

WHEN RECORDED RETURN TO:
McArthur Homes, Inc.
9948 South Redwood Road
South Jordan, Utah 84095
(801) 253-9910

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04/14/2004 04:22 PM 30.00
Book - 8973 Pg - 4045-4049
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SURETY TITLE
BY: ZJM, DEPUTY - WI 5 P.

**FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION
FOR
THE TOWNS AT HUNTER VILLAGE
AN EXPANDABLE CONDOMINIUM PROJECT**
(To correct a clerical error in stating the number of units in Project)

This First Amendment to Amended and Restated Declaration for The Towns at Hunter Village, an expandable condominium, is made and executed by McARTHUR HUNTER TOWNS, L.C., a Utah limited liability company, of 9948 South Redwood Road, South Jordan, Utah 84095 (the "Declarant").

RECITALS

A. The Amended and Restated Declaration for The Towns at Hunter Village, an expandable condominium, was recorded in the office of the County Recorder of Salt Lake County, Utah on June 30, 2002 as Entry No. 8248107 in Book 8603 at Pages 4723-4789 of the official records (the "Declaration").

B. This document affects the real property located in Salt Lake County, Utah, described with particularity on Exhibit "A," attached hereto and incorporated herein by this reference (the "Property").

C. The Declarant is the owner of the Property.

D. All of the voting requirements have been satisfied.

E. This document is intended to correct an inadvertent clerical error in the Declaration misstating the number of units in the project.

AMENDMENT

For the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, the Declarant hereby executes this First Amendment to Amended and Restated Declaration for The Towns at Hunter Village, an expandable condominium, for and on behalf of all of the Unit Owners.

1. Regarding the "number of Units" in the Project, Article III, Section 2 of the Declaration, entitled "Expansion," is hereby amended in part to delete the following misstated "numbers." The deletions are indicated by the **strikethroughs**:

The total maximum number of Units to be added shall be ~~270~~, for a total maximum number of Units of ~~282~~ in the Project.

The following correct numbers are substituted in lieu thereof. The corrections are indicated by *italics*:

The total maximum number of Units to be added shall be *123*, for a total maximum number of Units of *135* in the Project.

2. Regarding the "number of Units" in the Project, Article IV, Section 2(a)(ii) of the Declaration, entitled "Division Into Units, Limited Common Area and Common Area" is hereby amended in part to delete the following misstated "number." The deletion is indicated by the **strikethroughs**:

(ii) Appurtenant to and inseparable from each Unit shall be a percentage ownership in common areas and facilities and a Par Value based on the number of Units incorporated within the Project, the minimum being 12 Units and the maximum being ~~282~~ Units.

The following correct number is substituted in lieu thereof. The correction is indicated by *italics*:

(ii) Appurtenant to and inseparable from each Unit shall be a percentage ownership in common areas and facilities and a Par Value based on the number of Units incorporated within the Project, the minimum being 12 Units and the maximum being *135* Units.

3. In the event of any conflict, incongruity or inconsistency between the provisions of the Declaration and the changes set forth in this Amendment, the latter shall in all respects govern and control.

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

IN WITNESS WHEREOF, Declarant has executed this instrument the 29th day of January, 2004.

McARTHUR HUNTER TOWNS, L.C.
a Utah limited liability company

By: McARTHUR HOMES, INC.
A Utah corporation
Title: Its Managing Member

By: Steven D. McArthur
Name: Steven D. McArthur
Title: President

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

On the 29th day of January, 2004, personally appeared before me Steven D. McArthur, who by me being duly sworn, did say that he is the President of McArthur Homes, Inc., which is the Managing Member of McArthur Hunter Towns, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said McArthur Hunter Towns, L.C., a Utah limited liability company by authority, and said Steven D. McArthur duly acknowledged to me that he executed the same, as President, on behalf of McArthur Homes, Inc., the Managing Member pursuant to a Resolution of its Board of Directors or its Articles of Incorporation.

Patricia Hall
NOTARY PUBLIC
Residing At: Salt Lake County
Commission Expires: 6-11-06

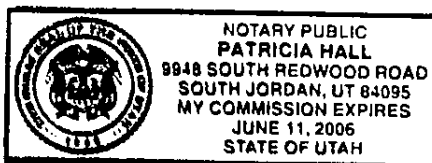


Exhibit "A"
LEGAL DESCRIPTION

THE TOWNS AT HUNTER VILLAGE CONDOMINIUM

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

***The Towns at Hunter Village
Phase 1***

Beginning at a point which is S89°56'56"W along the Section Line, 312.166 feet and N00°03'04"W, 299.895 feet from the South Quarter Corner of Section 27, Township 1 South, Range 2 West, Salt Lake Base and Meridian; and running thence S69°45'47"W, 39.658 feet; thence S89°56'56"W, 254.955 feet; thence N00°03'04"W, 85.103 feet; thence N89°56'56"E, 111.970 feet; thence N44°56'42"E, 58.265 feet; thence N74°48'04"E, 86.842 feet; thence N47°56'54"E, 15.000 feet; thence Southeasterly 57.393 feet along the arc of a 90.000 foot radius curve to the right, (chord bears S23°46'59"E, 56.425 feet); thence Southeasterly 96.359 feet along the arc of a 375.000 foot radius curve to the left (chord bears S12°52'32"E, 96.094 feet) to the point of beginning.

Contains 31,174 Square Feet or 0.72 Acres

***The Towns at Hunter Village
Phase 2***

Beginning at a point which is S89°56'56"W along the Section Line, 348.224 feet and N00°03'04"W, 171.631 feet from the South Quarter Corner of Section 27, Township 1 South, Range 2 West, Salt Lake Base and Meridian; and running thence N89°58'51"W, 22.913 feet; thence N89°58'51"W, 256.282 feet; thence N00°03'04"W, 114.237 feet; thence N89°56'56"E, 23.076 feet; thence N89°56'56"E, 254.955 feet; thence N69°45'47"E, 39.658 feet; thence Southeasterly 28.414 along the arc of a 375.00 foot radius curve to the left, (chord bears S22°24'27"E, 28.407 feet); thence S24°34'42"E, 18.780 feet; thence Southwesterly 120.006 feet along the arc of a 60.000 foot radius curve to the right (chord bears S32°43'14"W, 100.980 feet) to the point of beginning.

Contains 37,939 Square Feet or. 0.87 Acres

Together with the appurtenant undivided ownership interests in the Common Areas and Facilities.

Exhibit "A"
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