

**AMENDMENT NO. ONE  
FOR EXPANSION OF  
THE FIELDS AT OVERLAKE CONDOMINIUMS**

**(An Expandable Condominium Project)**

THIS AMENDMENT NO. ONE ("Amendment") to the Declaration of Condominium of The Fields at Overlake Condominiums, an expandable condominium project (the "Declaration"), is made effective as of the date of the recording hereof in the Tooele County Recorder's Office by HOLMES & ASSOCIATES, L.C. ("Declarant") pursuant to Section 57-8-13.6 of the Utah Condominium Ownership Act and Article 16 of the Declaration.

**RECITALS:**

A. On May 14, 1999, Declarant filed the Declaration, as Entry No. 131110, in Book 658, beginning at page 338 in the official records of the Tooele County Recorder, State of Utah, with the Record of Survey Map (the "Plat").

B. The Plat created an expandable residential condominium project (the "Condominium Project"), consisting of eleven (11) units, Unit Nos. 1A, 1B, 2A, 2B, 2C, 2D, 3A, 3B, 3C, 3D, and 3E ("Phase One"), and additional land that may be used to expand the Condominium Project with up to 56 additional units ("Additional Land").

C. Declarant is the owner of fee simple title to all of the Additional Land and now desires to add twelve (12) units, Unit Nos. 4A, 4B, 4C, 4D, 5A, 5B, 5C, 6A, 6B, 6C, 6D, and 6E ("Phase Two"), to the existing Condominium Project pursuant to the terms of the Declaration.

D. The supplemental Plat for Phase Two will be recorded concurrently with this Amendment by Declarant in the official records of the Tooele County Recorder, State of Utah.

NOW THEREFORE, in pursuance of the foregoing, Declarant declares and certifies as follows:

1. Phase Two Expansion. Declarant hereby submits to the provisions of the Utah Condominium Ownership Act, Utah Code Ann. § 57-8-1 et seq. (the "Act"), the real property situated in Tooele, Tooele County, Utah, as more particularly described on Exhibit "A," attached to and incorporated in this Amendment by reference (the "Phase Two Property"). As of the date of this Amendment, Declarant is the sole owner of the Phase Two Property. The Phase Two Property hereby submitted to the Act shall be known as The Fields at Overlake Condominiums, Phase Two, and shall be subject to the terms and conditions of the Declaration.

2. Improvements. The improvements to be built on the Phase Two Property shall consist of several multi-unit buildings with a maximum and minimum of twelve (12) units, Unit

Nos. 4A, 4B, 4C, 4D, 5A, 5B, 5C, 6A, 6B, 6C, 6D, and 6E. All improvements constructed on the Phase Two Property shall be consistent in terms of quality of construction and shall be compatible in terms of principal materials used and architectural style with the structures in Phase One. Further, the Units created in Phase Two shall be substantially identical to the Units in Phase One. Each Unit will be provided with a one car garage, which will be attached to the Unit and shall be designated as Limited Common Area appurtenant to such Unit.

3. Undivided and Allocated Interests. As specified in Article 16 of the Declaration, with the expansion of the Condominium Project to include Phase Two, each Unit Owner in the Condominium Project shall have a maximum 1/23rd (or 4.3478%) undivided interest in the Common Area, 1/23rd (or 4.3478%) allocated interest in the common expenses of the Condominium Project, and a 1/63rd (or 4.3478%) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of Phase Two into the Condominium Project, the new Additional Land shall consist of the original Additional Land less the Phase Two Property, as more particularly described on Exhibit "B," attached to and incorporated in this Amendment by reference.

IN WITNESS WHEREOF, the undersigned, being the Declarant, has caused this instrument to be executed on this 5 day of ~~October~~, 1999.  
*November*

DECLARANT:

HOLMES & ASSOCIATES, L.C., a Utah limited liability company

By: 

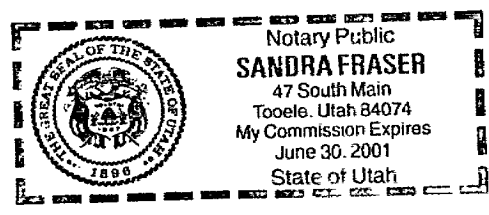
Title: *President*

STATE OF UTAH )  
                  *Tooele* : ss.  
COUNTY OF ~~SALT LAKE~~ )

The foregoing instrument was acknowledged before me this 5 day of ~~October~~ <sup>November</sup>, 1999, by Patrick H Holmes, who is the Member of HOLMES & ASSOCIATES, L.C., a Utah limited liability company.

