

WHEN RECORDED, RETURN TO:

Holmes & Associates, L.C.
9345 South 1300 East
Sandy, Utah 84094

E 147723 B 0622 P 0302
Date 17-MAY-2000 2:11pm
Fee: 29.00 Check
CALLEEN B. PESHELL, Recorder
Filed By JPT
For HOLMES HOMES
TOOELE COUNTY CORPORATION

**AMENDMENT NO. THREE
FOR EXPANSION OF
THE FIELDS AT OVERLAKE CONDOMINIUMS**

(An Expandable Condominium Project)

THIS AMENDMENT NO. THREE ("Amendment") to the Declaration of Condominium of The Fields at Overlake Condominiums, an expandable condominium project (the "Declaration"), is made effective as of the date of recording hereof in the Tooele County Recorder's Office by HOLMES & ASSOCIATES, L.C. ("Declarant") pursuant to Section 57-8-13.6 of the Utah Condominium Ownership Act and Article 16 of the Declaration.

RECITALS:

A. On May 14, 1999, Declarant filed the Declaration, as Entry Number 13110, in Book 658, Beginning at Page 338 of the official records of the Tooele County recorder, State of Utah, with the Record of Survey Map (the "Plat").

B. Declarant has modified the declaration as follows:

- (1) Amendment to Declaration of Condominium of the Fields at Overlake an Expandable Residential Condominium Project, recorded November 1, 1999, as entry Number 139348, in Book 0595, Beginning at Page 0500 of the official records of Tooele County, Utah; and
- (2) Amendment No. One for Expansion of The Fields at Overlake Condominiums recorded November 5, 1999, as Entry Number 139557, in Book 0596, beginning at Page 0194 of the official records of Tooele County, Utah (the "Phase Two Amendment").
- (3) Amendment No. Two for Expansion of The Fields at Overlake Condominiums recorded February 17, 2000, as Entry Number 143986, in Book 0610, beginning at Page 0407 of the official records of Tooele County, Utah (the "Phase Three Amendment").

The original declaration, as modified by the above-stated amendments, are collectively referred to in this Amendment as the "Declaration."

E 147723 B 0622 P 0302

C. Declarant desires to expand the condominium project (the "Condominium Project") by constructing new condominium units (the "Units") on a portion of the remaining additional land described in the Declaration (the "Additional Land").

D. Declarant is the owner of fee simple title to all Additional Land and now desires to add eleven (11) units, Unit Nos. 10A, 10B, 10C, 10D, 10E, 11A, 11B, 11C, 11D, 11E, and 11F ("Phase Four"), to the existing Condominium Project pursuant to the terms of the Declaration.

E. The supplemental Plat for Phase Four will be recorded concurrently with this Amendment by Declaration in the official records of the Tooele County Recorder, State of Utah.

NOW THEREFORE, in pursuance of the foregoing, Declaration declares and certifies as follows:

1. Phase Four Expansion. Declarant hereby submits to the provisions of the Utah Condominium Ownership Act, Utah Code Ann. § 57-8-1 *et seq.* (the "Act"), the real property situated in Tooele, Tooele County, Utah, as more particularly described on Exhibit "A," attached to and incorporated in this Amendment by reference (the "Phase Four Property"). As of the date of this Amendment, Declarant is the sole owner of the Phase Four Property. The Phase Four Property hereby submitted to the Act shall be known as The Fields at Overlake Condominiums, Phase Four, and shall be subject to the terms and conditions of the Declaration.

2. Improvements. The improvements to be built on the Phase Four Property shall consist of several multi-unit buildings with a maximum and minimum of twelve (11) units, Unit Nos. 10A, 10B, 10C, 10D, 10E, 11A, 11B, 11C, 11D, 11E, and 11F. All improvements constructed on the Phase Four Property shall be consistent in terms of quality of construction and shall be compatible in terms of principal materials used and architectural style with the structures in Phase One, Phase Two, and Phase Three. Further, the Units created in Phase Four shall be substantially identical to the Units in Phase One, Phase Two, and Phase Three. Each Unit will be provided with a one-car garage, which will be attached to the Unit and shall be designated as Limited Common Area appurtenant to such Unit.

3. Undivided and Allocated Interest. As specified in Article 16 of the Declaration, with the expansion of the Condominium Project to include Phase Four, each Unit Owner in the Condominium Project shall have a maximum 1/46th (or 0.21739%) undivided interest in the Common Area, 1/46th (or 0.21739%) allocated interest in the common expenses of the Condominium Project, and 1/46th (or 0.21739%) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of the Phase Four into the Condominium Project, the new Additional Land shall consist of the Additional Land (as described in the Phase Three Amendment) less the Phase Four Property. The remaining Additional Land (following the Phase Four Expansion) is more particularly described on Exhibit "B," attached to and incorporated in this Amendment by reference.

IN WITNESS WHEREOF, the undersigned, being the Declarant, has caused this instrument to be executed on this 20 day of April, 2000.

