

**AMENDMENT TO DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS  
OF  
RIVER RUN CONDOMINIUMS  
AND  
DECLARATION OF ANNEXATION OF RIVER RUN CONDOMINIUMS, PHASE 2**

THIS AMENDMENT TO THE DECLARATION of Covenants Conditions and Restrictions of River Run Condominiums is made pursuant to the Utah Condominium Act, Utah Code Ann. §57-8-13.6, and executed this \_\_\_\_\_ day of \_\_\_\_\_, 1997, AND AMENDS THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF RIVER RUN CONDOMINIUMS, recorded April 14, 1997, as Entry No. 8622080, in Book \_\_\_\_\_ at Pages \_\_\_\_\_ et. seq., records of Salt Lake County, which affected all the property described in Exhibit A, attached hereto.

**ANNEXATION**

This is a Declaration of Annexation prepared pursuant to Article 11 of the previously identified Declaration of Covenants Conditions and Restrictions of River Run Condominiums.

Declarant hereby annexes the property described in Exhibit B attached hereto as a part of, and declares its intention that the property shall be subject to the Declaration of Covenants Conditions and Restrictions of River Run Condominiums referred to above, and any amendments thereto.

Any required approvals have been given.

**AMENDMENT**

Article 2, Section 2.1., of the Declaration of Covenants Conditions and Restrictions of River Run Condominiums referenced above is hereby amended to read as follows:

**ARTICLE 2 - PROPERTY RIGHTS**

Section 2.1. Division into Units, Limited Common and Common Area. In order to establish a plan of condominium ownership, the condominium project is hereby divided into the following separate freehold estates:

- a. Units. The 24 separately designated and legally described freehold estates consisting of the units as defined above and designated on the map. Each unit consists
- i. horizontally of the area within the interior surface of the sheet rock on walls which form the exterior of the building, and the lines as drawn on the map as constituting boundaries between the unit and common or limited common areas or between the unit and other units, and
  - ii. vertically from the exterior surface of the floor of the unit up to the interior surface of the ceiling. Mechanical equipment and appurtenances located within any one unit or located without said unit but designated and designed to serve only that unit, such as appliances, electrical receptacles and outlets, air conditioning and compressors and other air conditioning apparatus, fixtures and the like, shall be considered part of the unit, as shall all decorated interiors, all surfaces of the interior structural walls, floors and ceilings, windows and window frames, doors and door frames, and trim consisting of, inter alia and as appropriate, wallpaper, paint, flooring, carpeting and tile. All pipes, wires, conduits, or other public utility lines or installations constituting a part of the unit and serving only the unit, and any structural members of any other property of any kind, including fixtures and appliances within any unit, which are removable without jeopardizing the soundness, safety or usefulness of the remainder of the building within which the unit is situated shall be considered part of the unit.

Appurtenant to and inseparable from each unit shall be a percentage ownership in common areas and facilities and a per value according to the following table:

John E. Ord  
C/O

**Ord & Rodgers Construction, Inc.**

5122 AVENIDA JONAS  
CARLSBAD CA 92008

FAX (619) 438 5861  
(619) 438 1548

6662254  
06/05/97 1126 PM 42.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
ORD & RODGERS HOMES  
JORDAN RIVER LC  
REC BY: J FERGUSON DEPUTY - WI

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Unit #	Square Footage	% Ownership of Common Areas and Facilities	Par Value
1	1,232	4.6985538%	4.6985538
2	1,232	4.6985538%	4.6985538
3	1,070	4.0789874%	4.0789874
4	1,070	4.0789874%	4.0789874
5	1,232	4.6985538%	4.6985538
6	1,232	4.6985538%	4.6985538
7	1,070	4.0789874%	4.0789874
8	1,070	4.0789874%	4.0789874
9	1,232	4.6985538%	4.6985538
10	1,232	4.6985538%	4.6985538
11	1,070	4.0789874%	4.0789874
12	1,070	4.0789874%	4.0789874
13	946	3.6062824%	3.6062824
14	946	3.6062824%	3.6062824
15	946	3.6062824%	3.6062824
16	946	3.6062824%	3.6062824
17	946	3.6062824%	3.6062824
18	946	3.6062824%	3.6062824
19	1,070	4.0789874%	4.0789874
20	1,070	4.0789874%	4.0789874
21	1,232	4.6985538%	4.6985538
22	1,232	4.6985538%	4.6985538
23	1,070	4.0789874%	4.0789874
24	1,070	4.0789874%	4.0789874
Total	28,232	100.00%	100

