

Carr Cross Cond 1-Comm Area
 1101 thru 1108
 1201 - 1208
 1301 - 1304

2-Comm Area
 2101 thru 2106
 2201 - 2206
 2301 - 2304

3-Comm Area
 3101 thru 3108
 3201 - 3208
 3301 - 3304

4-Comm Area
 4101 thru 4108
 4201 - 4208
 4301 - 4304

5-Comm Area
 7101 thru 7108
 7201 - 7208
 7301 - 7304

6-Comm Area
 6101 thru 6112
 6201 - 6212
 6301 - 6308

7-Comm Area
 8101 thru 8108
 8201 - 8208
 8301 - 8305

8-Comm Area
 9101 thru 9106
 9201 - 9206
 9301 - 9304

AMENDED AND RESTATED

DECLARATION OF CONDOMINIUM

of CARRIAGE CROSSING, AN EXPANDABLE

CONDOMINIUM COMMUNITY

03-111-1101 thru 1108, 1201 thru 1208, 1301 thru 1305
 113-2101 thru 2106, 2201 thru 2206, 2301 thru 2305
 114-3101 thru 3108, 3201 thru 3208, 3301 thru 3305
 115-4101 thru 4108, 4201 thru 4208, 4301 thru 4305
 116-7101 thru 7108, 7201 thru 7208, 7301 thru 7305
 119-6101 thru 6112, 6201 thru 6212, 6301 thru 6309
 129-8101 thru 8108, 8201 thru 8208, 8301 thru 8305
 143-9101 thru 9106, 9201 thru 9206, 9301 thru 9305

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 CAROL DEAN PAGE, DAVIS CNTY RECORDER
 1996 FEB 13 8:53 AM FEE 192.00 DEP JB
 REC'D FOR PAYNE, DAVID YOUNG

RETURNED
FEB 13 1996

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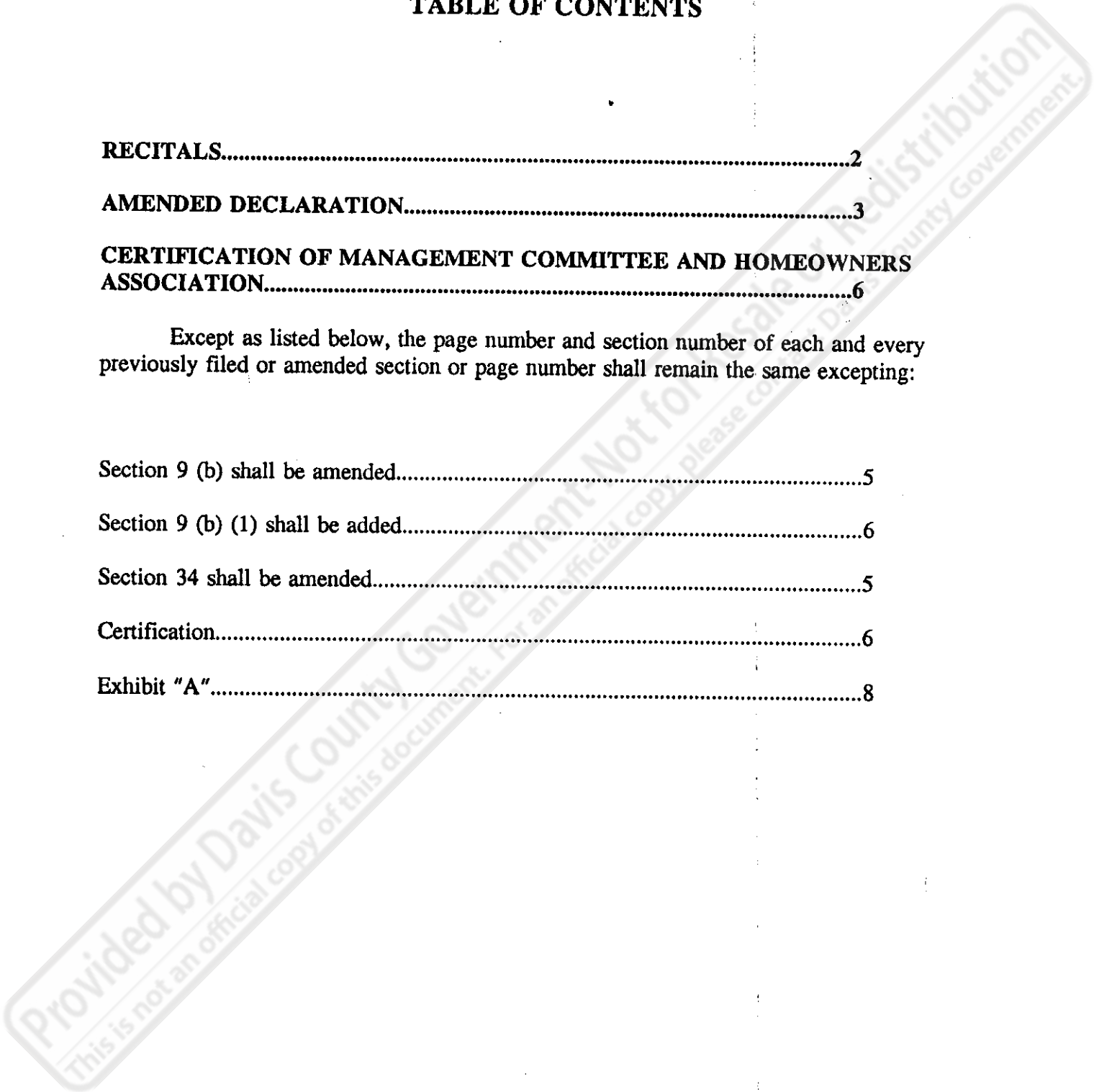
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AMENDED AND RESTATED DECLARATION OF CONDOMINIUM