Sandra Fraser  
NOTARY PUBLIC  
Residing at ~~Salt Lake County, Utah~~ Tooele Utah

My Commission Expires:  
June 30, 2001



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EXHIBIT "A"

LEGAL DESCRIPTION  
PHASE TWO  
THE FIELDS AT OVERLAKE CONDOMINIUMS

The following described real property, located in Tooele County, Utah, is the parcel representing Phase Two of the Condominium Project:

Beginning at a point which lies South  $00^{\circ}13'38''$  East 459.43 feet along the East line of the Northwest quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and South  $89^{\circ}46'22''$  West along the centerline at 1910 North Street 282.62 feet and North  $00^{\circ}13'38''$  West perpendicular to said centerline 30.00 feet from the North quarter of said Section 16 (a found Tooele County brass cap); running thence South  $89^{\circ}46'22''$  West parallel to the centerline of 1900 North Street 200.37 feet; thence North  $75^{\circ}35'21''$  West 31.01 feet; thence South  $89^{\circ}42'22''$  West 125.00 feet to the East boundary line of the Overlake Phase 1A Subdivision; thence along said boundary line North  $00^{\circ}13'38''$  West 103.00 feet; thence North  $89^{\circ}42'22''$  East 116.02 feet to the beginning of a curve to the left, having a central angle of  $36^{\circ}48'11''$ , radius of 20.00 feet (chord bears North  $71^{\circ}18'16''$  East 12.63 feet); thence along the arc of said curve 12.85 feet to a point of no tangency; thence North  $87^{\circ}05'23''$  East 46.46 feet; thence North  $89^{\circ}46'22''$  East 180.97 feet to a point on the West boundary line of The Fields of Overlake Condominiums Phase 1; thence along said West boundary line South  $00^{\circ}13'38''$  East 117.00 feet to the point of beginning.

Said parcel of land contains 0.91 acres, more or less.

EXHIBIT "B"

LEGAL DESCRIPTION  
ADDITIONAL LAND AFTER ADDITION OF PHASE TWO  
THE FIELDS AT OVERLAKE CONDOMINIUMS

The following described real property, located in Tooele County, is the new Additional Land after the addition of Phase Two:

Beginning at a point which lies South 00° 13'38" East 229.32 feet along the East line of the Northwest quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and South 90°00'00" West 116.05 feet perpendicular to said section line (a found Tooele County survey brass cap), said point also lies on the Northerly boundary of The Fields at Overlake Phase 1 parcel; running thence along The Fields at Overlake Phase 1 boundary the following five (5) courses: (1) South 75°22'36" West 45.92 feet to the (2) beginning of a non-tangent curve to the right having a central angle of 22°30'00" radius of 20.00 feet (chord bears South 11°28'38" East 7.80 feet); thence along the arc of said curve 7.85 feet to a point of tangency, (3) South 00° 13'38" East 44.50 feet to the (4) beginning of a curve to the right having a central angle of 90°00'00" radius of 20.00 feet (chord bears South 44°46'22" West 28.28 feet); thence along the arc of said curve 31.42 feet to a point of tangency, (5) South 89°46'22" West 103.63 feet; thence South 89°46'22" West 180.97 feet; thence South 87°05'23" West 46.46 feet, to the beginning of a curve to the right having a central angle of 36°48'11" radius of 20.00 feet (chord bears South 71°18'16" West 12.63 feet); thence along said curve 12.85 feet to a point of tangency; thence South 89°42'22" West 116.02 feet; thence North 00° 13'38" West 259.49 feet to the Southerly right-of-way of 2000 North Street; thence along said right-of-way North 89°50'26" East 414.21 feet to the Westerly boundary of the neighborhood commercial site of the Overlake Development; thence along said boundary the following two (2) courses: (1) South 00°09'33" East 61.31 feet, (2) South 45° 13'38" East 152.47 feet to the point of beginning.

Said parcel of land contains 2.69 acres more or less.