

3384830

SECOND SUPPLEMENTARY DECLARATION

TO THE

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF BROOKSTONE

A PROWSWOOD OPEN SPACE CONDOMINIUM PHASE NO. I

CONDOMINIUM PROJECT

THIS SECOND SUPPLEMENTARY DECLARATION is made and executed on the 26th day of November, 1979, by PROWSWOOD, INC., a Utah corporation (the "Declarant").

R E C I T A L S:

A. On June 9, 1978 Declarant made and executed the Declaration of Covenants, Conditions and Restrictions of Brookstone, a Prowswood Open Space Community Phase No. I (the "Declaration") as the initial part of a plan for the Brookstone Condominium Project (the "Project"). The Declaration was recorded in the Official Records of Salt Lake County, State of Utah, on June 12, 1978 in Book 4687 at pages 1204 et seq as Entry No. 3121458. The related Record of Survey Map ("Phase I Map") was recorded concurrently with the Declaration as Entry No. 3121457 in Book 78-6-167. The Declaration and Phase I Map submitted to the provisions of the Act the following described real property situated in Salt Lake County, State of Utah, to-wit:

Beginning at a point on the centerline of 6400 South Street, said point being S 0°07'45" W 1404.54 feet; thence N 89°57'30" W 2639.85 feet to a monument; thence N 89°46'54" W along the centerline of said 6400 South Street 378.466 feet from the Northeast Corner of Section 21, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 356.88 feet; thence East 59.25 feet; thence South 338.00 feet; thence West 112.00

KATIE L. LINDON  
REGISTRAR  
SALT LAKE COUNTY  
UTAH

JAN 4 11 52 AM '80

11050  
Security Title  
S  
REF

SECURITY TITLE COMPANY  
2-7-79  
20062

BOOK 78-6-167 PAGE 314

feet; thence South 160.45 feet; thence S 60°00' W 176.17 feet to a point on a curve to the right, the radius point of which is N 60°00' E 232.50 feet; thence Northwesterly along the arc of said curve 29.42 feet to a point of tangency; thence N. 22°45' W 161.05 feet to a point of a 1150.0 foot radius curve to the left; thence Northwesterly along the arc of said curve 225.80 feet to a point of a reverse curve to the right, the radius point of which is N 56°00' E 210.0 feet; thence Northerly along the arc of said curve 142.94 feet; thence S 87°13'06" W 196.87 feet; thence N 2°46'54" W 447.00 feet to the centerline of said 6400 South Street; thence S 89°46'54" E along said centerline 641.234 feet to the point of beginning.

RESERVED FROM THE FOREGOING SUBMISSION are such easements and rights of ingress and egress over, across, through, and under the above-described tracts and any improvements now or hereafter constructed thereon as may be necessary to develop the entire Project. If pursuant to this reservation, the above-described real property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservation hereby effected shall terminate upon the completion and sale by Declarant of all Units in the Project. The foregoing submission is subject to a 12 ft. drainage and irrigation easement to Salt Lake County Flood Control and to Little Cottonwood Ditch Company described as follows:

Beginning at a point on the South line of 6400 South Street said point being South 1431.74 feet and West 3661.10 feet from the Northeast corner of Section 21, Township 2 South, Range 1 East, Salt Lake Base and Meridian and running thence South 2°46'54" East 413.95 feet; thence North 87°13'06" East 12.00 feet; thence North 2°46'54" West 413.32 feet to the South line of said 6400 South Street; thence North 89°46'54" West along said South line 12.02 feet to the point of beginning. And subject, also, to easements of record and visible and subject, further, to restrictions, conditions and covenants of record.

B. Under the Declaration (Section 27 of Article III) Declarant reserved the right to expand the Project until the seventh anniversary of the recording of the Declaration.

