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FIRST SUPPLEMENTARY DECLARATION
TO THE
DECLARATION OF CONDOMINIUM
FOR
THE ORCHARD OF COUNTRY WOODS
(An Expandable Condominium)

1985

[Handwritten signature]

JUN 18 2 20 PM '81

RECORDED
SALT LAKE COUNTY
UTAH

THIS FIRST SUPPLEMENTARY DECLARATION ("First Supplementary Declaration") is made and executed on the 16th day of JUNE, 1981, by PROSWOOD, INC., a Utah corporation (the "Declarant").

R E C I T A L S

A. On September 19, 1979, Declarant made and executed the Declaration of Condominium for the Orchard of Country Woods, An Expandable Condominium (the "Declaration") as the initial part of a plan for the Orchard of Country Woods, a Utah Condominium Project (the "Project"). The Declaration was recorded in the Official Records of Salt Lake County, State of Utah, on September 20, 1979 in Book 4948 at pages 240 et seq as Entry No. 3339570. The related Record of Survey Map ("Phase I Map") was recorded concurrently with the Declaration in Book 79-9-311 as Entry No. 3339571. The Declaration and Phase I Map submitted to the provisions of the Act, subject to the conditions, covenants, restrictions, easements and reservations set forth in the Declaration, the following described real property situated in Salt Lake County, State of Utah, to-wit:

Begin at a point S 89°59'31" W 931.05 feet,
S 0°01'30" E 1419.00 feet along the monument line
of 900 East Street, East 1315.12 feet, S 11° 35'08"
W 51.89 feet, S 2°00'00" W 174.78 feet, S 14°53'18" E
217.19 feet and S 30°11'46" E 59.00 feet from the
Center of Section 20, Township 2 South, Range 1 East,
Salt Lake Base and Meridian and running thence
N 62°20' 00" E 124.04 feet to a point on a 564.00
foot radius curve to the right (radius point bears
N 65°03'44" E) thence Northerly along the arc of said
curve 220.70 feet through a central angle of 22°25'15"
to the point of tangency with a 104.00 foot radius
curve to the right, thence Northeasterly along the arc
of said curve 176.67 feet through a central angle of

SECURITY TITLE CO.
No. 222

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97°20'01". thence S 85°11'00" E 95.00 feet to the point of tangency with a 84.00 foot radius curve to the right, thence Southeasterly along the arc of said curve 115.04 feet through a central angle of 78°28'00" to the point of tangency with a 206.00 foot radius curve to the left, thence Southeasterly along arc of said curve 246.04 feet through a central angle of 68°26'00" to the point of tangency with 299.00 foot radius curve to the right, thence Southeasterly along the arc of said curve 76.80 feet through a central angle of 14°43'00" to the point of tangency with a 94.00 foot radius curve to the right, thence Southerly along the arc of said curve 111.32 feet through a central angle of 67°51'00", thence N 78°52'00" E 186.18 feet to the centerline of Little Cottonwood Creek and the Westerly line of Creekside Estates, thence S 33°20'30" E 89.81 feet to the Northerly right-of-way line of Fort Union Boulevard and a point on a 1214.92 foot radius curve to the left, (radius point bears S 23°41'02" E) thence Westerly along the arc of said curve 317.23 feet through a central angle of 14°57'38" to a point of tangency and a right-of-way monument, thence continuing along said right-of-way S 51°21'20" W 360.59 feet, thence N 37°14'52" W 289.90 feet, thence N 30°11'46" W 229.19 feet to the point of beginning.

Contains 7.4717 Acres.

SUBJECT TO A 15 FOOT ACCESS ROAD FOR INGRESS AND EGRESS IN FAVOR OF SALT LAKE COUNTY FLOOD CONTROL, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

Begin at a point on the North line of Fort Union Boulevard, said point being S 89°59'31" W 931.05 feet, S 0°01'30" E 1419.00 feet along the monument line of 900 East Street, East 2155.87 feet and South 560.44 feet from the Center of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence N 34°30'00" E 32.00 feet to the point of tangency with an 82.50 foot radius curve to the left, thence Northerly along the arc of said curve 75 feet more or less to the centerline of Little Cottonwood Creek.

