. Hawkins, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelly D. Burt  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:  
1/29/85



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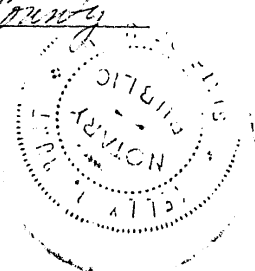


STATE OF UTAH )  
                  ) : ss.  
COUNTY OF SALT LAKE )

On the 5<sup>th</sup> day of February, 1981, personally appeared before me John T. Lorenz and Maurine B. Lorenz, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelley D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:  
1/29/85

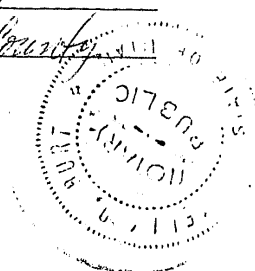


STATE OF UTAH )  
                  ) : ss.  
COUNTY OF SALT LAKE )

On the 5<sup>th</sup> day of February, 1981, personally appeared before me Athena Nichols, one of the signers of the foregoing instrument, who duly acknowledged to me that she executed the same.

Kelley D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:  
1/29/85

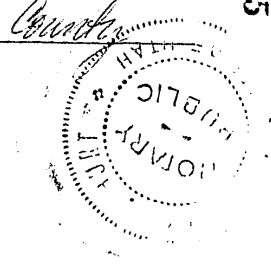


STATE OF UTAH )  
                  ) : ss.  
COUNTY OF SALT LAKE )

On the 5<sup>th</sup> day of February, 1981, personally appeared before me Walker Kennedy and Myra C. Kennedy, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelley D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:  
1/29/85



BOOK 5288  
PAGE 1345

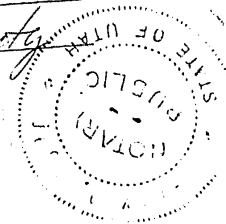
STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE ) ss.

On the 5th day of February, 1981, personally appeared before me Bonnie H. Durrance, one of the signers of the foregoing instrument, who duly acknowledged to me that she executed the same.

Kellie D. Burt  
NOTARY PUBLIC  
Residing at: S.H. County

My Commission Expires:

4/29/85



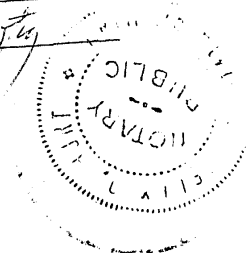
STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE ) ss.

On the 5th day of February, 1981, personally appeared before me Neil D. O'Donnell and Donna B. O'Donnell, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kellie D. Burt  
NOTARY PUBLIC  
Residing at: S.H. County

My Commission Expires:

4/29/85



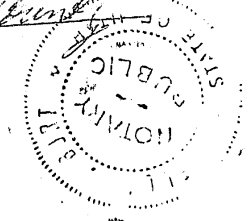
STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE ) ss.

On the 5th day of February, 1981, personally appeared before me Robert C. Buckmiller and Donna Buckmiller, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kellie D. Burt  
NOTARY PUBLIC  
Residing at: S.H. County

My Commission Expires:

4/29/85



BOOK 5288 PAGE 1346

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

On the 5th day of February, 1981, personally appeared before me William W. Bowerbank and Hazel S. Bowerbank, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelly D. Bust  
NOTARY PUBLIC  
Residing at: S. L. County

My Commission Expires:

1/29/85

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

On the 5th day of February, 1981, personally appeared before me Guy R. Toombes and Martha C. Toombes, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelly D. Bust  
NOTARY PUBLIC  
Residing at: S. L. County

My Commission Expires:

