

SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM

FOR

THE BRIANWOOD CONDOMINIUM PROJECT

THIS SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM, hereinafter referred to as the "Second Amendment," is made and executed this 19th day of January, 1981, by BRIAN HEAD ENVIRONMENTS, INCORPORATED, a Utah corporation, hereinafter referred to as the "Declarant."

RECITALS:

A. Pursuant to the provisions of a certain Declaration of Condominium for The Brianwood Condominium Project (hereinafter the "Original Declaration") and a certain Record of Survey Map for The Brianwood Condominium Project (hereinafter the "Original Map"), both of which were recorded in the office of the County Recorder of Iron County, State of Utah, on January 16, 1980, as Entry Nos. 215452 and 215451, respectively, the Declarant established and created an Expandable Condominium Project (hereinafter the "Original Project") in and upon the following described real property situated in Iron County, State of Utah:

Beginning at a point East 589.94 feet and South 129.96 feet from the Southwest Corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian; and running thence North 44°20' West 215.98 feet; thence North 30°00' East 51.93 feet; thence North 45°40' East 300.00 feet; thence South 35°00' East 233.09 feet; thence South 45°40' West 312.20 feet to the point of beginning.

Together with a 66.0 foot right-of-way described as follows: Beginning at a point East 589.94 feet and South 129.96 feet from the Southwest Corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian, and running thence North 44°20' West 406.18 feet to the Easterly right-of-way line of State Highway No. 143; thence South 45°40' West along said Easterly right-of-way line 66.00 feet; thence South 44°20' East 422.74 feet; thence North 31°34'43" East 68.05 feet to the point of beginning.

B. The Original Declaration was amended pursuant to the provisions of a certain First Amendment to Declaration of Condominium for The Brianwood Condominium Project (hereinafter the "First Amendment"), which was recorded in the office of the County Recorder of Iron County, State of Utah, on April 14, 1980, as Entry No. 217267 in Book 261 at Page 667. The Original Declaration, as amended by the First Amendment, is hereinafter referred to as the "Declaration."

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SECURITY TITLE COMPANY

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Recorded at
Request of Sec Title Co of So Utah
Date JAN 21 1981 Time 4 PM
Fee 48.50 Book 272 Page 641 - 646
By JOAN W. WARDEN, IRON COUNTY RECORDER
Ret'd Ind'd Abst'd Proof

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C. The Declarant is the record fee simple owner of the following described real property (hereinafter the "Additional Land") situated in Iron County, State of Utah:

Beginning at a point South 89°09'03" East 404.02 feet along the Section Line and South 36.77 feet from the Southwest Corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian; and running thence South 43°12'44" East 60.84 feet; thence along the arc of a curve to the right having a radius of 198.14 feet a distance of 285.38 feet; thence South 39°18'34" West 275.19 feet; thence North 25°14'10" West 194.59 feet; thence North 31°07'16" East 400.00 feet to the point of beginning.

The Declarant has constructed or will construct a condominium building and other improvements in and upon the Additional Land as shown on the First Amended Record of Survey Map referred to below.

D. The Declarant intends to execute and record in the office of the County Recorder of Iron County, State of Utah, a certain instrument entitled "First Amended Record of Survey Map for The Brianwood Condominium Project, An Expandable Project," amending in its entirety the Original Map.

E. The Declarant intends by recording this Second Amendment and the First Amended Record of Survey Map referred to above to expand the Original Project by adding thereto the Additional Land and the building and improvements thereon in accordance with the provisions of the Declaration and the Condominium Act.

NOW, THEREFORE, the Declarant hereby expands the Original Project by adding thereto the Additional Land and the building and improvements thereon and, in furtherance thereof, the Declarant hereby amends the Declaration and declares as follows:

1. Section 1.04 of the Declaration is hereby amended in its entirety to read as follows:

"1.04. 'Building' shall mean collectively (i) that certain three (3) story condominium building (with loft) that has been constructed on the Subject Land and (ii) that certain three (3) story condominium building (with loft) that has been or will be constructed on the Subject Land, as such condominium buildings are shown on the Map."

2. Section 1.12 of the Declaration is hereby amended in its entirety to read as follows:

"1.12. 'Map' shall mean the First Amended Record of Survey Map for The Brianwood Condominium Project, an Expandable Condominium Project, pertaining to the Project and recorded or to be recorded in the office

of the County Recorder of Iron County, State of Utah."

