

## ANNEXATION AND AMENDMENT TO DECLARATION

This Annexation and Amendment to Declaration (the "Annexation"), is made on the date hereinafter set forth by 34<sup>th</sup> Street, L.L.C., a Utah general partnership (the "Declarant").

### WITNESSETH

WHEREAS, a certain instrument entitled Declaration of Covenants, Conditions, and Restrictions for Newsome Village Condominiums was executed February 8, 2001, and filed of record in Volume 8423, Page 0142, of the Real Property Records of Salt Lake County, Utah (the "Original CC&Rs");

WHEREAS, Section 12.1 of the Original CC&Rs provides that Declarant has the right to annex additional real property within the scheme of the Declaration, such additional real property being the real property defined in the Declaration as the "Eligible Property" and described therein;

WHEREAS, Declarant desires to annex the real property described in Exhibit "A" attached hereto (the "Annexed Property") into the Newsome Village Condominiums Homeowners Association, Inc. and to subject the Annexed Property to the terms and conditions of the Original CC&Rs;

WHEREAS, Section 13.2 provides that the Declarant can amend the Declaration in order to correct a scrivener's errors;

WHEREAS, the Declaration contains certain scrivener's errors as set forth herein. The title of the Declaration set forth at the top of the document and the title of the Declaration set forth in the definition of "Declaration" contained in Section 1.12 are entitled "Declaration of Covenants, Conditions and Restrictions for Newsome Village Condominiums. The intention was for the Declaration to provide for the option of covering the entire Newsome Village Condominiums instead of just Phase I; and

WHEREAS, the Declarant desires to amend the Declaration in order to correct the scrivener's errors as provided herein:

### ANNEXATION AND AMENDMENT

1. The Declarant hereby annexes the Annexed Property into the Original CC&Rs for the purpose of subjecting the Annexed Property to the Original CC&Rs, and the Annexed Property is hereby subject to all of the rights, privileges, duties, and liabilities of the Original CC&Rs. This annexation shall be effective upon the recordation of the Annexation in the office of the County Clerk of Salt Lake County, Utah.
2. Pursuant to Section 13.2, the Declarant hereby amends the Declaration to correct the following scrivener's errors: the title of the document and the title of the Declaration

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set forth in the definition contained in Section 1.12 are hereby revised to read "Declaration of Covenants, Conditions and Restrictions for Newsome Village Condominiums"; and

3. Except as specifically amended herein, the Original CC&Rs shall remain and continue in full force and effect.

IN WITNESS WHEREOF, the Declaration has executed this Annexation as of the date written below.

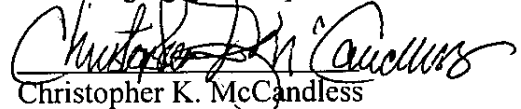
DECLARANT:

34<sup>th</sup> Street, L.L.C.

By:

CW Management Corp.  
Its managing general partner

By:

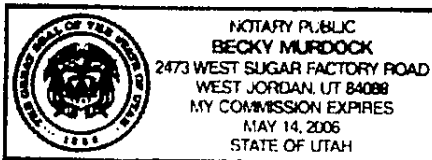
  
Christopher K. McCandless  
President

Date: September 17, 2002

STATE OF UTAH

COUNTY OF SALT LAKE

This instrument was acknowledged before me on this 17<sup>th</sup> day of September 17, 2002 by Christopher K. McCandless (personally known to me or produced \_\_\_\_\_ as identification), President of CW Management Corp., a corporation, on behalf of the corporation in its capacity as managing general partner of 34<sup>th</sup> Street, L.L.C., a Utah Limited Liability Corporation.



Becky Murdock  
Notary Public, State of \_\_\_\_\_  
Notary's printed name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

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R'XLP	NEWSOME	VLGE	PL	A	CONDO	AMD	BLK, LOT-QUAR	OBSOLET
B	FLG	BLK/BLDG	IND	FLG	LOT/QUAR	PARCEL	NUMBER	
			U		1A	16-30-458-001-0000		NO
			U		1B	16-30-458-005-0000		NO
			U		1C	16-30-458-009-0000		NO
			U		1D	16-30-458-012-0000		NO
			U		2A	16-30-458-002-0000		NO
			U		2B	16-30-458-006-0000		NO
			U		2C	16-30-458-010-0000		NO
			U		2D	16-30-458-013-0000		NO
			U		3A	16-30-458-003-0000		NO
			U		3B	16-30-458-007-0000		NO
			U		3C	16-30-458-011-0000		NO
			U		4A	16-30-458-004-0000		NO
			U		4B	16-30-458-008-0000		NO
			U		AREA	16-30-458-014-0000		YES
			U		AREA	16-30-458-032-0000		NO

PF1=VTDI PF5=RXXP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTE

RXL	NEWS	VLGE	PL	B	CONDO	BLK, LOT-QUAR	OBSOLET
B	FLG	BLK/BLDG	IND	FLG	LOT/QUAR	PARCEL NUMBER	
			U		1E	16-30-458-015-0000	NO
			U		1F	16-30-458-019-0000	NO
			U		1G	16-30-458-023-0000	NO
			U		1H	16-30-458-025-0000	NO
			U		1I	16-30-458-027-0000	NO
			U		1J	16-30-458-030-0000	NO
			U		2E	16-30-458-016-0000	NO
			U		2F	16-30-458-020-0000	NO
			U		2G	16-30-458-024-0000	NO
			U		2H	16-30-458-026-0000	NO
			U		2I	16-30-458-028-0000	NO
			U		2J	16-30-458-031-0000	NO
			U		3E	16-30-458-017-0000	NO
			U		3F	16-30-458-021-0000	NO
			U		3I	16-30-458-029-0000	NO
			U		4E	16-30-458-018-0000	NO
			U		4F	16-30-458-022-0000	NO
			U		AREA	16-30-458-032-0000	NO

PF1=VTDI PF5=RXP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTE

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09/24/2002 03:13 PM 46.00  
Book - 8653 Pg - 2449-2452  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
SUPERIOR TITLE  
BY: ZJM, DEPUTY - MI 4 P.