

4164023

SUPPLEMENTAL DECLARATION OF AND
SIXTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM
OF THE STONE HOLLOW CONDOMINIUM,
A Utah Condominium Project

This Supplemental Declaration of and Sixth Amendment to the Declaration of Condominium of the Stone Hollow Condominium, a Utah Condominium Project (hereinafter referred to as the "Sixth Amendment"), is made and executed this 7th day of August, 1985, by ARNOLD DEVELOPMENT COMPANY, a Utah corporation (hereinafter referred to as the "Declarant") and the undersigned Owners collectively representing at least Seventy-Five Percent (75%) of the Total Votes in the Association (hereinafter collectively referred to as the "Owners").

RECITALS:

A. On the 11th day of June, 1980, Declarant, a Utah corporation, made and executed a certain Declaration of Condominium of the Stone Hollow Condominium, a Utah condominium project (hereinafter referred to as the "Declaration") thereby creating the Stone Hollow Condominium, a Utah condominium project (hereinafter referred to as the "Project"), which Declaration was recorded in the office of the County Recorder of Salt Lake County, State of Utah, on the 12th day of June, 1980, in Book 5110, at Page 776 et seq., as Entry No. 3442790.

B. A related record of survey map entitled "Record of Survey Map for Stone Hollow Condominium, a condominium project" (hereinafter referred to as the "Map") was recorded concurrently with the Declaration in Book 8-6 of Plats, at Page 93, et seq., as Entry No. 3442789.

C. The Declaration and Map submitted to the provisions of the Utah Condominium Ownership Act, Utah Code Annotated (1953, as amended), Section 57-8-1 et seq. (hereinafter referred to as the "Act"), certain real property owned by Declarant and described in Paragraph A of the Recitals of the Declaration and in the Map.

D. Certain supplemental declarations of and amendments to the Declaration were subsequently executed and recorded in the

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office of the County Recorder of Salt Lake County, State of Utah, as follows:

| <u>SUPPLEMENTAL DECLARATION AND AMENDMENT</u> | <u>DATE EXECUTED</u> | <u>DATE RECORDED</u> | <u>ENTRY NUMBER</u> |
|---------------------------------------------------|--------------------------|--------------------------|-------------------------|
| First Amendment | 8/17/80 | 8/27/80 | 3494648 |
| Second Amendment | 3/04/81 | 3/14/81 | 2540355 |
| Third Amendment | 5/10/82 | 5/11/82 | 3673899 |
| Fourth Amendment | 6/28/82 | 6/29/82 | 3688923 |
| Fifth Amendment | 4/09/85 | 4/11/85 | 4072739 |

E. The Owners and the Declarant desire to amend the Declaration as hereinafter provided in order to (i) permit the Association to exchange with the Declarant certain of the real property constituting the Common Areas of the Project ("Parcels 1 and 2"), as such Parcels 1 and 2 are more particularly described on that certain plat of the Project attached hereto as Schedule I and incorporated herein by this reference (hereinafter referred to as the "Plat"), for a portion of the Additional Land that presently adjoins the Project along the western border of Phase IV of the Project ("Parcels 3 and 4"), as such Parcels 3 and 4 are more particularly described on the Plat; (ii) change the location of certain of the unbuilt Condominium Units located in Phase III and Phase IV of the Project (the "Relocated Units") by causing to be prepared, executed and recorded on the date hereof in the official records of Salt Lake County, Utah, this Sixth Amendment and a Supplemental Record of Survey Map - Stone Hollow Condominium - Phase VI, a Utah condominium project (hereinafter referred to as the "Supplemental Map"), a copy of which is attached hereto as Schedule II and incorporated herein by this reference; (iii) permit the Declarant, as provided in Section 16.01 of the Declaration and pursuant to Section 57-8-13.6 of the Act, to expand the Project by adding thereto a portion of the Additional Land as more particularly described in Schedule III attached hereto and incorporated herein by this reference (hereinafter referred to as the "Phase VI Property"); and (iv) require the Association to maintain that certain flood detention pond located within the Phase VI Property (hereinafter referred to as the "Flood Detention Pond").

NOW, THEREFORE, and for that purpose, the Owners and Declarant hereby amend the Declaration of Condominium of the

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Stone Hollow Condominium, a Utah condominium project, as follows:

1. Exchange of Parcels 1 and 3 for Parcels 2 and 4. Pursuant to the provisions of Section 8.04 of the Declaration, the Owners and the Declarant hereby consent and agree to the transfer of Parcels 1 and 3 to the Declarant in exchange for the conveyance by the Declarant of Parcels 2 and 4 to the Association. The President of the Association is hereby authorized and directed to execute and deliver to the Declarant a Warranty Deed in recordable form whereby the Association conveys marketable, fee simple title to Parcels 1 and 3 to the Declarant in exchange for Declarant's conveyance to the Association of marketable, fee simple title to Parcels 2 and 4.