CARRIAGE CROSSING, AN EXPANDABLE CONDOMINIUM COMMUNITY

This amended and restated declaration, containing covenants, conditions and restrictions relating to Carriage Crossing phases 1 through 8, Inclusive, a Condominium Project, is made on the date set forth on the end hereof by Carriage Crossing Condominium Homeowners Association (the Association) their assigns and representatives, for itself, its successors, grantees and assigns, pursuant to the Condominium Act of the State of Utah.

RECITALS

A. The association is the owner of certain real property located in Davis County, State of Utah, more particularly described on Exhibit A attached hereto together with the following:

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, accompanying the above-described parcel of real property.

ALL OF THE FOREGOING IS SUBJECT TO: all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasigovernmental authorities; all Patent reservations and exclusions, any mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described Land or any portion thereof, including, without limitation, any mortgage or deed of trust; all visible easements and rights-of-way, encroachments, or discrepancies shown on or revealed by the Survey Maps or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the above-described Land at such time as construction of all Project improvements is complete; and all easements necessary for ingress to egress from, maintenance of, and replacement of all such pipes, lines cables, wires, utility lines, and similar facilities.

B. On August 3, 1984, Declarant's predecessors in interest executed a Declaration of Condominium of Carriage Crossing, An Expandable Condominium Community (the "Declaration") as part of a plan for the Carriage Crossing Condominium Project (the "Project"), which Declaration was recorded in the office of the county Recorded of Davis County, State of Utah on August 21, 1984, as Entry No 680796 in Book 1002, Pages 1274 through 1338. The Project was expanded by the First Amendment to Declaration (Phase II) recorded October 16, 1984 as Entry No. 685345 in Book 1009 at Page 917 and Record of Survey Map for Phase II recorded October 16, 1984 as Entry No. 685344 in Book 1009 at

Page 916 and by the Corrective Second Amendment to Declaration (Phase III) recorded November 23, 1984 as Entry NO.688284 in Book 1014 at Page 17 and Record of Survey Map for Phase II recorded November 14, 1984 as Entry No. 687647 in Book 1013 at Page 239 and Record of Survey Map for Phase II recorded November 14, 1984 as Entry No. 687646 in Book 1018 at Page 238 and by a Third Amendment to Declaration (Phase IV) recorded February 19, 1985 as Entry No. 694901, in Book 1023 at Page 731 and by Fourth Amendment to the Declaration (Phase V) recorded May 21, 1985 as Entry No. 702579 in Book 1035 at Page 883 and Record of Survey Map for Phase V recorded May 21, 1985 as Entry No. 702578 in Book 1035 at Page 882 and by Fifth Amendment of the Declaration (Phase VI) recorded July 31, 1985 as Entry No. 708743 in Book 1045 at Page 813 and Record of Survey Map for Phase VI recorded July 31, 1985 as Entry No. 708742 in Book 1045 at Page 812 and Record of Survey Map for Phase VI recorded July 31, 1985 as Entry No. 708743 in Book 1045 at Page 813 and by Sixth Amendment to Declaration (Phase VII) recorded February 11, 1987 as Entry No. 772504 in Book 1144 at Page 110 and Exhibit "A" to the Declaration recorded March 5, 1987 in Book 1148 at Page 1036 through Page 1039 and by Amended Covenants recorded March 5, 1987 as Entry No. 775348 in Book No. 1148 at Page 1030 and by Amended Covenants recorded December 22, 1987 as Entry No. 811467 in Book No. 1210 at Page 803 and by Amended Covenants recorded September 5, 1990 as Entry No. 901542 in Book No. 1369 at Page 829 and by Amended Covenants recorded October 16, 1991 as Entry No. 944587 in Book No. 1443 at Page No. 824 and by Amended Covenants recorded January 17, 1992 as Entry No. 955105 in at Page No. 1463 at Page No. 995, all in the Official Records of Davis County, State of Utah.