C. On January 31, 1979, Declarant executed an instrument entitled "Supplementary Declaration of and Amendment to Covenants, Conditions and Restrictions of Brookstone, a Prowswood Open Space Community Condominium (Phase I)", hereinafter referred to as the "First Supplementary Declaration". The First Supplementary Declaration was recorded in the official records of Salt Lake County, Utah on February 5, 1979 in Book 4810 at page 269 et seq. as Entry No. 3233272. Concurrently with the recording of the First Supplementary Declaration, there was recorded in "Supplemental Record of Survey Map of Phase II", hereinafter the "Phase II Map", in Book 79-2-42 as Entry No. 3233273. The First Supplementary Declaration and the Phase II Map submitted to the provisions of the Act the following described tract of real property in Salt Lake County, State of Utah:

Beginning at the center of Section 21, Township 2 South, Range 1 East, Salt Lake Base and Meridian and running thence N 89°37'20" W along the south line of the northwest quarter of said section 1096.07 feet to the east line of Rothmoor Estates No. 1 Subdivision; thence along the east line of said Subdivision as follows: N 26°13'06" E 287.73 feet; thence N 70°43'06" E 188.10 feet; thence N 26°16'54" W 272.24 feet; thence N 36°31'54" W 132.00 feet; thence N 2°46'54" W 114.01 feet; thence leaving said east line N 87°13'06" E 196.87 feet to a point on a curve to the left; the radius point of which is S 85°00' E 210.0 feet; thence Southeasterly along the arc of said curve 142.94 feet, to a point of a reverse curve to the right, the radius point of which is S 56°00' W 1150.0 feet; thence Southeasterly along the arc of said curve 225.80 feet to a point of tangency; thence S 22°45' E

161.05 feet to a point of a 232.50 foot radius curve to the left; thence Southeasterly along the arc of said curve 29.42 feet; thence N 60°00' E 176.17 feet; thence North 160.45 feet; thence East 112.00 feet; thence North 338.0 feet; thence East 68.765 feet to a point of a 90.0 foot radius curve to the right; thence Southeasterly along the arc of said curve 145.56 feet to a point of tangency; thence S 2°40' W 137.00 feet to a point of a 1000.0 foot radius curve to the left; thence Southerly along the arc of said curve 168.715 feet to a point of tangency; thence S 7°00' E 170.00 feet to a point of a 120.0 foot radius curve to the right; thence Southwesterly along the arc of said curve 128.42 feet; thence S 35°41' E 38.465 feet; thence S 89°54'30" E 325.20 feet; thence S 0°05'30" W 56.135 feet; thence S 20°14'17" W 85.37 feet; thence S 0°16'04" W 31.00 feet; thence N 89°43'56" W 130.90 feet to the point of beginning. Contains 12.197 Acres

Subject to easements of record, and visible, and subject, also, to restrictions and covenants of record.

RESERVING UNTO THE DECLARANT a perpetual 24 foot right-of-way easement for ingress and egress the centerline of which is described as follows:

Beginning at a point on the south right of way line of 6400 South Street, said point being North 89°46'54" West along the center line of said 6400 South Street 537.59 feet and South 0°13'06" West 33.00 feet from a Salt Lake County Monument at the point where the center line of said 6400 South Street intersects the west line of the Northeast quarter of Section 21, Township 2 South, Range 1 East, Salt Lake Base and Meridian; said point of beginning also being North 1203.13 feet and West 535.74 feet from the center of said Section 21 and running thence South 0°13'06" West 324.485 feet; thence East 288.50 feet to a point of a 90.0 foot radius curve to the right; thence Southeasterly along the arc of said curve 145.56 feet to a point of tangency; thence South 2°40' West 137.00 feet to a point of a 1000.0 foot radius curve to the left; thence Southerly along the arc of said curve 168.715 feet to a point of tangency; thence South 7°00' East 170.00 feet to a point of a 120.00 foot radius curve to the right; thence Southwesterly along the arc of said curve 128.42 feet; thence South 35°41' East 38.465 feet; thence South 89°54'30" East 170.58 feet; thence South 69°54'30" East 21.93 feet thence South 89°54'30" East 52.82 feet; thence South 44°54'30" East 102.47 feet to a point on the Northwesterly line of a RV. storage area said point being North 86.68 feet and East 151.80 feet from the center of said Section 21.

D. Declarant is the record owner of the real property described in Article II ("Phase III Land") of this Second Supplementary Declaration. Phase III Land is a portion of the Additional Land described in the Declaration. This Second Supplementary Declaration seeks to comply in every way with the expansion provisions of the Declaration. This Second Supplementary Declaration applies to the Declaration, the First Supplementary Declaration and to no other Declaration. Record of Survey Map Phase 3 of the Project ("Phase III Map"), recorded herewith, consisting of seven sheets, prepared and certified to by Robert B. Jones, a duly registered Utah Land Surveyor, which describes the Phase III Land as does Article II hereof constitutes another expansion of the Project.