2. Relocation of Certain Unbuilt Units in Phase III and Phase IV. The Owners and the Declarant hereby consent and agree to the relocation of the Relocated Units within Phase III and Phase IV of the Project as such relocation is described on the Supplemental Map.

3. Expansion of Project. The Declarant hereby expands the Project by adding the Phase VI Property to the Project. The Project, as hereby expanded, contains a total of forty-five (45) Units located in twenty (20) duplex Buildings with basements and one (1) five-plex Building with basement. Each Unit is given an identifying number and each building is depicted on the Map, the Record of Survey Map of Stone Hollow Condominium Phase II, a Utah condominium project, the Record of Survey Map of Stone Hollow Condominium Phase III, a Utah condominium project, the Record of Survey Map of Stone Hollow Condominium Phase IV, a Utah condominium project, the Record of Survey Map of Stone Hollow Condominium Phase V, a Utah condominium project and the Supplemental Map. The Project, as expanded by this Sixth Amendment, shall be known as Stone Hollow Condominium, a Utah Condominium Project.

4. Undivided Interest in Common Elements. Pursuant to the provisions of Section 57-8-13.10 of the Act, the undivided ownership interests in the Common Areas and Facilities of the Project as expanded in accordance with the attached Amended Exhibit "A" which is incorporated herein by reference.

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5. Maintenance of Flood Detention Pond. In order to more clearly provide for the ongoing maintenance of the Flood Detention Pond, the following paragraph is hereby added to the Declaration as Section 8.09:

8.09 Maintenance of Flood Detention Pond. The Common Areas of the Project include a flood detention area and structures and storm drainage and irrigation systems (the "Drainage System") which are more particularly described on the Map. The Association shall manage and maintain the Drainage System in a clean, functional and generally good condition and repair, and all costs incurred by the Board of Trustees in performing its responsibilities in connection with the maintenance and management of the Drainage System shall be paid with funds from the Common Expense Fund. In the event that the Association fails to properly manage and maintain the Drainage System, Salt Lake County shall have the right, but not the obligation, to maintain the Drainage System and to charge the costs thereby incurred to the Owners, and to otherwise enforce the provisions of this Section 8.09 the same as if the County were an Owner.

If the Association fails to manage or maintain the Drainage System, the County may send written notice to the Association that the Association has seven (7) days to correct the problem or the County may assume the responsibility and bill the Owners for such costs.

The Association shall indemnify and hold harmless the County, its officers, employees, or agents, from claims, suits, actions, damages and causes of action of any kind or description arising out of, or resulting from the negligent acts, errors, and/or omissions by the Association or any member or agent thereof in the management and maintenance of the Flood Detention Pond and Drainage System.

It is understood that the Drainage System involves multi-purpose uses. The System may be used for R.V. parking and as a detention pond to hold flood waters.

This Section 8.09 shall not be amended without the prior written approval of Salt Lake County.

6. Definitions. Each of the words used in this Sixth Amendment to the Declaration shall have the meaning given to each such term in the Declaration.


7. Ratification of Terms and Provisions. Except as modified by this Amendment, the Owners hereby ratify and confirm all of the terms and provisions of the Declaration.

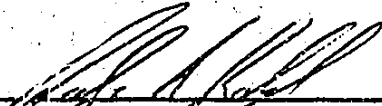
IN WITNESS WHEREOF, the undersigned has executed this instrument on the date and year first above written.

DECLARANT:

ARNOLD DEVELOPMENT COMPANY,
a Utah corporation

Attest:


Secretary

BY 
Its President

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Cynthia L. Swanson
Ross Coverston
Haris W. Hansen
Harold Jensen
Shirley Bluman
May I. Hickey
Shirley M. Milligan
Roland P. Irons
Dick Wright
Bob Farwell

OWNERS: Dave Bill
Edna Wilson
Alton Rooney
Daryl Voss
Shirley Hancock
Joyce J. Parkin
John E. Edredge
Barbara Mankel
Jay R. Dean
Leurana J. Aungworth

W. E. Nelson

CONSENT OF MORTGAGEE

Randy H. Bowler

TO AMENDMENT OF DECLARATION

First Security Bank of Utah, a national banking association, with its principal office at 405 South Main Street, Salt Lake City, Utah, being the holder of First Mortgage liens on not less than ^{W.B.} 50% of the Condominium Units in the Project, does hereby consent to the Supplemental Declaration of and Sixth Amendment to the Declaration of Condominium of the Stone Hollow Condominium, a Utah Condominium Project. The undersigned has made no representations or warranties in said Supplemental Declaration and does not assume any of the obligations of the Declarant or the Owners specified therein.

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DATED this 3rd day of October, 1985.

