

THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF MILLCREEK COVE PHASE I
(a Utah Condominium Project)

5805175

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MILLCREEK COVE PHASE I (A UTAH CONDOMINIUM PROJECT) (this "Amendment") is executed this 11 day of April, 1994, by the undersigned President and Secretary of Millcreek Cove Phase I Homeowners Association, a Utah nonprofit corporation (the "Declarant"), who hereby declare on behalf of said corporation that an aggregate ownership interest of 75% or more (the "Aggregate Interest") of the condominium units in the Millcreek Cove Phase I Condominiums as reflected in the real estate records of the County Recorder of Salt Lake County, Utah has approved and adopted this Amendment to that certain Declaration of Covenants, Conditions and Restrictions of Millcreek Cove Phase I, which was recorded in the office of the County Recorder of Salt Lake County, Utah, on August 14, 1981, as Entry No. 3595315, as amended (the "Declaration") in accordance with the provisions of the Declaration and the Utah Condominium Ownership Act, UCA 57-8-1, et seq., the same to be effective immediately upon the execution, acknowledgement and recordation of this instrument.

RECITALS

A. The Project. Millcreek Cove Phase I Condominiums (hereinafter the "Project") consists of the land more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, together with all buildings and other improvements constituting the Millcreek Cove Phase I Condominiums, a Utah Condominium Project, as more particularly described in the Declaration and the Record of Survey Map, which was recorded in the office of the County Recorder of Salt Lake County, Utah, on August 14, 1981, as Entry No. 3595314, in Book 81-8, at Page 121, et seq., as amended (hereinafter the "Record of Survey Map").

B. Definitions. For purposes of the amendments made hereby, the definitions set forth in the Declaration and the Utah Condominium Ownership Act shall be applicable except to the extent amended hereby or supplemented hereby. Any definitions not defined in the Declaration or in this Amendment shall have the meaning set forth in the Utah Condominium Ownership Act.

C. Contraction of Project. The purpose of this Amendment is to clarify and confirm the contraction of the Project described in that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions of Millcreek Cove Phase I (A Utah Condominium Project) (the "Second Amendment") and the 3rd Amended Record of Survey Map of Millcreek Cove Phase I Condominium, A Condominium Project (the "3rd Amended Map"), both of which were recorded in the office of the County Recorder of Salt Lake County Utah on April 7, 1993, as Entry No. 5472068, in Book 6634, at Page

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2822, et seq., and as Entry No. 5472070, in Book 9304, at Page 57, et seq., respectively.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the Declarant hereby states that the Aggregate Interest has adopted this Amendment and has agreed as follows:

1. Contraction of Project - Legal Description of Land Withdrawn From The Project. The Project has been and is hereby contracted by withdrawing from the Project the following described land located in Salt Lake County, Utah:

Beginning at a point on the South line of 3800 South Street, said point being South 00 degrees 13'44" West along the Wasatch Blvd. monument line (Section line bearing is South 00 degrees 25'12" East) 206.69 feet and East 149.617 feet from the West Quarter Corner of Section 36, Township 1 South, Range 1 East, Salt Lake Base and Meridian, said point of beginning being North 00 degrees 13'44" East 685.018 feet along the Wasatch Blvd. monument line and East 149.617 feet from the monument at the intersection of 3900 South Street and Wasatch Blvd.; thence North 87 degrees 56'10" East along said South line 766.008 feet; thence South 02 degrees 03'50" East 14.065 feet; thence South 85 degrees 08'54" West 12.977 feet; thence South 04 degrees 51'06" East 21.960 feet to the beginning of a 92.145 foot radius curve to the left (bearing to center is North 85 degrees 08'54" East; Delta = 57 degrees 51'42"); thence along the arc of said curve 93.054 feet; thence South 02 degrees 03'50" East 38.623 feet; thence West 190.101 feet; thence North 80 degrees 00'00" West 343.00 feet; thence West 110.494 feet; thence North 6.000 feet; thence West 65.000 feet; thence South 6.000 feet; thence West 73.114 feet; thence North 25 degrees 10'12" West 69.148 feet to the point of beginning.