TDA is the declarant under that certain Declaration of Condominium of Carriage Crossing Condominiums Phase 8 recorded October 16, 1991 in the Official Records of Davis County, Utah as Entry No. 944587, Book 1443, Pages 824 through 857 (the "Phase 8 Declaration") and the Record of Survey Map for Phase 8 recorded October 16, 1991 as Entry No. 944586, Book 1443, Page 823.

C. The Association desires to file this declaration of Amendment and restatement of previously filed Conditions, Covenants and Restrictions to affect a change in the rental and/or leasing policy for all unit owners located within the property site.

AMENDED DECLARATIONS

NOW, THEREFORE for such purposes the Association hereby make the following amended and restated declaration containing Covenants, Conditions and Restrictions relating to this Condominium Complex which, pursuant to the provisions of the Condominium Act of the State of Utah, shall be enforceable, where reasonable, and shall run with the land:

Except as specifically amended herein, all paragraphs, sections, declarations, exhibits, and maps which are not specifically amended shall not be changed or altered by this amendment except where, in the case of conflict, as effecting the issue of rental or leasing, the language and intent of this amendment shall govern.

Any language containing any original or prior amended or restated declaration of Condominium for the Carriage Crossing Condominium Project concerning renting, leasing, letting, or sub-letting as may be found throughout the body of said Covenants, Conditions, Restrictions or amendments, shall be subordinate, and when conflicting inoperative, as against the language and intent of this current amendment.

AMENDMENT OF SECTION 34

LEASE OF UNITS

Section 34 of the previously filed amended and restated declaration of Carriage Crossing Condominiums shall be amended as follows:

34. Lease of Units. With the exception of a lender in possession of a Unit following a default in a first mortgage, a foreclosure proceeding or any deed or other arrangement in lieu of foreclosure, no Unit owner shall be permitted to lease his unit for transient or hotel purposes which means the initial term of any lease shall be at least six (6) months. No Unit Owner may lease less than the entire Unit except a carport or underground parking space may be leased to another Unit Owner. Any lease agreement shall be required to provide that the terms of the lease shall be subject in all respects to the provisions of this Amended and Restated Declaration and the Bylaws attached as Exhibit "D", and that any failure by the lessee to comply with the terms of such documents shall be a default under the lease. All leases shall be required to be in writing and a copy of such lease shall be delivered to the Management Committee five (5) days prior to occupancy by the tenant. The Unit Owner shall notify the Management Committee of the names of the lessee of the Unit. In the event of a lease of a Unit, only the tenant and not the Unit Owner shall have the right to the use of the Common Areas and Facilities while the Unit is leased.

AMENDMENT OF SECTION 9

OWNERSHIP AND USE

Section 9 entitled Ownership and Use as previously recorded under the Amended and Restated Declaration of Carriage Crossing shall be amended as follows:

(b) Nature of and Restrictions on Ownership and Use. Each Unit Owner shall have and enjoy the rights and privileges of fee simple ownership of his Unit. There shall be no requirements concerning who may own Units, it being intended that they may and shall be owned as any other property rights by persons, corporations, partnerships, or trusts and in the form of common tenancy. The Unit owners may not lease or rent their Units with their appurtenant rights except under the terms and conditions of the amended and restated declaration of Condominium of Carriage Crossing regarding rentals and leasing, as contained herein. Units owners, their tenants and other occupants, or users of the project, shall be subject to this act, this amendment, and restated declaration, the bylaws and all rules and regulations of the association of Unit Owners and management Committee.

ADDITION TO SECTION 9

OWNERSHIP AND USE

9 (b) (1) The number of Units allowed to be leased or rented shall be capped at Twenty Five percent (25%) of the number of single units within the project. Currently the number of single units is One Hundred and Sixty Four (164) meaning Forty One (41) are currently eligible for rental or leasing.