DECLARANT:

HOLMES & ASSOCIATES, L.C., a Utah Limited Liability Company

By *[Signature]*
Title: member

STATE OF UTAH)
): ss.
COUNTY OF TOOELE)

The foregoing instrument was acknowledged before me this 20 day of April, 2000, by Patrick H. Holmes, who is the managing member of HOLMES & ASSOCIATES, L.C., A Utah limited liability company.

[Signature]
NOTARY PUBLIC
Residing at Tooele, Utah

My Commission Expires:
11/5/2003

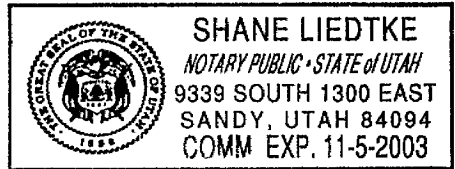


EXHIBIT "A"

LEGAL DESCRIPTION
PHASE FOUR
THE FIELDS AT OVERLAKE CONDOMINIUMS

The following described real property, located in Tooele County, Utah, is the parcel representing Phase Four of the Condominium Project:

A parcel of land for the purpose of developing Fields of Overlake Condominiums Phase Four, into units, streets and utilities, said Phase Four, said parcel lies within the Northeast 1/4 of the Northwest 1/4 of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel more particularly described as follows:

Beginning at a point which lies South $00^{\circ}13'38''$ East along the east line of the Northwest quarter of section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, 240.28 feet, and South $89^{\circ}46'22''$ West perpendicular to said east line 160.52 feet from the North quarter corner of said section 16, (A found brass cap monument), said point also lies on a curve to the left, having a central angle of $22^{\circ}30'00''$ a radius of 20.00 feet, (chord bears North $33^{\circ}58'38''$ West 7.80 feet), thence along the Arc of said curve 7.85 feet to a point of tangency; thence North $45^{\circ}13'38''$ West 72.41 feet to the beginning of a curve to the left, having a central angle of $44^{\circ}55'56''$, a radius of 20.00 feet, (chord bears North $67^{\circ}41'36''$ West 15.29 feet), thence along the Arc of said curve 15.68 feet to a point of tangency; thence South $89^{\circ}50'26''$ West 233.40 feet to a point which lies on a curve to the left, having a central of $45^{\circ}39'09''$, a radius of 28.00 feet (chord bears South $22^{\circ}35'57''$ West 21.72 feet), thence along the Arc of said curve 22.31 feet to a point of cusp; thence North $00^{\circ}13'38''$ West 58.03 feet; thence South $89^{\circ}50'26''$ West 11.00 feet; thence North $00^{\circ}13'38''$ West 79.00 feet to the southerly right of way line of 2000 North street; thence along said right of way North $89^{\circ}50'26''$ East 259.21 feet; thence south $00^{\circ}09'33''$ East 61.31 feet; thence South $45^{\circ}13'38''$ East 152.47 feet; thence South $75^{\circ}22'36''$ West 45.92 feet to the Point of Beginning.

Said tract of land contains 0.79 acres more or less

The basis of bearing is sighted between the Northwest Corner and the North 1/4 Corner of Section 16, Township 3 South, Range 4 East, Salt Lake Base & meridian, (Measured between found monuments south $89^{\circ}42'22''$ West 2643.76).

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EXHIBIT "B"

**LEGAL DESCRIPTION ADDITIONAL
LAND AFTER ADDITION OF PHASE FOUR
THE FIELDS AT OVERLAKE CONDOMINIUMS**

The following described real property, located in Tooele County, is the new Additional Land after the addition of Phase Four:

Beginning at a point which lies South 00°13'38" East along the East line of the Northwest quarter of section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, 240.28 feet, and South 89°46'22" West perpendicular to said East line 160.52 feet from the North quarter corner of said section 16, (A found brass cap monument), said point also lies on a curve to the left, having a central angle of 22°30'00", a radius of 20.00 feet, (chord bears North 33°58'38" West 7.80 feet), thence along the Arc of said curve 7.85 feet to a point of tangency; thence North 45°13'38" West 72.41 feet to the beginning of a curve to the left, having a central angle of 44°55'56", a radius of 20.00 feet, (chord bears North 67°41'36" West 15.29 feet), thence along the Arc of said curve 15.68 feet to a point of tangency; thence South 89°50'26" West 233.40 feet to a point which lies on a curve to the left, having a central of 45°39'09", a radius of 28.00 feet (chord bears South 22°35'57" West 21.72 feet), thence along the Arc of said curve 22.31 feet; thence South 00°13'38" East 95.95 feet to the beginning of a curve to the left, having a central angle of 45°35'05", a radius of 28.00 feet (chord bears South 23°01'10" East 21.69 feet), thence along the Arc of said curve 22.28 feet; thence North 89°46'22" East 284.60 feet to the beginning of a curve to the left, having a central angle of 90°00'00", a radius of 20.00 feet (chord Bears North 44°46'22" East 28.28 feet), thence along the Arc of said curve 31.42 feet; thence North 00°13'38" West 44.50 feet to the beginning of a curve to the left, having a central angle of 22°30'00", radius of 20.00 feet (chord bears North 11°28'38" West 7.80 feet), thence along the Arc of said curve 7.85 feet to the Point of Beginning.

Said tract of land contains 0.93 acres more or less.