E. It is the intent of the Declarant that the Phase III Land shall become subject to the Declaration, the Act and the First Supplementary Declaration where applicable. To this end and for the benefit of the Project and the Owners thereof, Declarant makes this Second Supplementary Declaration.

F. There currently exists in the Project one hundred forty (140) Units and Common Areas. This Second Supplementary Declaration and the Phase III Map expands the Project to include forty-two (42) additional Units to be individually owned.

NOW, THEREFORE, for the foregoing purposes, Declarant hereby makes the following Second Supplementary Declaration:

I. DEFINITION

Except as otherwise defined herein or as may be required by the context, all terms or expressions defined in Article I of the Declaration and in Article I of the First

Supplementary Declaration shall have such defined meanings when used in this Second Supplementary Declaration.

## II. SUBMISSION

There is hereby submitted to the provisions of the Act, as additional tract associated with the Project, the following described parcel of real property situated in Salt Lake County, State of Utah:

Beginning at a point which is South 89°43'56" East along the quarter section line 160.61 feet and North 129.88 feet from the center of section 21, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence North 0°05'30" East 37.495 feet; thence North 89°54'30" West 325.20 feet; thence North 35°41' West 38.465 feet to a point on a 120.00 foot radius curve to the left the center of which bears North 35°41' West from said point; thence Northerly along the arc of said curve 128.42 feet to the point of tangency; thence North 7°00' West 170.00 feet to a point of a 1000.00 foot radius curve to the right; thence Northerly along the arc of said curve 168.715 feet to the point of tangency; thence North 2°40' East 24.90 feet; thence South 89°54'30" East 168.00 feet; thence South 0°05'30" West 7.76 feet; thence South 89°54'30" East 138.19 feet to an old fence line; thence South 0°30' East along said fence line 123.73 feet; thence South 89°57'30" East 157.87 feet to an old fence line; thence South 0°35' East along said fence line 411.52 feet thence North 89°54'30" West 144.92 feet to the point of beginning. Contains 4.949 acres.

## III. COVENANTS, CONDITIONS AND RESTRICTIONS

The foregoing submission is made upon and under the following covenants, conditions and restrictions:

1. Description of Improvements. The improvements included within this expansion (hereinafter "this Phase") of the Project are now or will be located upon the Phase III Land, and all such improvements are described on Phase III Map. Forty-two (42) Units

are contained in the Buildings, with each Building containing four or two Units as shown on the Map. Every Building has three levels including a basement. In addition to the Buildings, the significant improvements in this Phase are asphalt roadways, concrete sidewalks or walkways, and fences. The location and configuration of the improvements referred to is depicted on the Phase III Map. The Project (excluding the part thereof located on or as otherwise associated with the Additional Land) also contains other improvements such as outdoor lighting and landscaping. The Phase III Map shows, inter alia, the number of stories and the number of Units which are contained in the twelve Buildings included in this Phase of the Project. The Buildings are composed of the following materials: wood frame with load and non-load bearing walls studded with wood; basement floor of concrete; first floor of wooden joists; second floor of wooden joists, interior surfaced with sheet rock, brick veneer exterior and wood shingled roof surfaced with tar and gravel.

2. Description and Legal Status of Units. The Phase III Map shows the Unit designation of each Unit located within the boundaries of this phase, its location, dimension from which its Size may be determined, the Common Areas to which it has immediate access, and other pertinent information.

3. Limited Common Areas. The Limited Common Areas which are contained in this Phase and the respective Units to which the exclusive use of such Limited Common Areas appertain consist of the patios shown on Phase III Map and the uncovered parking spaces adjacent to certain end Units shown on said Map.

