

7339056

7339056
04/30/99 11:11 AM 376.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
PRESCOTT DEVELOPMENT
4625 S 2300 E STE 211
SLC UT 84117
REC BY:Z JOHANSON ,DEPUTY - WI

WHEN RECORDED RETURN TO:
MDM Corporation
Preston Miller
4625 South 2300 East #212
Salt Lake City, Utah 84117

FOURTH SUPPLEMENT TO THE SIXTH AMENDMENT: AMENDED & RESTATED
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS
FOR
JEFFERSON PLACE, A Condominium Project

This FOURTH SUPPLEMENT to the SIXTH AMENDMENT: AMENDED & RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS for the JEFFERSON PLACE CONDOMINIUM PROJECT is made and executed this 17 day of April, 1998 by MDM CORPORATION of 4625 South 2300 East #212, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, on or about the 3rd day of October, 1996 Declarant executed the sixth amendment: Amended and Restated Declaration of Covenants, Conditions and Restrictions for Jefferson Place which was recorded in the Office of the County Recorder of Salt Lake County, Utah on the 16th day of January, 1997, as Entry No. 6550639, in Book 7578, at Page 2915, (the "Declaration"). The related Record of Survey Maps have also been recorded.

Whereas, under Article III, Section 36 of the Declaration, Declarant reserved an option to expand the Project in accordance with the Act until seven (7) years from the date following the first conveyance of a Unit in the Additional Land to a purchaser.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "B-8" attached hereto and incorporated herein by this reference (the "Phase VIII Property"). Declarant desires to expand the Project by creating on the Phase VIII Property a residential condominium development.

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right, subject to the approval of the Office of Veterans Affairs, to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant now intends that the Phase VIII Property shall become subject to the Act and the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant desires to adopt this Fourth, Third, Second and First

RPM

BK8273PG0210

Supplement to the Sixth Amendment: Amended & Restated Declaration of Covenants, Conditions and Restrictions for Jefferson Place, a Condominium Project.

1. Supplement to Definitions. Article I of the Declaration entitled "Definitions" is hereby modified to include the following supplemental definitions:

A. Fourth Supplemental Declaration shall mean and refer to this Fourth Supplement to the Declaration.

B. Fourth Supplemental Phase VIII Map shall mean and refer to the Record of Survey Maps of Phase VIII of the Project, prepared and certified to by Richard W. Miller, a duly registered Utah Land Surveyor holding Certificate No. 4776 and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Fourth Supplemental Declaration.

Except as herein provided, the definitions of terms contained in the Declaration are incorporated herein by this reference.

2. Legal Description. The real property described in Exhibit B-8 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of this Fourth, Third, Second and First Supplemental Declaration:

3. Annexation. Declarant hereby declares that the Phase VIII Property shall be annexed to and become subject to the Declaration which, upon recordation of this Fourth Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit B-8 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Units Revised. As shown on the Phase VIII Map, eight (8) additional Units are created in the Project on the Phase VIII Property. Said additional Units are located within one building situated on a portion of the Additional Land. Upon the recordation of the Phase VIII Map and the Fourth Supplemental Declaration, the total number of Units in the Project will be 136. The said additional Units are substantially similar in construction design and quality to the Units in the prior Phases.

5. Percentage Interest Revised. Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the Percentage Interest. Revised Exhibit "A" to the Declaration is deleted in its entirety and "Fourth Revised Exhibit 'A'" attached is substituted in lieu thereof and incorporated herein by this reference. The Percentage Interest set forth in Fourth Revised Exhibit "A" have been computed on the basis of par value.

6. Effective Date. The effective date of this Fourth Supplemental Declaration and the Phase VIII Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

7. Owner Shall Comply. The declaration, as amended, and all the provisions thereof shall constitute covenants to run with the land or equitable servitudes, as the case may be, and shall be binding upon and shall inure to the benefit of the Association, all parties who have or hereafter acquire any interest in a Unit or in the Project, and their respective grantees, transferees, heirs, devisees, personal representatives, successors and assigns. Each unit owner and resident, as well as their guests and invitees, shall comply strictly with the covenants, conditions and restrictions as set forth in the declaration or in the deed to the unit, and with the bylaws and/or house rules and with the administrative rules and regulations drafted pursuant thereto, as either of the same may be lawfully amended from time to time, and failure to comply shall be grounds for an action to recover sums due for damages, injunctive relief or both, maintainable by the manager or management committee on behalf of the unit owners, or in a proper case by an aggrieved unit owner.