The minimum number of units which shall be constructed is 192. In this event, each unit owner shall have a maximum possible percentage interest in the common elements as follows:

Unit Type	% Interest
Units with 1070 sf (3,4,7,8,11,12, 19, 20, 23, 24)	.693%
Units with 1232 sf (1,2,5,6,9,10, 21, 22)	.516%
Units with 946 sf (13, 14, 15, 16, 17, 18)	.455%

The maximum number of units which shall be constructed is 264. In this event, each unit owner shall have a minimum possible percentage interest in the common elements as follows:

Unit Type	% Interest
Units with 1070 sf (3,4,7,8,11,12, 19, 20, 23, 24)	.431%
Units with 1232 sf (1,2,5,6,9,10, 21, 22)	.374%
Units with 946 sf (13, 14, 15, 16, 17, 18)	.331%

These par values may not be changed except by amendment or expansion as provided herein. No unit may be further subdivided. No unit owner shall execute any deed, mortgage, lease or other instrument conveying, leasing or encumbering title to the unit without including therein all interests appurtenant thereto. The purpose of this restriction is to prevent any severance of such combined ownership. Any such deed, mortgage or other instrument purporting to affect one or more of such interests, without including all such interests, shall be deemed to include any omitted interest, even though not expressly mentioned or described therein. Each unit owner has an unrestricted right of ingress and egress to the unit which is appurtenant to ownership of the unit. Units may be combined in use if owned by the same unit owner.

- b. **Limited Common Areas.** Limited Common Areas, designated on the map, by double cross hatched areas may include carports, balconies, decks and covered decks appurtenant to certain units as contained in the Plat. The exclusive right to use and occupy each limited common area, if any, shall be appurtenant to and shall pass with the title to the unit with which it is associated. Each owner of a unit is hereby granted an irrevocable and exclusive license to use and occupy the limited common areas and facilities reserved exclusively for the use of the unit, subject to the residual rights of the Association therein.
- c. **Common Areas and Facilities.** A feehold estate consisting of the remaining portion of the real property as defined above as the "common areas and facilities." Every owner shall have a right and easement of use and enjoyment in and to the common area which easement shall be appurtenant to and shall pass with the title to every unit, subject to the following provisions:

- (i) The right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the common area.
- (ii) The right of the Association to limit the number of guests of members using the common area.
- (iii) The right of the Association to suspend the voting rights and/or common utility service of a member for any period during which any assessment or portion thereof against the unit remains unpaid; and for a period of not to exceed sixty (60) days for any infraction of its published rules and regulations.
- (iv) The right of the Association to enter into agreements or leases which provide for use of the common areas and facilities by a similar Association in consideration for use of the common areas and facilities of the other Association, or for cash consideration;
- (v) The right of the Association with the approval of seventy-five percent (75%) of each class of owners, to sell, exchange, hypothecate, alienate, mortgage, encumber, dedicate, release or transfer all or part of the common area to any private individual, corporate entity, public agency, authority, or utility.
- (vi) The right of the Association to grant easements for public utilities or other public purposes consistent with the intended use of the common area by the Association.
- (vii) The right of the Association to take such steps as are reasonably necessary or desirable to protect the common area against foreclosure.
- (viii) The terms and conditions of this Declaration.
- (ix) The right of each individual unit owner to the exclusive use of the limited common area adjacent and appurtenant to the respective unit.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand this 13 day of JUNE, 1997.

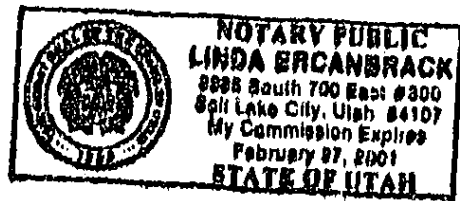
DECLARANT:  
ORD & RODGERS HOMES—JORDAN RIVER, L.C.