1/29/85

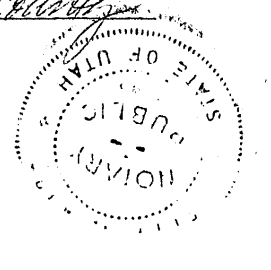
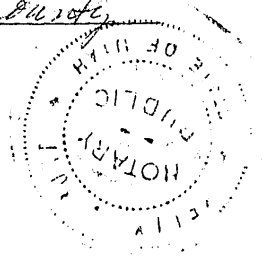
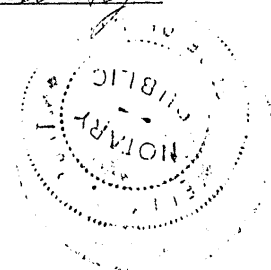
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 5th day of February, 1981, personally appeared before me Fred W. Fairclough and Edith P. Fairclough, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelly D. Bust  
NOTARY PUBLIC  
Residing at: S. L. County

My Commission Expires:

1/29/85



BOOK 5288 PAGE 1347

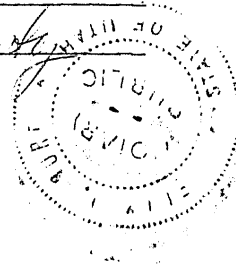
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 5th day of February, 1981, personally appeared before me Virginia W. Quealy, one of the signers of the foregoing instrument, who duly acknowledged to me that she executed the same.

Kelly D. Best  
NOTARY PUBLIC  
Residing at: Dr. County

My Commission Expires:

1/29/85



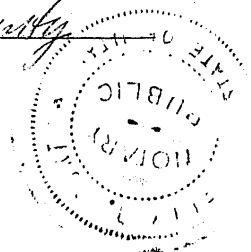
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 5th day of February, 1981, personally appeared before me Dr. C. R. Cornwall, one of the signers of the foregoing instrument, who duly acknowledged to me that he executed the same.

Kelly D. Best  
NOTARY PUBLIC  
Residing at: Dr. County

My Commission Expires:

1/29/85



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

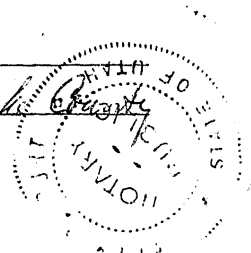
On the 20 day of March, 1981, personally appeared before me Elizabeth Lupton, who, being by me duly sworn, did say that he is the Trust officer of Zions First National Bank, a Utah corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and said they duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Kelly D. Best  
NOTARY PUBLIC  
Residing at: Salt Lake County

My Commission Expires:

1/29/85

-12-



BOOK 5288 PAGE 1348

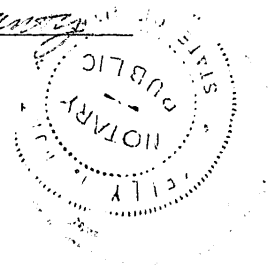
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 24<sup>th</sup> day of February, 1981, personally appeared before me Fred W. Bradshaw and Ruth Bradshaw, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelley D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:

1/29/85



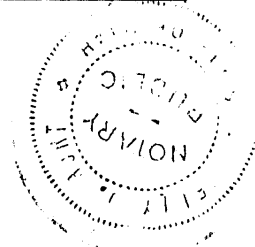
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 24<sup>th</sup> day of February, 1981, personally appeared before me Thomas R. Harrison and Dorothy W. Harrison, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelley D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:

1/29/85



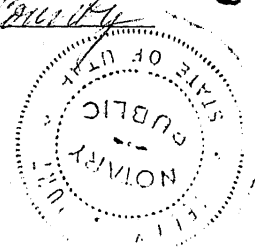
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 24<sup>th</sup> day of February, 1981, personally appeared before me Leonard J. Lewis and Lois A. C. Lewis, his wife, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kelley D. Bust  
NOTARY PUBLIC  
Residing at: S.L. County

My Commission Expires:

1/29/85



BOOK 5288 PAGE 1349

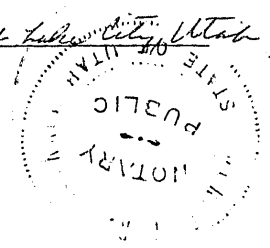
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 28th day of December, 1979, personally appeared before me Paul M. Huish, who, being by me duly sworn, did say that he is the President of Donner Place, Inc., a Utah corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and said Paul M. Huish duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Dorothy R. Oxbarrow  
NOTARY PUBLIC  
Residing at: Salt Lake City, Utah

My Commission Expires:

Mar. 1, 1982



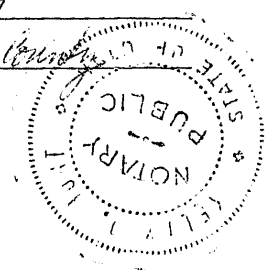
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On the 5th day of February, 1981, personally appeared before me G. Kenneth Handley, one of the signers of the foregoing instrument, who duly acknowledged to me that he executed the same.