RESERVING UNTO PROWSWOOD, INC., A UTAH CORPORATION, A PERPETUAL 25 FOOT EASEMENT FOR INGRESS AND EGRESS, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

Beginning at a point on the North line of Fort Union Boulevard, said point being S 89°59'31" W 931.05 feet, S 0°01'30" E 1419.00 feet along the monument line of 900 East Street, East 2023.59 feet and South 640.08 feet from the Center of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence N 35°28'26" W 125.02 feet to a point on a 80.00 foot radius curve to the right (radius point bears N 37°55'24" W) thence Westerly along the arc of said curve 4.50 feet, thence S 55°18'00" W 110.53 feet to the point of tangency with a 244.11 foot radius curve to the right, thence along the arc of said curve 116.24 feet through a central angle of 27°17'00" to the point of tangency with a 115.00 foot radius curve to the right, thence along the arc of said curve 92.27 feet through a central angle of 45°58'08" to the point of tangency with a 550.00 foot radius curve to the right, thence along the arc of said curve 469.70 feet through a central angle of 48°55'51" to the point of tangency with a

90.00 foot radius curve to the right, thence along the arc of said curve 83.28 feet through a central angle of 53°01'01", thence N 39°30" W 14.00 feet.

B. Under the Declaration (Section 21 of Article III) Declarant reserved the right to expand the Project until the seventh anniversary of the recording of the Declaration.

C. Declarant is the record owner of the real property described in Article II ("Phase II Land") of this First Supplementary Declaration. Phase II Land is a portion of the Additional Land described in the Declaration. This First Supplementary Declaration seeks to comply in every way with the expansion provisions of the Declaration and applies to the Declaration and to no other Declaration. The Record of Survey Map Phase II of the Project ("Phase II Map"), which also describes the Phase II Land, recorded herewith, consisting of four sheets, prepared and certified to by Dean Bain Mortensen, a duly registered Utah Land Surveyor, and the Declaration, upon recordation, effects first expansion of the Project.

D. It is the intent of the Declarant that the Phase II Land shall become subject to the Declaration and the Act. To this end and for the benefit of the Project and the Owners thereof, Declarant makes this First Supplementary Declaration.

E. There currently exists in the Project one hundred thirty six (136) Units and Common Areas. This First Supplementary Declaration and the Phase II Map expands the Project to include forty-eight (48) additional Units and Common Areas, all as depicted on the Phase II Map. After the recording of the Phase II Map and this First Supplementary Declaration, there will be 184 Units and Common Areas.

NOW, THEREFORE, for the foregoing purposes, Declarant hereby makes the following First Supplementary Declaration:

I. DEFINITIONS

Except as otherwise defined herein or as may be required by the context, all terms or expressions defined in Article I of the Declaration shall have such defined meanings

when used in this First Supplementary Declaration.

II. SUBMISSION

There is hereby submitted to the provisions of the Act, as additional tract associated with the Project, the following described parcels of real property situated in Salt Lake County, State of Utah:

PARCEL A: Begin at a point S 89°59'31" W 931.05 feet, S 0°01'30" E 1419.00 feet along the monument line of 900 East Street, East 1315.12 feet, South 11°35'08" W 51.89 feet and S 2°00'00" W 57.70 feet from the Center of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence S 2°00'00" W 117.08 feet, thence S 14°53'18" E 217.19 feet, thence S 30°11'46" E 59.00 feet to the boundary of The Orchard of Country Woods Phase I, thence along said boundary N 62°20'00" E 124.04 feet to a point on a 564.00 foot radius curve to the right (radius point bears N 65°03'44" E); thence Northerly along the arc of said curve 220.70 feet through a central angle of 22°25'15" to the point of tangency with a 104.00 foot radius curve to the right, thence Northeasterly along the arc of said curve 73.30 feet through a central angle of 40°22'48", thence leaving said boundary N 52°08'12" W 63.34 feet, thence West 111.00 feet to the point of beginning. Contains 1.1149 Acres.