4. Computation of Percentage Interest. The proportionate share of the Unit Owners in the Common Areas of the Project, at any point in time, is based on the Size that each of the Units bears to the total Size of all Units then included in the Project. The Percentage Interest which becomes appurtenant, with this Second Supplementary Declaration has been recomputed in the aforesaid manner and is depicted in the Revised Exhibit "A" hereto attached and made a part hereof applicable to all Units after this phase of the Project. Upon future expansion(s) of the Project, the Percentage Interest appurtenant to each Unit then contained in the Project may be recomputed and revised only through use of the formula described at the outset of this Section 4 of Article III.

5. Effective Date. This Second Supplementary Declaration to the Declaration shall take effect upon its being filed for record in the office of the County Recorder of Salt Lake County, State of Utah.

EXECUTED on the day and year first above written.

PROSWOOD, INC.

By 

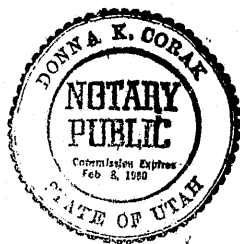
ROBERT W. WOOD  
Executive Vice-President

STATE OF UTAH                    )  
  : ss.  
County of Salt Lake            )

On the 26th day of November, 1979, personally appeared before me ROBERT W. WOOD, who, being by me duly sworn,



did say that he is the Executive Vice-President of Prowswood, Inc., 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 ROBERT W. WOOD duly acknowledged to me that said corporation executed the same.



*Donna K. Corak*  
NOTARY PUBLIC  
Residing at:

My Commission Expires:

February 8, 1980

REVISED EXHIBIT "A"  
 BROOKSTONE CONDOMINIUM PROJECT  
 (After Second Expansion)

<u>Unit No.</u>	<u>Building No.</u>	<u>Size (Sq. ft. Living Space)</u>	<u>Percentage Interest</u>
1	1	1578	.5063%
2	1	2094	.6718%
3	1	2185	.7010%
4	1	1710	.5486%
5	2	1578	.5063%
6	2	2094	.6718%
7	2	2185	.7010%
8	2	1710	.5486%
9	3	1356	.4350%
10	3	1780	.5710%
11	3	1780	.5710%
12	3	1356	.4350%
13	4	1356	.4350%
14	4	1780	.5710%
15	4	1780	.5710%
16	4	1356	.4350%
17	5	1356	.4350%
18	5	1780	.5710%
19	5	1780	.5710%
20	5	1356	.4350%
21	6	1356	.4350%
22	6	1780	.5710%
23	6	1780	.5710%
24	6	1356	.4350%
25	7	1578	.5063%
26	7	1710	.5486%

REVISED EXHIBIT "A" - (Continued)

<u>Unit</u>	<u>Building No.</u>	<u>Size</u> <u>(Square ft. Living Space)</u>	<u>Percentage Interest</u>
27	8	2094	.6718%
28	8	1578	.5063%
55	17	1578	.5063%
56	17	2094	.6718%
57	17	2185	.7010%
58	17	1710	.5486%
59	18	1578	.5063%
60	18	2094	.6718%
61	18	2185	.7010%
62	18	1710	.5486%
63	19	1578	.5063%
64	19	2094	.6718%
65	19	2185	.7010%
66	19	1710	.5486%
67	20	1578	.5063%
68	20	2094	.6718%
69	20	2185	.7010%
70	20	1710	.5486%
71	21	1578	.5063%
72	21	1710	.5486%
73	22	1578	.5063%
74	22	2094	.6718%
101	32	1578	.5063%
102	32	2094	.6718%
103	32	2185	.7010%
104	32	1710	.5486%
105	33	1578	.5063%
106	33	2094	.6718%
107	33	2185	.7010%

REVISED EXHIBIT "A" - (Continued)

<u>Unit</u>	<u>Building No.</u>	<u>Size</u> <u>(Square ft. Living Space)</u>	<u>Percentage Interest</u>
108	33	1710	.5486%
29	9	1710	.5486%
30	9	1578	.5063%
31	10	1578	.5063%
32	10	2094	.6718%
33	11	1356	.4350%
34	11	1780	.5710%
35	11	1780	.5710%
36	11	1356	.4350%
37	12	1710	.5486%
38	12	2185	.7010%
39	12	2094	.6718%
40	12	1578	.5063%
41	13	1356	.4350%
42	13	1780	.5710%
43	13	1780	.5710%
44	13	1356	.4350%
45	14	1356	.4350%
46	14	1356	.4350%
47	14	1356	.4350%
48	14	1356	.4350%
49	15	1356	.4350%
50	15	1780	.5710%
51	15	1780	.5710%
52	15	1356	.4350%
53	16	1710	.5486%