Kellis D. Bust  
NOTARY PUBLIC  
Residing at: S.L. City, Utah

My Commission Expires:

1/20/85



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

On the 28th day of December, 1979, personally appeared before me Alan E. Hines, who, being by me duly sworn, did say that he is the President of A.D.K. Investment Co., a Utah corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and said they duly acknowledged to me that said corporation executed the same and that the

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seal affixed is the seal of said corporation.

Avram T. Loney  
NOTARY PUBLIC  
Residing at: Salt Lake County

My Commission Expires:

MY COMMISSION EXPIRES SEP. 30, 1953



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

On the 59<sup>th</sup> day of December, 1949, personally appeared before me Avram T. Loney, who, being by me duly sworn, did say that he is the President of Huish Distributing Co., a Nevada corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and said they duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Avram T. Loney  
NOTARY PUBLIC  
Residing at: Salt Lake County

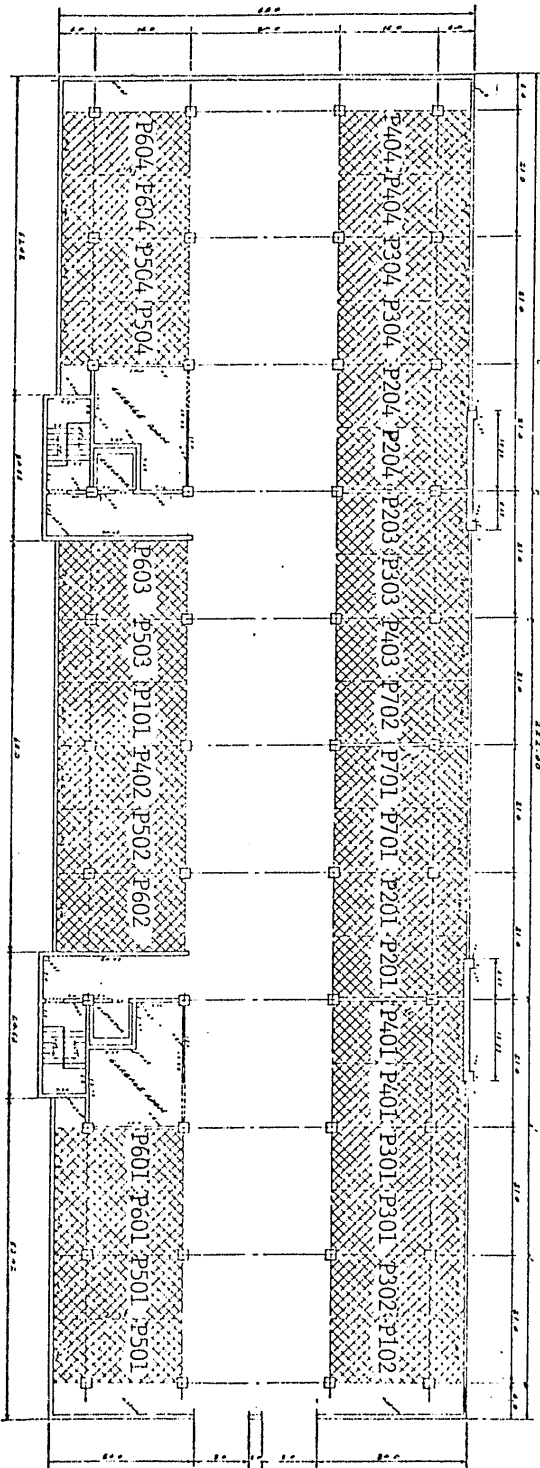
My Commission Expires:

MY COMMISSION EXPIRES SEP. 30, 1953



BOOK 5288  
PAGE 1351

EXHIBIT "A"



BOOK 5288 PAGE 1352

BASEMENT  
PARKING GARAGE  
SCALE 1/8" = 1'-0"

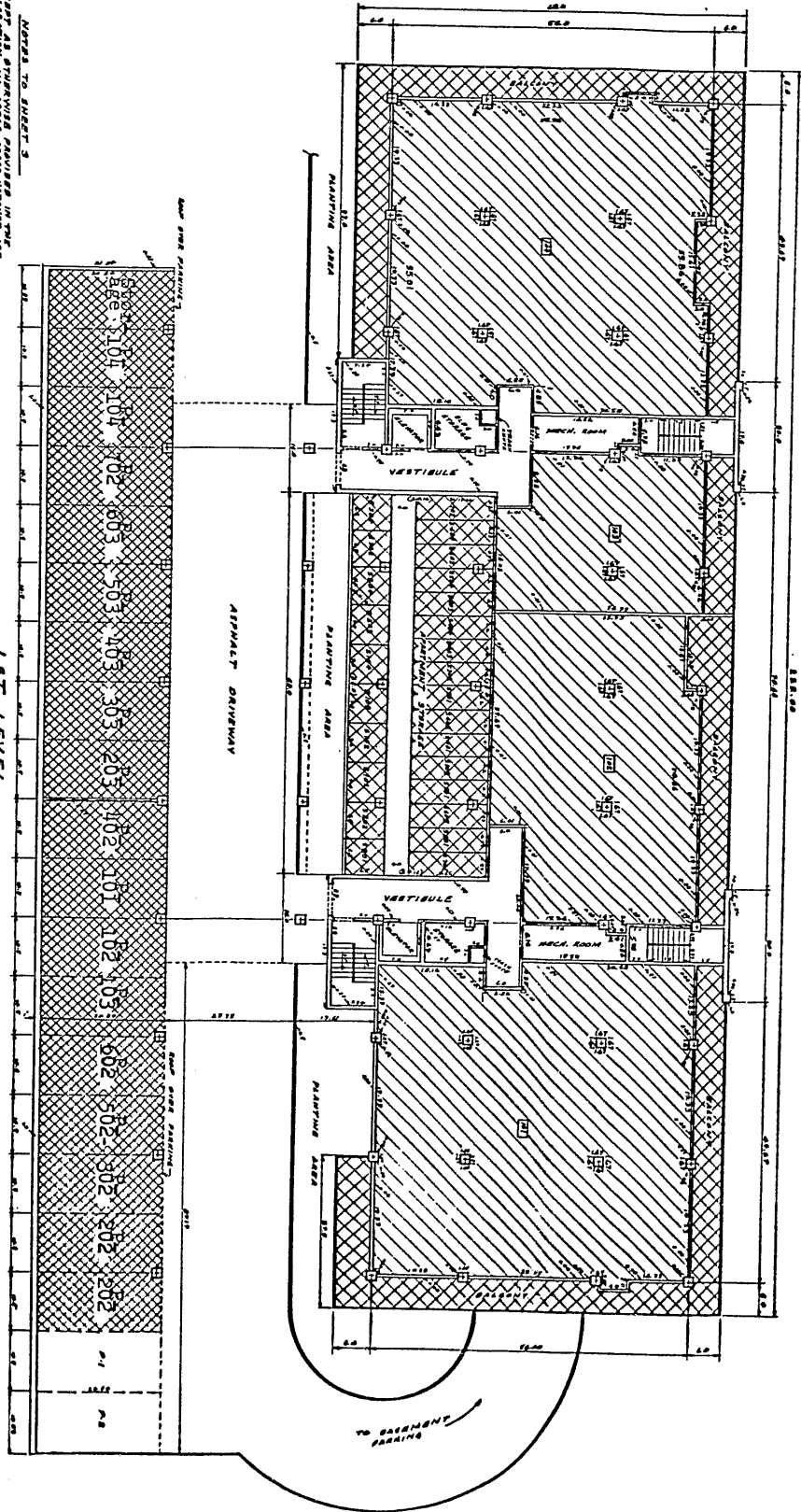
- NOTES TO SHEET 2
1. ALL COLUMNS ARE 18" X 18" AND ARE DIMENSIONED TO THE CENTER OF THE COLUMN.
  2. THE STALLS ARE 12' X 20' IN SIZE.
  3. ALL AREA GROUPS SHALL MATCH TO THE COMMON AREA.
  4. ALL AREA GROUPS SHALL MATCH TO THE COMMON AREA.
  5. ALL AREA GROUPS SHALL MATCH TO THE COMMON AREA.
  6. ALL AREA GROUPS SHALL MATCH TO THE COMMON AREA.
  7. ALL AREA GROUPS SHALL MATCH TO THE COMMON AREA.
  8. ALL AREA GROUPS SHALL MATCH TO THE COMMON AREA.
  9. ALL AREA GROUPS SHALL MATCH TO THE COMMON AREA.
  10. ALL AREA GROUPS SHALL MATCH TO THE COMMON AREA.