2. Description of Project Following Contraction. The land comprising the Project after the contraction of the Project is more particularly described as follows:

All of that certain real property located in Salt Lake County and more particularly described as follows:

BEGINNING at a point on the South line of 3800 South Street, said point being S 00 degrees 13'44" W along the Wasatch Blvd. monument line (Section line bearing is S 00 degrees 25'12" E) 206.69 feet and East 149.617 feet and North 87 degrees 56'10" E 766.008 feet from the West 1/4 Corner of Section 36, Township 1 South, Range 1 East, Salt Lake Base & Meridian, said point of beginning being

N 00 degrees 13'44" E 685.018 feet along the Wasatch Blvd. monument line and East 149.617 feet and N 87 degrees 56'10" E 766.008 feet from the monument at the intersection of 3900 South Street and Wasatch Blvd. and running thence N 87 degrees 56'10" E 300.445 feet; thence S 01 degrees 48'00" E 160.63 feet; thence West 264.899 feet; thence N 02 degrees 03'50" W 38.623 feet to a point on a 92.145 foot radius curve to the right (Bearing to center is N 27 degrees 17'12" E, Delta = 57 degrees 51'42"); thence along the arc of said curve 93.054 feet; thence N 04 degrees 51'06" W 21.960 feet; thence N 85 degrees 08'54" E 12.977 feet; thence N 02 degrees 03'50" W 14.065 feet to the point of beginning.

SUBJECT TO AND TOGETHER WITH THE FOLLOWING MAINTENANCE/SNOW REMOVAL/PARKING EASEMENT:

Beginning at a point S 02 degrees 03'50" E 11.562 feet from the Northeast Corner of Phase II Millcreek Cove, a Utah condominium project located in Section 36, Township 1 South, Range 1 East, Salt Lake Base and Meridian, said point also being S 00 degrees 13'44" W 206.69 feet and East 149.617 feet and N 87 degrees 56'10" E 766.007 feet and S 02 degrees 03'50" E 11.562 feet from the West Quarter corner of said Section 36, and running thence S 85 degrees 08'54" W 24.099 feet; thence South 04 degrees 51'06" E 24.460 feet to the beginning of a 103.145 foot radius curve to the left (Bearing to center is N 85 degrees 08'54" E, Delta = 38 degrees 41'16"); thence along the arc of said curve 69.646 feet; thence N 48 degrees 40'59" W 11.009 feet to a point on a 92.145 foot radius curve to the right (Bearing to center is N 46 degrees 11'43" E, Delta = 12 degrees 10'12"); thence along the arc of said curve 19.572 feet; thence N 02 degrees 03'50" W 66.561 feet to the point of beginning.

SUBJECT TO AND TOGETHER WITH A GREEN BELT EASEMENT OVER THE FOLLOWING DESCRIBED PROPERTY:

Beginning at a point South 00°13'44" West 206.69 feet and East 149.617 feet from the West Quarter corner of Section 36, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 87°56'10" East 192.576 feet; thence South 02°03'50" East 54.553 feet; thence East 85.324 feet; thence South 80°14'52" East 174.421 feet; thence South 87°22'40" East 297.433 feet; thence North 02°03'50" West 6.142 feet; thence North 87°56'10" East 23.862 feet; thence North 11.039 feet; thence North 48°40'59" East 24.024 feet to a point on a 79.145 foot radius curve to the left (Bearing to center is North 45°47'10" West, Delta = 47°38'55"); thence along the arc of said curve 67.200 feet; thence South 01°16'43" East

20.351 feet; thence North 87°44'57" East 218.877 feet; thence South 01°48'00" East 29.707 feet; thence West 455.000 feet; thence North 80°00'00" West 343.000 feet; thence West 110.494 feet; thence North 6.00 feet; thence West 65.000 feet; thence South 6.00 feet; thence West 73.114 feet; thence North 25°10'12" West 69.15 feet to the point of beginning.

3. Agreement to Maintain Common Area Greenbelt. The Association shall maintain and care for at its own cost and expense that portion of the Greenbelt Easement described in paragraph 2, above that is located within the common areas of the Project as hereby contracted.

4. Application of Amendment. The amendments adopted hereby are intended to amend the Declaration and this Amendment shall be controlling in resolving any conflicts between this Amendment and the Declaration to the extent any other provisions of the Declaration are inconsistent herewith. This Amendment shall be binding upon and inure to the benefit of all of the Unit Owners, their Mortgagees, lessees, successors and assigns.

5. Declaration Remains In Force. Except as herein modified, all other terms of the Declaration, as previously amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have set their hand the day and year first above written and hereby declare that the Aggregate Interest has approved and adopted this Amendment.