3. Section 1.17 of the Declaration is hereby amended in its entirety to read as follows:

"1.17. 'Subject Land' shall mean the tracts of real property in and upon which the Project is situated, which tracts of real property are located in Iron County, State of Utah, and are more particularly described as follows:

TRACT I:

Beginning at a point East 589.94 feet and South 129.96 feet from the Southwest Corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian; and running thence North 44°20' West 215.98 feet; thence North 30°00' East 51.93 feet; thence North 45°40' East 300.00 feet; thence South 35°00' East 233.09 feet; thence South 45°40' West 312.20 feet to the point of beginning.

Together with a 66.0 foot right-of-way described as follows: Beginning at a point East 589.94 feet and South 129.96 feet from the Southwest Corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian, and running thence North 44°20' West 406.18 feet to the Easterly right-of-way line of State Highway No. 143; thence South 45°40' West along said Easterly right-of-way line 66.00 feet; thence South 44°20' East 422.74 feet; thence North 31°34'43" East 68.05 feet to the point of beginning.

TRACT II:

Beginning at a point South 89°09'03" East 404.02 feet along the Section Line and South 36.77 feet from the Southwest Corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian; and running thence South 43°12'44" East 60.84 feet; thence along the arc of a curve to the right having a radius of 198.14 feet a distance of 285.38 feet; thence South 39°18'34" West 275.19 feet; thence North 25°14'10" West 194.59 feet; thence North 31°07'16" East 400.00 feet to the point of beginning.

4. The Declaration is hereby amended by deleting therefrom Exhibit A attached thereto and substituting therefor Exhibit A (First Revised) attached hereto and by this reference made a part hereof. From and after the date hereof, all references in the Declaration to Exhibit A shall be deemed to be made to and to include Exhibit A (First Revised) as attached hereto.

5. Unless the context otherwise requires and except

EXHIBIT A (FIRST REVISED)

(Attached to and forming a part of the Second Amendment to Declaration of Condominium for The Briarwood Condominium Project, an Expandable Condominium Project)

UNITS, UNDIVIDED OWNERSHIP INTERESTS, AND VOTES

<u>UNIT NO.</u>	<u>SIZE*</u> <u>(Square Feet)</u>	<u>UNDIVIDED OWNERSHIP INTERESTS**</u> <u>(Percentage)</u>	<u>VOTES</u>
1	622	1.0%	10
2	622	1.0%	10
3	622	1.0%	10
4	622	1.0%	10
5	622	1.0%	10
6	622	1.0%	10
7	622	1.0%	10
8	622	1.0%	10
9	482	0.8%	8
10	482	0.8%	8
11	482	0.8%	8
12	482	0.8%	8
13	656	1.0%	10
14	656	1.0%	10
15	622	1.0%	10
16	622	1.0%	10
17	482	0.8%	8
18	622	1.0%	10
19	622	1.0%	10
20	622	1.0%	10
21	622	1.0%	10
22	622	1.0%	10
23	622	1.0%	10
24	622	1.0%	10
25	622	1.0%	10
26	482	0.8%	8
27	482	0.8%	8
28	482	0.8%	8
29	482	0.8%	8
30	656	1.0%	10
31	656	1.0%	10
32	622	1.0%	10
33	622	1.0%	10
34	660	1.1%	11
35	824	1.3%	13
36	824	1.3%	13
37	824	1.3%	13
38	824	1.3%	13
39	824	1.3%	13
40	824	1.3%	13
41	824	1.3%	13
42	824	1.3%	13
43	660	1.1%	11
44	660	1.1%	11
45	660	1.1%	11

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<u>UNIT NO.</u>	<u>SIZE*</u> (Square Feet)	<u>UNDIVIDED OWNERSHIP INTERESTS**</u> (Percentage)	<u>VOTES</u>
46	660	1.1%	11
47	858	1.35%	13.5
48	858	1.35%	13.5
49	824	1.3%	13
50	824	1.3%	13
51	888	1.4%	14
52	900	1.45%	14.5
53	866	1.4%	14
54	866	1.4%	14
55	866	1.4%	14
56	866	1.4%	14
57	866	1.4%	14
58	866	1.4%	14
59	888	1.4%	14
60	900	1.45%	14.5
61	888	1.4%	14
62	900	1.45%	14.5
63	866	1.4%	14
64	866	1.4%	14
65	866	1.4%	14
66	866	1.4%	14
67	866	1.4%	14
68	866	1.4%	14
69	888	1.4%	14
70	900	1.45%	14.5
71	1262	2.0%	20
72	1274	2.0%	20
73	1240	1.9%	19
74	1240	1.9%	19
75	1240	1.9%	19
76	1240	1.9%	19
77	1240	1.9%	19
78	1240	1.9%	19
79	1262	2.0%	20
80	1274	2.0%	20
	<u>62,714</u>	<u>100.0%</u>	<u>1,000</u>

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