ADDENDUM NO. 1 TO  
RECORD OF SURVEY MAP OF  
DONNER PLACE,  
A CONDOMINIUM  
PROJECT



EXHIBIT "B"

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PAGE 1353



- NOTES TO SHEET 3.
1. BEARING OF CURVES AND POINTS IN THE REGISTRATION OF THIS CASE SHOWN ARE COMMON AREA.
  2. ALL AREAS NOT CASE MARKED ARE COMMON AREA.
  3. ALL AREAS NOT CASE MARKED ARE COMMON AREA.
  4. NUMBERS PRECEDED BY 3. ARE STAIRS AND NUMBERS PRECEDED BY 2. ARE HALLING STALLS.
  5. ALL COLUMN ARE DIMENSIONED ON SHEET 2.
  6. DIMENSIONS OF SECTION WALLS ARE TO THE CENTERLINE.
  7. ALL WYRING DIMENSIONS ARE TO THE INTERIOR SURFACE OF THE WALL DIMENSIONED.
  8. ALL DIMENSIONS INDICATED ALL WALLS ARE 4" THICK.

9. THIS SHEET SHOWS HORIZONTALS AND VERTICAL DIMENSIONS.
10. ALL COLUMN ARE 14" X 14" IN DIMENSION.
11. UNIT NUMBERS ARE 101 - 103 AND 201 - 203.

**1ST LEVEL**  
SCALE 1" = 10'

CERTIFICATION  
I CERTIFY THAT THE BUILDING SPECIFICATIONS AS THE BUILDING SHOWN ON THIS SHEET AS DRAWN HEREON ARE THE WILL OF THE PARTIES TO THIS SHEET.  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
SURVEYOR IN CHARGE

RECORD OF SURVEY MAP OF  
**DONNER PLACE,  
A CONDOMINIUM  
PROJECT**

SHEET 3 OF 6  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
SURVEYOR IN CHARGE

EXHIBIT "C"

A parcel of land located in Salt Lake County, State of Utah, more particularly described below:

Beginning at a point North 0°14'34" East along the center section line 524.28 feet from the center of Section 11, Township 1 South, Range 1 East, Salt Lake Base and Meridian and running thence North 0°14'34" East along said center section line 257.93 feet; thence East 155.91 feet to a point on a curve to the left, the radius point of which is North 68°10'58" East 57.00 feet; thence Southeasterly along the arc of said curve 41.39 feet to a point of tangency; thence South 63°25'26" East 115.64 feet to the West line of Donner Way, said point also being on a curve to the left, the radius point of which is South 63°25'26" East 3549.95 feet; thence Southwesterly along the arc of said curve, and West line 26.40 feet to a point of tangency; thence South 26°09' West along said West line 258.79 feet; thence North 63°51' West 180.54 feet to the point of beginning.

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SALT LAKE COUNTY  
RECORDED  
UTAH

SEP 3 3 51 PM '81

*Ernest Boyley*  
RECORDED

*57.50*  
*Ernest Boyley*