PARCEL B: Begin at a point S 89°59'31" W 931.05 feet, S 0°01'30" E 1419.00 feet along the monument line of 900 East Street, East 2014.29 feet and South 244.62 feet from the Center of Section 20 Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence along the boundary of Creekside Estates S 44°26'00" E 119.28 feet and S 33°20'30" E 145.50 feet, thence along the boundary of The Orchard of Country Woods Phase I S 78°52'00" W 186.18 feet to a point on a 94.00 foot radius curve to the left (radius point bears N 82°35'00" West); Northerly along the arc of said curve 111.32 feet through a central angle of 67°51'00" feet to the point of tangency with a 299.00 foot radius curve to the left, Westerly along the arc of said curve 10.36 feet through a central angle of 1°59'07", thence leaving said boundary N 27°34'53" E 162.27 feet to the point of beginning.

Contains 0.6835 Acres.

RESERVED FROM THE SUBMISSION OF THE LAND are such easements and rights of egress and ingress over, across, through and under the Land and any improvements now or hereafter constructed thereon as may be necessary to develop the Project as it may be expanded as provided in the Declaration. If pursuant to this reservation, the above-described real property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservation hereby effected shall terminate upon the completion and sale by the Declarant of all Units in the Project. And subject, also, to easements of record and visible, and subject further, to restrictions, provisions and covenants of record.

III. COVENANTS, CONDITIONS AND RESTRICTIONS

The foregoing submission is made upon and under the following covenants, conditions and restrictions:

1. Descriptions of Improvements. The improvements contained in the Project are now or will be located upon the Land. The significant improvements contained in the Project (other than improvements located on or otherwise associated with remaining portion of the Additional Land) includes six (6) Buildings (which contain 48 Units, 48 parking spaces and 48 storage rooms), and concrete sidewalks or walkways, all being similar to those in the initial phase of the Project. The location and configuration of said improvements are shown on the Map. The Project (excluding that portion thereof located on or otherwise associated with the remaining portion of the Additional Land) also contains other improvements such as outdoor lighting, landscaping and fencing, all of which are to be of the type and in the location reasonably determined to be appropriate by Declarant. The Map shows the basement with parking spaces and storage rooms as Limited Common Areas, the number of stories, and the number of Units which are included in each of the Buildings included in this phase of the Project. Said Buildings are substantially identical to those in the initial phase and are composed of the following building materials: wood frame with load and non-load bearing walls studded with wood; basement walls and floors of concrete; two by four (2X4) stud walls; prefabricated wood floor trusses, prefabricated wood truss roof with asphalt shingles; floor surface of gypcrete over plywood sub-floor; interior walls of gypsum board and exterior walls of frame with stucco and cedar trim.

2. Description and Legal Status of Units. The Phase II Map shows the Unit designation of each Unit located within the boundaries of this phase, its location, dimension from which its Size may be determined, the Common Areas to which it has immediate access, and other pertinent information.

3. Limited Common Areas. The Limited Common Areas which are contained in this Phase and the respective Units to

which the exclusive use of such Limited Common Areas appertain consist of: (i) balcony attached or adjacent to each Unit, (ii) forty-eight (48) parking spaces, each designated by capital letters, located on the basement level of each Building, and (iii) the 48 storage spaces also located in the basement of each Building as shown on Phase II Map.

4. Computation of Percentage Interest. The Percentage Interest of each Unit, at any point in time, is equal to the ratio between the Par Value of such Unit and the aggregate Par Value of all Units then included in the Project. The Percentage Interest which becomes appurtenant, with this First Supplementary Declaration has been recomputed in the aforesaid manner and is depicted in the "Revised Exhibit "B"" hereto attached and made a part hereof applicable to all Units with the addition of this phase of the Project. Upon future expansion(s) of the Project, the Percentage Interest appurtenant to each Unit then contained in the Project may be recomputed and revised only through use of the formula described at the outset of this Section 4 of Article III.

