

**SECOND AMENDMENT TO THE AMENDED DECLARATION FOR  
GARDEN VILLA APARTMENT HOMES CONDOMINIUM PROJECT  
NOW KNOWN AS  
GARDEN APARTMENTS**

THIS SECOND AMENDMENT is made and executed this 9<sup>th</sup> day of December, 1996, by GARDEN APARTMENTS a/k/a GARDEN APARTMENTS, a Utah Non-Profit Corporation (hereinafter referred to as the "Association"), acting by and through its President, HILMA HONEYMAN.

ENT 104329 BK 4157 PG 173  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
1996 Dec 30 12:43 pm FEE 15.00 BY BLT  
RECORDED FOR DAVID GLAZIER

**WITNESSETH**

WHEREAS, an Amendment to the Amended Declaration for Garden Villa Apartment Homes Condominium Project n/k/a Garden Apartments, dated February 15, 1990 (hereinafter referred to as the "Amended Declaration"), was recorded on the 16th day of February, 1990 in the office of the Utah County Recorder, State of Utah, as Entry No. 4946, in Book 2666, on Pages 311, et seq.;

WHEREAS, pursuant to Paragraph 20 of the Amended Declaration, the vote of at least sixty-seven percent (67%) of the common area ownership interests of the unit owners has been obtained authorizing this Second Amendment to the Amended Declaration; and

WHEREAS, the Association does now desire to amend the Amended Declaration.

NOW, THEREFORE, the Amendment to the Amended Declaration for Garden Villa Apartment Homes Condominium Project n/k/a Garden Apartments, dated February 15, 1990, is hereby amended as follows:

Paragraph 10 is hereby deleted in its entirety and restated as follows:

10. The condominium project, including the common areas and facilities appurtenant thereto, shall be managed, operated, and maintained by a management committee as allowed by the Utah Condominium Ownership Act and provided in the By-Laws promulgated pursuant thereto, as the same may be amended from time to time. Said management committee shall have authority to levy and enforce collection of assessments for common expenses according to the assessment proration structure as set forth in the By-Laws of GARDEN APARTMENTS. Accordingly, the Amended Exhibit "A" attached to the Amended Declaration does not govern the assessment proration among the apartment owners. The assessment proration among the apartment owners shall be in accordance with the three (3) categories of Small Apartments, Medium Apartments, and Large Apartments as set forth in the By-Laws of GARDEN APARTMENTS. Said management committee shall also have authority to create necessary reserves and to operate and manage the condominium project by and through the authority of GARDEN APARTMENTS a/k/a GARDEN VILLA, a Utah Non-Profit Corporation. Said

Corporation is primarily responsible for the operation, management, and maintenance of the condominium project; provided, however, that said Corporation may engage the services of a manager and enter into management contracts with the consent of a majority percent of the common area ownership interest.

The foregoing Second Amendment which restructures the assessment proration among the apartment owners is hereby appended to the Amended Declaration for Garden Villa Apartment Homes Condominium Project n/k/a Garden Apartments, dated February 15, 1990, and shall take precedence over any provisions contained therein that are inconsistent with the above Second Amendment.

In all other respects, the undersigned hereby confirms, republishes, and reinstates all other provisions of the Amendment to the Amended Declaration for Garden Villa Apartment Homes Condominium Project n/k/a Garden Apartments, dated February 15, 1990, and recorded on the 16th day of February, 1990 in the office of the Utah County Recorder, State of Utah, as Entry No. 4946, in Book 2666, on Pages 311, et seq., which concerns the real property described in Exhibit "A" attached hereto, and which has not been modified by this Second Amendment.

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed as of the date first above written.

**GARDEN APARTMENTS a/k/a GARDEN VILLA,  
a Utah Non-Profit Corporation**

By: Hilma Honeyman  
**HILMA HONEYMAN, President**

STATE OF UTAH            )  
                                      :SS.  
COUNTY OF UTAH        )

I, the undersigned, a Notary Public, hereby certify that on the 9th day of December, 1996, personally appeared before me, HILMA HONEYMAN, who being by me first duly sworn, declared that she is the President of GARDEN APARTMENTS a/k/a GARDEN VILLA, a Utah Non-Profit Corporation (the "Association"), and that she signed the foregoing instrument on behalf of said Association.

Tonia L. Jorgensen  
**NOTARY PUBLIC**

Residing At: Provo, UT  
My Commission Expires: 10-7-97

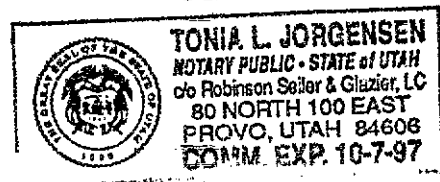


EXHIBIT "A"

The following described tract of land situated in the City of Provo, Utah County, State of Utah, to wit:

Beginning at a point on the South side of 2100 North Street, said point being North 189.99 feet, East 253.71 feet, and North  $86^{\circ} 10'$  East 119.56 feet from the Southwest corner of Section 30, Township 6 South, Range 3 East, Salt Lake Base and Meridian; running thence North  $86^{\circ} 10'$  East 353.54 feet to a point on a 245.03 foot radius curve to the left; thence Northeasterly 93.56 feet along the arc of said curve to a point of tangency on the West boundary of Pleasant Village Subdivision; thence along said boundary South  $4^{\circ} 56'$  East 169.44 feet; thence South  $60^{\circ} 20'$  West 61.00 feet; thence South  $77^{\circ} 31'$  West 84.91 feet; thence South 28.00 feet to a point on the South line of Section 30, Township 6 South, Range 3 East, Salt Lake Base and Meridian; thence West 238.25 feet along said section line; thence North  $44^{\circ} 30'$  West 118.61 feet; thence North 113.38 feet to the point of beginning.

ALSO: Beginning at a point which is North 240.15 feet and East 254.46 feet from the Southwest corner of Section 30, Township 6 South, Range 3 East, Salt Lake Base and Meridian; and running thence North  $0^{\circ} 50'$  East 337.43 feet; thence South  $89^{\circ} 10'$  East 4.00 feet; thence North  $0^{\circ} 50'$  East 223.79 feet; thence South  $89^{\circ} 10'$  East 209.28 feet; thence North  $0^{\circ} 50'$  East 76.5 feet to the South line of Rock Canyon Road; thence East along said South line of road 153.10 feet; thence South 153.74 feet; thence North  $84^{\circ} 55'$  East 143.71 feet; thence South  $4^{\circ} 56'$  East 428.23 feet to a point on the North line of 2100 North Street; thence Southwesterly along a curve to the right having a radius of 268.45 feet for an arc length of 17.21 feet; thence South  $68^{\circ} 01' 20''$  West 41.88 feet to point of a 176.29 foot radius curve to the right; thence Southwesterly along the arc of said curve 55.83 feet; thence South  $86^{\circ} 10'$  West 158.94 feet; thence North  $3^{\circ} 50'$  West 115.00 feet; thence South  $86^{\circ} 10'$  West 80.00 feet; thence South  $3^{\circ} 50'$  East 115.00 feet; thence South  $86^{\circ} 10'$  West 209.37 feet to the point of beginning.