REVISED EXHIBIT "A" - (Continued)

<u>Unit</u>	<u>Building No.</u>	<u>Size</u> <u>(Square ft. Living Space)</u>	<u>Percentage Interest</u>
54	16	1578	.5063%
75	23	1578	.5063%
76	23	1710	.5486%
77	24	1710	.5486%
78	24	1578	.5063%
79	25	2094	.6718%
80	25	1578	.5063%
81	26	1710	.5486%
82	26	1578	.5063%
83	27	1710	.5486%
84	27	2185	.7010%
85	27	2094	.6718%
86	27	1578	.5063%
87	28	1710	.5486%
88	28	1578	.5063%
89	28	1578	.5063%
90	28	1710	.5486%
91	29	1578	.5063%
92	29	1710	.5486%
93	30	1710	.5486%
94	30	1578	.5063%
95	30	1578	.5063%
96	30	1710	.5486%
97	31	1356	.4350%
98	31	1780	.5710%
99	34	1780	.5710%

REVISED EXHIBIT "A" - (Continued)

<u>Unit</u>	<u>Building No.</u>	<u>Size (Square ft. Living Space)</u>	<u>Percentage Interest</u>
100	34	1356	.4350%
109	35	1710	.5486%
110	35	1578	.5063%
111	36	1710	.5486%
112	36	1578	.5063%
113	37	1356	.4350%
114	37	1780	.5710%
115	37	1780	.5710%
116	37	1356	.4350%
117	38	1578	.5063%
118	38	1710	.5486%
119	39	1710	.5486%
120	39	1578	.5063%
121	40	1710	.5486%
122	40	1578	.5063%
123	40	1578	.5063%
124	40	1710	.5486%
125	41	1578	.5063%
126	41	2094	.6718%
127	41	2185	.7010%
128	41	1710	.5486%
129	42	1578	.5063%
130	42	2094	.6718%
131	42	2185	.7010%
132	42	1710	.5486%

REVISED EXHIBIT "A"<sup>m</sup> - (Continued)

<u>Unit</u>	<u>Building No.</u>	<u>Size</u> <u>(Square ft. Living Space)</u>	<u>Percentage Interest</u>
133	43	1356	.4350%
134	43	1780	.5710%
135	44	1780	.5711%
136	44	1356	.4350%
137	45	1356	.4350%
138	45	1780	.5711%
139	46	1780	.5711%
140	46	1356	.4350%
141	47	1578	.5063%
142	47	2094	.6718%
143	47	2094	.6718%
144	47	1578	.5063%
145	48	1356	.4350%
146	48	1780	.5711%
147	48	1780	.5711%
148	48	1356	.4350%
149	49	1710	.5486%
150	49	1578	.5063%
151	49	1578	.5063%
152	49	1710	.5486%
153	50	1710	.5486%
154	50	1578	.5063%
155	51	1578	.5063%
156 <sup>w</sup>	51	1710	.5486%
157	52	1710	.5486%
158	52	1578	.5063%

REVISED EXHIBIT "A" - (Continued)

<u>Unit</u>	<u>Building No.</u>	<u>Size (Square ft. Living Space)</u>	<u>Percentage Interest</u>
159	53	1710	.5486%
160	53	1578	.5063%
161	53	1578	.5063%
162	53	1710	.5486%
163	54	1710	.5486%
164	54	1578	.5063%
165	54	1578	.5063%
166	54	1710	.5486%
167	55	1710	.5486%
168	55	2094	.6718%
169	55	2094	.6718%
170	55	1710	.5486%
171	56	1710	.5486%
172	56	2094	.6718%
173	56	2094	.6718%
174	56	1710	.5486%
175	57	1710	.5486%
176	57	2094	.6718%
177	57	2094	.6718%
178	57	1710	.5486%
179	58	1710	.5486%
180	58	1578	.5063%
181	58	1578	.5063%
182	58	1710	.5486%
			100%

BOOK 5019 PAGE 329