5. Contents of Revised Exhibit "B". Revised Exhibit "B" to this First Supplementary Declaration contains the following information with respect to each Unit contained in the Project as expanded (other than within the remaining portion of the Additional Land): (i) The Unit Designation; (ii) The Par Value of the Unit; and (iii) The revised Percentage Interest which is appurtenant to the Units after the expansion accomplished by this First Supplementary Declaration.

6. Effective Date. This First Supplementary Declaration shall take effect upon its being filed for record in the office of the County Recorder of Salt Lake County, State of Utah.

EXECUTED on the day and year first above written.

PROWSWOOD, INC.

BY 

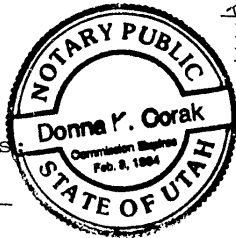
Robert W. Wood
Executive Vice President

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STATE OF UTAH)
) : ss.
County of Salt Lake)

On the 16th day of June, 1981, personally appeared before me Robert W. Wood, who, being by me duly sworn, did say that he is the Executive Vice President of PROSWOOD, INC., a Utah Corporation, and that the within and foregoing instrument was signed on behalf of said Corporation by authority of a resolution of its Board of Directors or of its By-Laws and said Robert W. Wood duly acknowledged to me that said corporation executed the same.

Donna F. Corak
NOTARY PUBLIC
Residing at:



My Commission Expires

2-8-84

REVISED EXHIBIT "B"
Attached to the First Supplementary Declaration
of Condominium for the Orchard at Country Woods

(An Expandable Condominium)

<u>Building No.</u>	<u>Unit Designation</u>	<u>Par Value</u>	<u>Percentage Interest</u>
1	A	702	.5050%
1	B	"	"
1	C	"	"
1	D	"	"
1	E	"	"
1	F	"	"
1	G	"	"
1	H	"	"
2	A	784	.5640%
2	B	"	"
2	C	"	"
2	D	"	"
2	E	"	"
2	F	"	"
2	G	"	"
2	H	"	"
3	A	"	.5640%
3	B	"	"
3	C	"	"
3	D	"	"
3	E	"	"
3	F	"	"
3	G	"	"
3	H	"	"
4	A	"	.5640%
4	B	"	"
4	C	"	"
4	D	"	"
4	E	"	"
4	F	"	"
4	G	"	"
4	H	"	"
5	A	702	.5050%
5	B	"	"
5	C	"	"
5	D	"	"
5	E	"	"
5	F	"	"
5	G	"	"
5	H	"	"
6	A	784	.5640%
6	B	"	"
6	C	"	"
6	D	"	"
6	E	"	"
6	F	"	"
6	G	"	"
6	H	"	"

REVISED EXHIBIT "B"

(continued)

<u>Building No.</u>	<u>Unit Designation</u>	<u>Par Value</u>	<u>Percentage Interest</u>
7	A	702	.5050%
7	B	"	"
7	C	"	"
7	D	"	"
7	E	"	"
7	F	"	"
7	G	"	"
7	H	"	"
8	A	784	.5640%
8	B	"	"
8	C	"	"
8	D	"	"
8	E	"	"
8	F	"	"
8	G	"	"
8	H	"	"
9	A	784	.5640%
9	B	"	"
9	C	"	"
9	D	"	"
9	E	"	"
9	F	"	"
9	G	"	"
9	H	"	"
10	A	784	.5640%
10	B	"	"
10	C	"	"
10	D	"	"
10	E	"	"
10	F	"	"
10	G	"	"
10	H	"	"
11	A	784	.5640%
11	B	"	"
11	C	"	"
11	D	"	"
11	E	"	"
11	F	"	"
11	G	"	"
11	H	"	"
12	A	702	.5050%
12	B	"	"
12	C	"	"
12	D	"	"
12	E	"	"
12	F	"	"
12	G	"	"
12	H	"	"