Rental units shall be defined as Units offered for Rent or Lease, for any period of time, in which the lessor and lessee are not related by blood or marriage and the lessor receives any type of compensation or consideration for the use of the Unit.

Permission to rent or lease shall be granted upon written application to the Homeowners Association which application for lease or rental shall be freely granted so long as the total number of rental units shall not exceed the capping ratios as have been established herein.

Renting and leasing procedures consistent with this amendment, shall be adopted by the management committee as from time to time may be deemed necessary and appropriate.

CERTIFICATION

The management committee and homeowners association hereby certify that the votes and consents required by the declaration of Carriage Crossing, or any of its amended and restated declaration of Carriage Crossing via section 27 (and others) have been met. The

management committee also certifies that the present amendment to the Covenants, Conditions, and Restrictions of the Carriage Crossing Condominium Project does not substantially affect section 20 involving mortgagee protection and that no written consent to mortgagees is required.

CARRIAGE CROSSING CONDOMINIUM OWNERS ASSOCIATION

By John Gallacher
President of management Committee and CCCOA

Attest Walter H. Christensen
Vice President

State of Utah)

County of Salt Lake)

: ss.



RECORDER'S MEMO -
LEGIBILITY OF TYPING OR PRINTING
WHEN RECEIVED
UNSATISFACTORY IN THE DOCUMENT

SUBSCRIBED AND SWORN to before me this 16th day of January, 1996.

Julie Hoffmann
NOTARY PUBLIC
Residing at Salt Lake County

My Commission expires:

7/16/99

The above acknowledged to me that they executed the Same.

EXHIBIT "A"**CARRIAGE CROSSING CONDOMINIUM PROJECT**

On August 3, 1984, Declarant's predecessors in interest executed a Declaration of Condominium of Carriage Crossing, An Expandable Condominium Community (the "Declaration") as part of a plan for the Carriage Crossing Condominium Project (the "Project"), which Declaration was recorded in the office of the county Recorder of Davis County, State of Utah on August 21, 1984, as Entry No 680796 in Book 1002, Pages 1274 through 1338. The Project was expanded by the First Amendment to Declaration (Phase II) recorded October 16, 1984 as Entry No. 685345 in Book 1009 at Page 917 and Record of Survey Map for Phase II recorded October 16, 1984 as Entry No. 685344 in Book 1009 at Page 916 and by the Corrective Second Amendment to Declaration (Phase III) recorded November 23, 1984 as Entry NO.688284 in Book 1014 at Page 17 and Record of Survey Map for Phase II recorded November 14, 1984 as Entry No. 687647 in Book 1013 at Page 239 and Record of Survey Map for Phase II recorded November 14, 1984 as Entry No. 687646 in Book 1018 at Page 238 and by a Third Amendment to Declaration (Phase IV) recorded February 19, 1985 as Entry No. 694901, in Book 1023 at Page 731 and by Fourth Amendment to the Declaration (Phase V) recorded May 21, 1985 as Entry No. 702579 in Book 1035 at Page 883 and Record of Survey Map for Phase V recorded May 21, 1985 as Entry No. 702578 in Book 1035 at Page 882 and by Fifth Amendment of the Declaration (Phase VI) recorded July 31, 1985 as Entry No. 708743 in Book 1045 at Page 813 and Record of Survey Map for Phase VI recorded July 31, 1985 as Entry No. 708742 in Book 1045 at Page 812 and Record of Survey Map for Phase VI recorded July 31, 1985 as Entry No. 708743 in Book 1045 at Page 813 and by Sixth Amendment to Declaration (Phase VII) recorded February 11, 1987 as Entry No. 772504 in Book 1144 at Page 110 and Exhibit "A" to the Declaration recorded March 5, 1987 in Book 1148 at Page 1036 through Page 1039 and by Amended Covenants recorded March 5, 1987 as Entry No. 775348 in Book No. 1148 at Page 1030 and by Amended Covenants recorded December 22, 1987 as Entry No. 811467 in Book No. 1210 at Page 803 and by Amended Covenants recorded September 5, 1990 as Entry No. 901542 in Book No. 1369 at Page 829 and by Amended Covenants recorded October 16, 1991 as Entry No. 944587 in Book No. 1443 at Page No. 824 and by Amended Covenants recorded January 17, 1992 as Entry No. 955105 in at Page No. 1463 at Page No. 995, all in the Official Records of Davis County, State of Utah.

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