By JESAS  
John E. Ord, President  
Ord Properties, Inc., Manager

STATE OF Utah  
COUNTY OF Salt Lake ) ss.

On this 13 day of June, 1997, before me personally appeared John E. Ord, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is President of Ord Properties, Inc., Manager of Ord & Rodgers Homes—Jordan River, L.C., a limited liability company and that the foregoing document was signed by him on behalf of that Company by proper authority and he acknowledged before me that the Company executed the document and the document was the act of the Company for its stated purpose.

Linda Ercanbrack  
NOTARY PUBLIC  
Address: 2775 S. 1400 E. #300  
My Commission Expires: February 27, 2001  
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## EXHIBIT A

BEGINNING at a point that is S 00°05'27" E 242.552 feet, and West, 130.698 feet from the center of Section 35, Township 1 South, Range 1 West, Salt Lake Base & Meridian; thence East, 49.027 feet; thence Southwesterly, 23.785 feet along the arc of a 46.000 foot radius curve to the left (chord bears S 27°26'31" W, 23.521 feet); thence Southwesterly, 5.402 feet along the arc of a 4.000 foot radius curve to the right (chord bears S 51°18'51" W, 5.000 feet); thence West, 29.284 feet; thence South, 42.000 feet; thence East, 33.414 feet; thence Southeasterly, 4.198 feet along the arc of a 5.000 foot radius curve to the right (chord bears S 65°56'56" E, 4.075 feet); thence Northeasterly, 98.359 feet along the arc of a 55.000 foot radius curve to the left (chord bears N 86°52'12" E, 86.766 feet); thence Northeasterly, 4.740 feet along the arc of a 5.000 foot radius curve to the right (chord bears N 62°47'43" E, 4.564 feet); thence N 89°57'10" E, 257.401 feet; thence Southwesterly, 15.842 feet along the arc of a 27.500 foot radius curve to the left (chord bears S 16°30'14" W, 15.624 feet); thence South, 118.559 feet; thence West, 160.000 feet; thence North, 17.496 feet; thence West, 20.500 feet; thence N 78°32'08" W, 34.953 feet; thence West, 20.124 feet; thence S 45°08'13" W, 248.314 feet; thence S 44°51'47" E, 20.511 feet; thence Southeasterly, 3.874 feet along the arc of a 2.500 foot radius curve to the right (chord bears S 00°28'22" E, 3.498 feet); thence Southwesterly, 64.211 feet along the arc of a 44.500 foot radius curve to the left (chord bears S 02°34'50" W, 58.783 feet); thence Southwesterly, 3.661 feet along the arc of a 2.500 foot radius curve to the right (chord bears S 03°11'25" W, 3.342 feet); thence S 45°08'13" W, 15.767 feet; thence N 44°51'47" W, 55.857 feet; thence North, 281.518 feet; thence N 89°57'23" E, 65.000 feet; thence North, 115.000 feet to the POINT OF BEGINNING. Total area contains 1.7139 acres.

Contains one recreational building, and one residential building containing 12 units.

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EXHIBIT "B"

BEGINNING AT A POINT THAT IS S 00°05'27" E, 412.448 FEET, AND EAST, 18.558 FEET FROM THE CENTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 1 W EST, SALT LAKE BASE & MERIDIAN; THENCE EAST, 20.124 FEET; THENCE S 78°32'08" E, 34.953 FEET, THENCE EAST, 20.500 FEET; THENCE SOUTH 17.486 FEET; THENCE EAST, 160.000 FEET; THENCE SOUTH 69.644 FEET TO A POINT ON A 14.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S 22°34'08" W, 10.75 FEET); AND CONTINUING ALONG THE ARC OF SAID CURVE A DISTANCE OF 11.029 FEET; THENCE S 45°08'13" W 134.500 FEET; THENCE N 44°51'47" W 161.500 FEET; THENCE N 45°08'13" E 12.500 FEET; THENCE N 44°51'47" W, 75.000 FEET; THENCE N 45°08'13" E, 31.814 FEET TO THE POINT OF BEGINNING.