8. Building 12 Addresses.

| <u>Unit #</u> | <u>Address</u> | <u>City / Zip Code</u> |
|---------------|-------------------------|------------------------|
| 12A | 685 West Jefferson Cove | Sandy / 84070 |
| 12B | 687 West Jefferson Cove | Sandy / 84070 |
| 12C | 689 West Jefferson Cove | Sandy / 84070 |
| 12D | 691 West Jefferson Cove | Sandy / 84070 |
| 12E | 693 West Jefferson Cove | Sandy / 84070 |
| 12F | 695 West Jefferson Cove | Sandy / 84070 |
| 12G | 697 West Jefferson Cove | Sandy / 84070 |
| 12H | 699 West Jefferson Cove | Sandy / 84070 |
| garage | 701 West Jefferson Cove | Sandy / 84070 |

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above written.

MDM CORPORATION

BY: *R. Preston Miller*
TITLE: Preston Miller, President

BY: *Tony V. DiVino*
TITLE: Tony V. DiVino

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

On the 17 day of APRIL, 1998, personally appeared before me PRESTON MILLER and TONY V. DIVINO, who by me being duly sworn, did say that they are the Board of Directors of MDM COPROPATION, A Utah Corporation, and that the within and foregoing instrument was signed in behalf of said Corporation by authority of a resolution of its Board of Directors, and said PRESTON MILLER and TONY V. DIVINO, duly acknowledged to me that said Corporation executed the same.

Mark F. Bennett
NOTARY PUBLIC
Residing At: SL COUNTY
Commission Expires: 9-1-2000



RPM

BK8273P60213

FOURTH REVISED EXHIBIT "A"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST
 (This is an Expandable Condominium Project)

| <u>BLDG. #</u> | <u>UNIT #</u> | <u>SIZE</u> <u>(Sq. Footage)</u> | <u>PAR</u> <u>VALUE</u> | <u>PERCENTAGE OF</u> <u>OWNERSHIP INTEREST</u> |
|----------------|---------------|-------------------------------------|----------------------------|---|
| <u>PHASE I</u> | | | | |
| ONE | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 921 | 97 | 0.7003% |
| | D | 921 | 97 | 0.7003% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 921 | 97 | 0.7003% |
| | H | 921 | 97 | 0.7003% |
| TWO | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 921 | 97 | 0.7003% |
| | D | 921 | 97 | 0.7003% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 921 | 97 | 0.7003% |
| | H | 921 | 97 | 0.7003% |
| THREE | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 921 | 97 | 0.7003% |
| | D | 921 | 97 | 0.7003% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 921 | 97 | 0.7003% |
| | H | 921 | 97 | 0.7003% |
| FOUR | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 921 | 97 | 0.7003% |
| | D | 921 | 97 | 0.7003% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 921 | 97 | 0.7003% |
| | H | 921 | 97 | 0.7003% |

RPM

| <u>BLDG. #</u> | <u>UNIT #</u> | <u>SIZE</u> <u>(Sq. Footage)</u> | <u>PAR</u> <u>VALUE</u> | <u>PERCENTAGE OF</u> <u>OWNERSHIP INTEREST</u> |
|-------------------------|---------------|-------------------------------------|----------------------------|---|
| FIVE | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 1320 | 119 | 0.8591% |
| | D | 1320 | 119 | 0.8591% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 921 | 97 | 0.7003% |
| | H | 921 | 97 | 0.7003% |
| <u>PHASE II</u> | | | | |
| SIX | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 1320 | 119 | 0.8591% |
| | D | 1320 | 119 | 0.8591% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 1320 | 119 | 0.8591% |
| | H | 1320 | 119 | 0.8591% |
| SEVEN | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 1320 | 119 | 0.8591% |
| | D | 1320 | 119 | 0.8591% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 1320 | 119 | 0.8591% |
| | H | 1320 | 119 | 0.8591% |
| <u>PHASE III</u> | | | | |
| FOURTEEN | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 921 | 97 | 0.7003% |
| | D | 921 | 97 | 0.7003% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 921 | 97 | 0.7003% |
| | H | 921 | 97 | 0.7003% |

| <u>BLDG. #</u> | <u>UNIT #</u> | <u>SIZE</u> <u>(Sq. Footage)</u> | <u>PAR</u> <u>VALUE</u> | <u>PERCENTAGE OF</u> <u>OWNERSHIP INTEREST</u> |
|----------------|---------------|-------------------------------------|----------------------------|---|
| FIFTEEN | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 1320 | 119 | 0.8591% |
| | D | 1320 | 119 | 0.8591% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 1320 | 119 | 0.8591% |
| | H | 1320 | 119 | 0.8591% |
| SIXTEEN | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 1320 | 119 | 0.8591% |
| | D | 1320 | 119 | 0.8591% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 1320 | 119 | 0.8591% |
| | H | 1320 | 119 | 0.8591% |
| SEVENTEE | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 1320 | 119 | 0.8591% |
| | D | 1320 | 119 | 0.8591% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 1320 | 119 | 0.8591% |
| | H | 1320 | 119 | 0.8591% |
| EIGHTEEN | A | 921 | 97 | 0.7003% |
| | B | 921 | 97 | 0.7003% |
| | C | 921 | 97 | 0.7003% |
| | D | 921 | 97 | 0.7003% |
| | E | 921 | 97 | 0.7003% |
| | F | 921 | 97 | 0.7003% |
| | G | 921 | 97 | 0.7003% |
| | H | 921 | 97 | 0.7003% |