REVISED EXHIBIT "B"

(continued)

<u>Building No.</u>	<u>Unit Designation</u>	<u>Par Value</u>	<u>Percentage Interest</u>
13	A	784	.5640%
13	B	"	"
13	C	"	"
13	D	"	"
13	E	"	"
13	F	"	"
13	G	"	"
13	H	"	"
26	A	702	.5050%
26	B	"	"
26	C	"	"
26	D	"	"
26	E	"	"
26	F	"	"
26	G	"	"
26	H	"	"
27	A	702	.5050%
27	B	"	"
27	C	"	"
27	D	"	"
27	E	"	"
27	F	"	"
27	G	"	"
27	H	"	"
28	A	784	.5640%
28	B	"	"
28	C	"	"
28	D	"	"
28	E	"	"
28	F	"	"
28	G	"	"
28	H	"	"
29	A	784	.5640%
29	B	"	"
29	C	"	"
29	D	"	"
29	E	"	"
29	F	"	"
29	G	"	"
29	H	"	"
14	A	784	.5640%
14	B	"	"
14	C	"	"
14	D	"	"
14	E	"	"
14	F	"	"
14	G	"	"
14	H	"	"

REVISED EXHIBIT "B"

(continued)

<u>Building No.</u>	<u>Unit Designation</u>	<u>Par Value</u>	<u>Percentage Interest</u>
15	A	702	.5050%
15	B	"	"
15	C	"	"
15	D	"	"
15	E	"	"
15	F	"	"
15	G	"	"
15	H	"	"
22	A	784	.5640%
22	B	"	"
22	C	"	"
22	D	"	"
22	E	"	"
22	F	"	"
22	G	"	"
22	H	"	"
23	A	784	.5640%
23	B	"	"
23	C	"	"
23	D	"	"
23	E	"	"
23	F	"	"
23	G	"	"
23	H	"	"
24	A	784	.5640%
24	B	"	"
24	C	"	"
24	D	"	"
24	E	"	"
24	F	"	"
24	G	"	"
24	H	"	"
25	A	702	.5050%
25	B	"	"
25	C	"	"
25	D	"	"
25	E	"	"
25	F	"	"
25	G	"	"
25	H	"	"
			100%

CONSENT OF MORTGAGEE

AMERICAN SAVINGS & LOAN ASSOCIATION (the Mortgagee), a Corporation of the United States, hereby consents to the recordation by Prowswood, Inc., of the "First Supplementary Declaration to the Declaration of Condominium For the Orchard of Country Woods (an Expandable Condominium)" dated June 16, 1981 and the related Record of Survey of Phase II Map in the Official Records of Salt Lake County, Utah provided, however, that such Consent shall not be deemed to render the Mortgagee, a declarant or developer under the Act, the Declaration, the First Supplementary Declaration, or otherwise, or in any way to render the Mortgagee liable for any obligations of the Declarant or a developer.

DATED this 16th day of May, 1981.

AMERICAN SAVINGS & LOAN ASSOCIATION

By R. Kay Poulsen
R. Kay Poulsen
Vice President

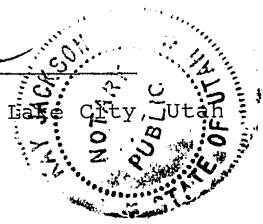
ATTEST:

Brenda Schrecengost
Its Secretary

STATE OF UTAH)
 : ss.
County of Salt Lake)

On this 16th day of May, 1981, personally appeared before me R. KAY POULSEN and BRENDA SCHRECENGOST, who being by me duly sworn, did say that they are the Vice President and SECRETARY, respectively, of American Savings & Loan Association, a corporation of the United States, and that the foregoing instrument was signed by them in behalf of said Corporation by authority of a resolution of its Board of Directors and they each duly acknowledged to me that the said Corporation executed the same and that the seal affixed is the seal of said Corporation.

Kay L. Jackson
NOTARY PUBLIC
Residing at Salt Lake City, Utah



My Commission Expires:

4/15/85