

WHEN RECORDED, RETURN TO:

Holmes & Associates, L.C.  
9345 South 1300 East  
Sandy, Utah 84094

E 143986 B 0610 P 0407  
Date 17-FEB-2000 2:53pm  
Fee: 30.00 Check  
CALLEN B. PESHELL, Recorder  
Filed By LMD  
For HOLMES & ASSOCIATES  
TOOELE COUNTY CORPORATION

**AMENDMENT NO. TWO  
FOR EXPANSION OF  
THE FIELDS AT OVERLAKE CONDOMINIUMS  
  
(An Expandable Condominium Project)**

THIS AMENDMENT NO. TWO ("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 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 Number 13110, in Book 658, Beginning at Page 338 of the official records of the Tooele County recorder, State of Utah, with the Record of Survey Map (the "Plat").

B. Declarant has modified the declaration as follows:

- (1) Amendment to Declaration of Condominium of the Fields at Overlake an Expandable Residential Condominium Project, recorded November 1, 1999, as entry Number 139348, in Book 0595, Beginning at Page 0500 of the official records of Tooele County, Utah; and
- (2) Amendment No. One for Expansion of The Fields at Overlake Condominiums recorded November 5, 1999, as Entry Number 139557, in Book 0596, beginning at Page 0194 of the official records of Tooele County, Utah (the "Phase Two Amendment").

The original declaration, as modified by the above-stated amendments, are collectively referred to in this Amendment as the "Declaration."

C. Declarant desires to expand the condominium project (the "Condominium Project") by constructing new condominium units (the "Units") on a portion of the remaining additional land described in the Declaration (the "Additional Land").

D. Declarant is the owner of fee simple title to all Additional Land and now desires to add twelve (12) units, Unit Nos. 7A, 7B, 7C, 7D, 8A, 8B, 8C, 8D, 9A, 9B, 9C, and 9D ("Phase Three"), to the existing Condominium Project pursuant to the terms of the Declaration.

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

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

1. Phase Three 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 Three Property"). As of the date of this Amendment, Declarant is the sole owner of the Phase Three Property. The Phase Three 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 Three Property shall consist of several multi-unit buildings with a maximum and minimum of twelve (12) units, Unit Nos. 7A, 7B, 7C, 7D, 8A, 8B, 8C, 8D, 9A, 9B, 9C, and 9D. All improvements constructed on the Phase Three 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, and Phase Two. Further, the Units created in Phase Three shall be substantially identical to the Units in Phase One, and Phase Two. 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 Interest. As specified in Article 16 of the Declaration, with the expansion of the Condominium Project to include Phase Three, each Unit Owner in the Condominium Project shall have a maximum 1/35th (or 0.285714%) undivided interest in the Common Area, 1/35th (or 0.285714%) allocated interest in the common expenses of the Condominium Project, and 1/35th (or 0.285714%) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of the Phase Three into the Condominium Project, the new Additional Land shall consist of the Additional Land (as described in the Phase Two Amendment) less the Phase Three Property. The remaining Additional Land (following the Phase Three Expansion) is 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 \_\_\_\_\_ day of February, 2000.

DECLARANT:

HOLMES & ASSOCIATES, L.C., a Utah Limited Liability Company

By: 


Title: member

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STATE OF UTAH            )  
                                  ): ss.  
COUNTY OF TOOELE    )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of February, 2000, by Patrick H. Holmes, who is the managing member of HOLMES & ASSOCIATES, L.C., A Utah limited liability company.

Patrick H. Fleming  
NOTARY PUBLIC  
Residing at Tooele, Utah

My Commission Expires: **L. FLEMING**  
 **Notary Public - State of Utah**  
**13717 S. HACKAMORE CIR.**  
**DRAPER, UT 84020**  
**COMM. EXP. 01-28-2001**

**EXHIBIT "A"**

**LEGAL DESCRIPTION**  
**PHASE THREE**  
**THE FIELDS AT OVERLAKE CONDOMINIUMS**

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

A parcel of land for the purpose of developing Fields of Overlake Condominiums Phase Three, into units, streets and utilities, said Phase Three, said parcel lies within the Northeast 1/4 of the Northwest 1/4 of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel more particularly described as follows:

Beginning at a point which lies South 89°42'22" West along the North section line of the Northwest 1/4 of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian 638.07 feet, and South 00°17'38" East Perpendicular to said section line 58.51 feet; from the North Quarter corner of said section 16, (a found brass cap); and running thence North 89°50'26" East 155.00 feet; thence South 00°13'38" East 79.00 feet; thence North 89°50'26" East 11.00 feet; thence South 00°13'38" East 153.99 feet to the beginning of a curve to the left, having a central angle of 45°35'05" radius of 28.00 feet, (Chord bears South 23°01'10" East 21.69 feet), thence along the arc of said curve 22.28 feet to a point which lies on the Northerly Boundary line of Fields Overlake Condominiums Phase Two; running thence along said boundary line the following 3 courses: 1) South 87°05'23" West 46.46 feet to a point which lies on 2) 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 to a point of tangency 3) South 89°42'22" West 116.02 feet to a point on the Easterly boundary line of the Overlake Development Phase 1A; thence North 00°13'38" West 259.49 feet to the point of beginning.  
Said tract of land contains 0.960 Acres.

The basis of bearing is sighted between the Northwest Corner and the North 1/4 Corner of Section 15, Township 3 South, Range 4 East, Salt Lake Base & meridian, (Measured between found monuments south 89°42'22" West 2643.76).

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**EXHIBIT "B"**

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

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

**ADDITIONAL LAND BOUNDARY DESCRIPTION**

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 S.L.B. & M., AND SOUTH 90°00'00" WEST 116.05 FEET PERPENDICULAR TO SAID SECTION LINE, FROM THE NORTH QUARTER CORNER OF SAID SECTION 16, (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 (4) 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°48'22" WEST 28.28 FEET), THENCE ALONG THE ARC OF SAID CURVE 31.42 FEET TO A POINT OF TANGENCY, THENCE SOUTH 89°48'22" WEST 284.60 FEET; BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING CENTRAL ANGLE 45°35'05" RADIUS OF 28.00 FEET (CHORD BEARS NORTH 23°01'10" WEST, 21.69 FEET); THENCE ALONG ARC OF SAID CURVE 22.28 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°13'38" WEST 153.99 FEET; THENCE SOUTH 89°50'26" WEST 11.00 FEET; THENCE NORTH 00°13'38" WEST 79.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 2000 NORTH STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 89°50'26" EAST 259.21 FEET TO THE WESTERLY BOUNDARY OF THE NEIGHBORHOOD COMMERCIAL SITE OF THE OVERLAKE DEVELOPMENT; THENCE ALONG SAID BOUNDARY THE FOLLOWING (2) TWO 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 1.73 ACRES MORE OR LESS.

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