RPM

| <u>BLDG. #</u> | <u>UNIT #</u> | <u>SIZE</u> (Sq. Footage) | <u>PAR</u> <u>VALUE</u> | <u>PERCENTAGE OF</u> <u>OWNERSHIP INTEREST</u> |
|--------------------------|---------------|------------------------------|----------------------------|---|
| <u>PHASE IV</u> | | | | |
| EIGHT | A | 1026 | 97 | 0.7003% |
| | B | 1026 | 97 | 0.7003% |
| | C | 1026 | 97 | 0.7003% |
| | D | 1026 | 97 | 0.7003% |
| | E | 1026 | 97 | 0.7003% |
| | F | 1026 | 97 | 0.7003% |
| | G | 1026 | 97 | 0.7003% |
| | H | 1026 | 97 | 0.7003% |
| <u>PHASE V</u> | | | | |
| NINE | A | 1026 | 97 | 0.7003% |
| | B | 1026 | 97 | 0.7003% |
| | C | 1406 | 119 | 0.8591% |
| | D | 1406 | 119 | 0.8591% |
| | E | 1026 | 97 | 0.7003% |
| | F | 1026 | 97 | 0.7003% |
| | G | 1406 | 119 | 0.8591% |
| | H | 1406 | 119 | 0.8591% |
| <u>PHASE VI</u> | | | | |
| TEN | A | 1026 | 97 | 0.7003% |
| | B | 1026 | 97 | 0.7003% |
| | C | 1026 | 97 | 0.7003% |
| | D | 1026 | 97 | 0.7003% |
| | E | 1026 | 97 | 0.7003% |
| | F | 1026 | 97 | 0.7003% |
| | G | 1026 | 97 | 0.7003% |
| | H | 1026 | 97 | 0.7003% |
| <u>PHASE VII</u> | | | | |
| ELEVEN | A | 1026 | 97 | 0.7003% |
| | B | 1026 | 97 | 0.7003% |
| | C | 1406 | 119 | 0.8591% |
| | D | 1406 | 119 | 0.8591% |
| | E | 1026 | 97 | 0.7003% |
| | F | 1026 | 97 | 0.7003% |
| | G | 1406 | 119 | 0.8591% |
| | H | 1406 | 119 | 0.8591% |
| <u>PHASE VIII</u> | | | | |
| TWELVE | A | 1026 | 97 | 0.7003% |
| | B | 1026 | 97 | 0.7003% |
| | C | 1026 | 97 | 0.7003% |
| | D | 1026 | 97 | 0.7003% |
| | E | 1026 | 97 | 0.7003% |
| | F | 1026 | 97 | 0.7003% |
| | G | 1026 | 97 | 0.7003% |
| | H | 1026 | 97 | 0.7003% |
| TOTAL | | | | 100.0000% |

8 phase IX

RPM

BK8273PG0217

EXHIBIT B-8

PHASE VIII LEGAL DESCRIPTION

BEGINNING AT A POINT N 00°10'27" E, 1167.01 FEET AND EAST, 148.20 FEET AND S 41°42'38" W, 247.87 FEET AND N 43°54'32" W, 101.57 FEET AND S 46°05'28" W, 44.676 FEET AND S51°56'58" W, 28.17 FEET FROM THE SOUTH-EAST CORNER OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN;

THENCE S 22°15'24" E, 21.77 FEET;
THENCE S 81°15'26" E, 16.48 FEET;
THENCE S 03°00'50" W, 23.82 FEET;
THENCE S 84°17'30" E, 80.09 FEET;
THENCE S 02°45'23" W, 77.81 FEET;
THENCE S 30°13'08" E, 20.97 FEET;
THENCE N 87°36'23" W, 104.18 FEET;
THENCE N 40°34'41" W, 76.39 FEET;
THENCE N 69°50'11" W, 43.59 FEET;
THENCE N 84°47'02" W, 19.66 FEET;
THENCE N 41°31'39" W, 75.57 FEET;
THENCE N 56°21'50" E, 64.77 FEET;
THENCE S 42°47'13" E, 34.93 FEET;
THENCE S 73°50'28" E, 13.56 FEET;
THENCE S 85°31'19" E, 48.94 FEET;
THENCE N 51°56'58" E, 19.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 22,249 SQ. FT. OR 0.5108 ACRES, MORE OR LESS.