MILLCREEK COVE PHASE I
HOMEOWNERS ASSOCIATION,
a Utah non-profit corporation,

By: Kenneth Sigler
Kenneth Sigler, President

ATTEST:

Heidi Mosburg
HEIDI MOSBURG, Secretary

ACKNOWLEDGEMENT

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

The foregoing instrument was acknowledged before me this 11th day of April, 1994, by Kenneth Sigler and HEIDI MOSBURG, whose title or representative capacity, respectively, are President and Secretary of Millcreek Cove Phase I Homeowners Association, a Utah non-profit corporation.

Laurel Deane Gleue
Notary Public

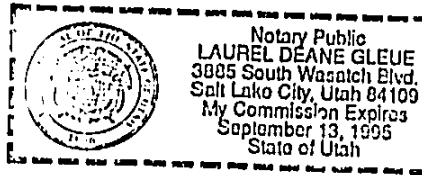
My Commission Expires:

Residing At:

Sept. 13, 1995

Salt Lake City, Utah

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CONSENT OF SALT LAKE COUNTY

The undersigned, being a Senior Planner of Salt Lake County, Utah, hereby consents to the recordation of the THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MILLCREEK COVE PHASE I (A UTAH CONDOMINIUM PROJECT) (the "Amendment") and to the contraction of the Millcreek Cove Phase I Condominiums as reflected in the Amendment.

Date: 21 April 94 _____
James W Reynolds
 ZONING ADMINISTRATOR

ACKNOWLEDGEMENT


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

The foregoing instrument was acknowledged before me this 21 day of April, 1994, by James W Reynolds, whose title or representative capacity is Senior Planner of Salt Lake County Development Services.

My Commission Expires:

September 1, 1994

Curtis D Woodward
 Notary Public
 Residing At: 2001 S. State St

 GREAT SEAL OF THE STATE OF UTAH 1896	NOTARY PUBLIC Curtis D. Woodward 2001 South State N3800 Salt Lake City, Utah 84190 My Commission Expires September 1, 1994 STATE OF UTAH
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CONSENT OF MILLCREEK COVE PROJECT, INC.

Millcreek Cove Project, Inc., a corporation, hereby consents to the recordation of the THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MILLCREEK COVE PHASE I (A UTAH CONDOMINIUM PROJECT) (the "Amendment") and to the contraction of the Millcreek Cove Phase I Condominiums and the removal from said condominium project of the land described in paragraph 1 of the Amendment as reflected in the Amendment.

Millcreek Cove Project, Inc.
a corporation

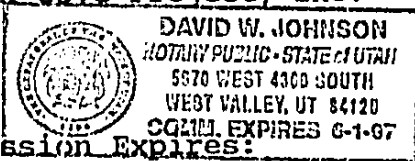
Date: 26 Apr-94
Its: President

By: Ryan McCole

ACKNOWLEDGEMENT

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

The foregoing instrument was acknowledged before me this 26th day of April, 1994, by Ryan McCole, whose title or representative capacity is President of Millcreek Cove Project, Inc.



[Signature]
Notary Public

My Commission Expires: 6/1/97

Residing At: SALT LAKE COUNTY, UTAH

EXHIBIT "A"

DESCRIPTION OF LAND CONSTITUTING THE PROJECT ORIGINALLY

That certain real property located in Salt Lake County, Utah and more particularly described as follows:

BEGINNING at a point on the South line of 3800 South Street, said point being S 00 degrees 13'44" W along the Wasatch Blvd. monument line (Section line bearing is S 00 degrees 25'12" E) 206.69 feet and East 149.617 feet from the West 1/4 Corner of Section 36, Township 1 South, Range 1 East, Salt Lake Base & Meridian, said point of beginning being N 00 degrees 13'44" E 685.018 feet along the Wasatch Blvd. monument line and East 149.617 feet from the monument at the intersection of 3900 South Street and Wasatch Blvd.; thence N 87 degrees 56'10" E along said South line 1066.452 feet; thence S 01 degrees 48'00" E 160.63 feet; thence West 455.00 feet; thence N 80 degrees 00'00" W 343.000 feet; thence West 248.608 feet; thence N 25 degrees 10'12" W 69.15 feet to the point of beginning.

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04/26/94 2:43 PM. 41.00
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
STEVEN L INGLEBY
175 W 2950 S
SLC 84115
REC BY: B GRAY DEPUTY - MP

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