FIRST SECURITY BANK OF UTAH, NA.

By: William A. Henderson
Its: Vice President

ATTEST:

Secretary

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STATE OF UTAH)

)

: SS.

COUNTY OF SALT LAKE)

On the 3rd day of October, 1985, personally appeared before me William H. Starkweather, who being by me duly sworn did say that he is the Vice President of FIRST SECURITY BANK OF UTAH, a national banking association, the corporation that executed the above and foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said William H. Starkweather acknowledged to me that said corporation executed the same.

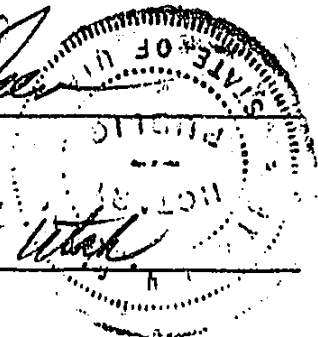

NOTARY PUBLIC

My Commission Expires:

July 30, 1988

Residing At:

Salt Lake City Utah



6005709 PRE 1393

STATE OF UTAH)
 : SS.
COUNTY OF SALT LAKE)

On the 20th day of April, 1985, personally appeared before me Wale A. Fehl and Roger L. Fehl, who being by me duly sworn did say that they are the President and Secretary, respectively of ARNOLD DEVELOPMENT COMPANY, a Utah corporation and that the foregoing instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors and said Wale A. Fehl and Roger L. Fehl duly acknowledged to me that said corporation executed the same.

Earl F. Clin
NOTARY PUBLIC

My Commission Expires:

5-20-89

Residing At:

Salt Lake County

STATE OF UTAH)
 : SS.
COUNTY OF SALT LAKE)

On the 20th day of Aug, 1985, personally appeared before me the owners of signed on page 5 of this document

the signers of the foregoing instrument, who duly acknowledged to me that They executed the same.

Earl F. Clin
NOTARY PUBLIC

My Commission Expires:

5-20-89

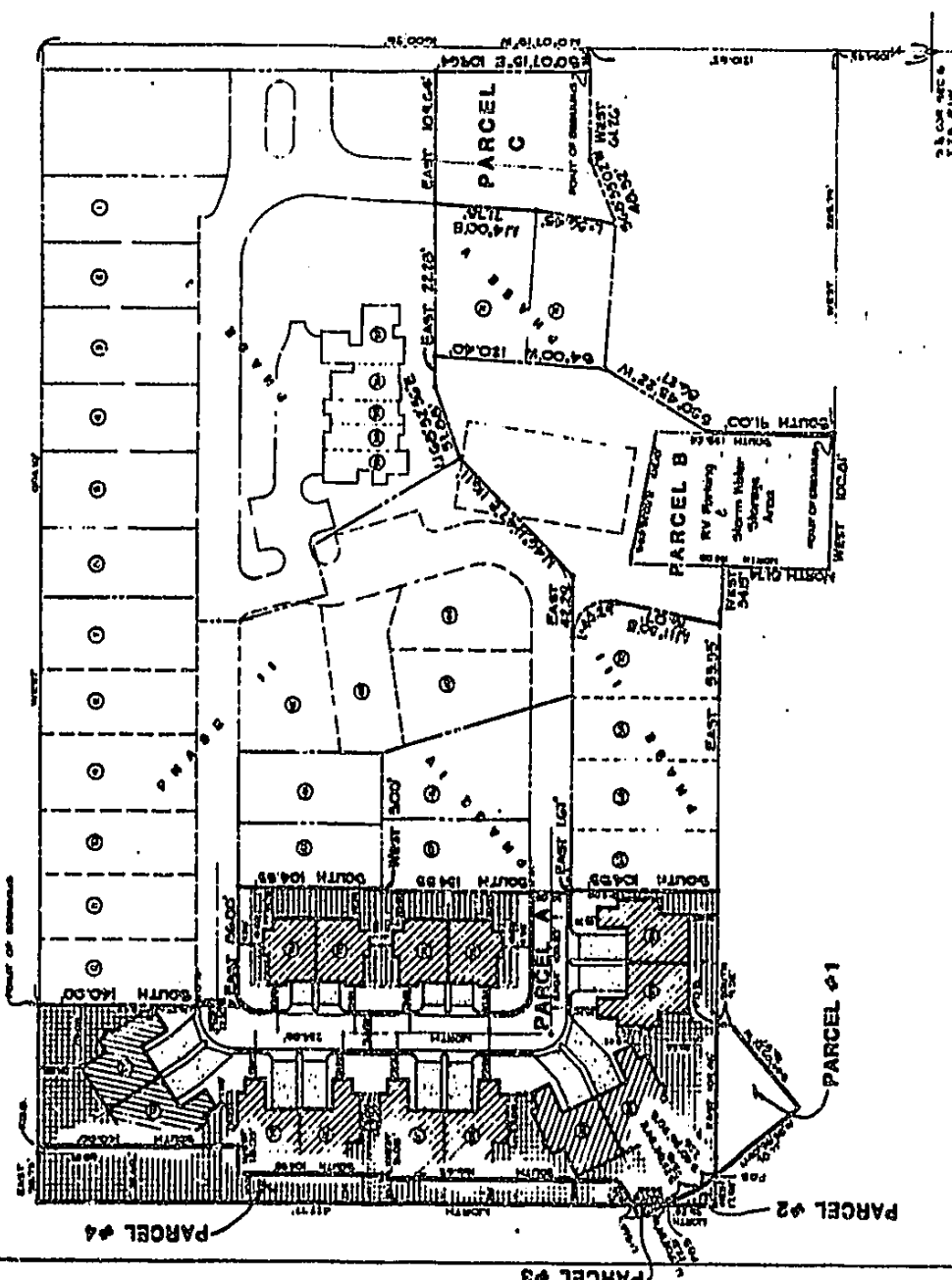
Residing At:

Salt Lake County

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SCHEDULE I

RECORD OF SURVEY MAP
**STONE HOLLOW
GOLF COURSE
CONDOMINIUM
Phase VI**
A WITHIN COMMUNITY PROJECT



LEGEND
PROPERTY OWNERS
LIMITED COMMONS CHARGES
COMMON CHARGES
CONDOMINIUM UNIT CHARGES
COMMON CHARGES
UNIT CHARGES
FENCE LINE

SECTIONAL DECLARATION
I, **John C. Wade**, a Recording Title Law Services, Inc. (hereinafter "Title Law Services"), a limited liability company organized under the laws of the State of North Carolina, do hereby certify that this record is a true and correct copy of the original record as recorded in the public records of the State of North Carolina. I further certify that this record is a true and correct copy of the original record as recorded in the public records of the State of North Carolina. I further certify that this record is a true and correct copy of the original record as recorded in the public records of the State of North Carolina. I further certify that this record is a true and correct copy of the original record as recorded in the public records of the State of North Carolina.

PARCEL A
...
PARCEL B
...
PARCEL C
...

| | | | |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------|
| PLANNING COMMISSION THIS MAP IS APPROVED AND COMPLIES WITH THE SUBDIVISION AND CONDOMINIUM REQUIREMENTS | RECORDED MAP OF CAUDWELL RICHARDS & SCORSEDA, INC. CONSULTING ENGINEERS 1411 EAST CITY, WISCONSIN STATE OF WISCONSIN | RECORDED MAP OF THE COUNTY OF MILWAUKEE, WISCONSIN | DATE ... BY ... BY ... |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------|

SCHEDULE I (Continued)

Parcel No. 1

Beginning at a point that is North $0^{\circ}07'15''$ West 1,116.67 feet and West 704.53 feet from the South Quarter Corner of Section 8, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence South 9.32 feet; thence South $49^{\circ}03'22''$ West 76.57 feet; thence North $40^{\circ}56'38''$ West 78.77 feet; thence East 109.46 feet to the point of beginning.

Parcel No. 2

Beginning at a point that is North $0^{\circ}07'15''$ West 1,116.67 feet and West 813.99 feet from the South Quarter Corner of Section 8, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence West 17.94 feet; thence North 36.24 feet; thence South $23^{\circ}02'59''$ East 33.18 feet; thence South $40^{\circ}56'38''$ East 7.56 feet to the point of beginning.

Parcel No. 3

Beginning at a point that is North $0^{\circ}07'15''$ West 1,116.67 feet and West 831.93 feet and North 36.24 feet from the South Quarter Corner of Section 8, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence North $23^{\circ}02'59''$ West 22.21 feet to a point on a 113.846 foot radius curve to the left (radius bears North $23^{\circ}02'59''$ West); thence 9.64 feet Easterly along the arc of said curve; thence South 24.58 feet to the point of beginning.

Parcel No. 4

Beginning at a point that is North $0^{\circ}07'15''$ West 1,600.26 feet and West 792.18 feet from the South Quarter Corner of Section 8, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence South 140.00 feet; thence West 18.00 feet; thence South 104.53 feet; thence West 3.00 feet; thence South 166.62 feet to a point on a 113.846 foot radius curve to the right (radius bears North $38^{\circ}34'51''$ West); thence 21.23 feet Westerly along the arc of said curve; thence North 422.77 feet; thence East 38.73 feet to the point of beginning.

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SCHEDULE II

SUPPLEMENTAL
RECORD OF SURVEY MAP
**STONE HOLLOW
CONDOMINIUM
phase VI**
A UTAH CONDOMINIUM PROJECT

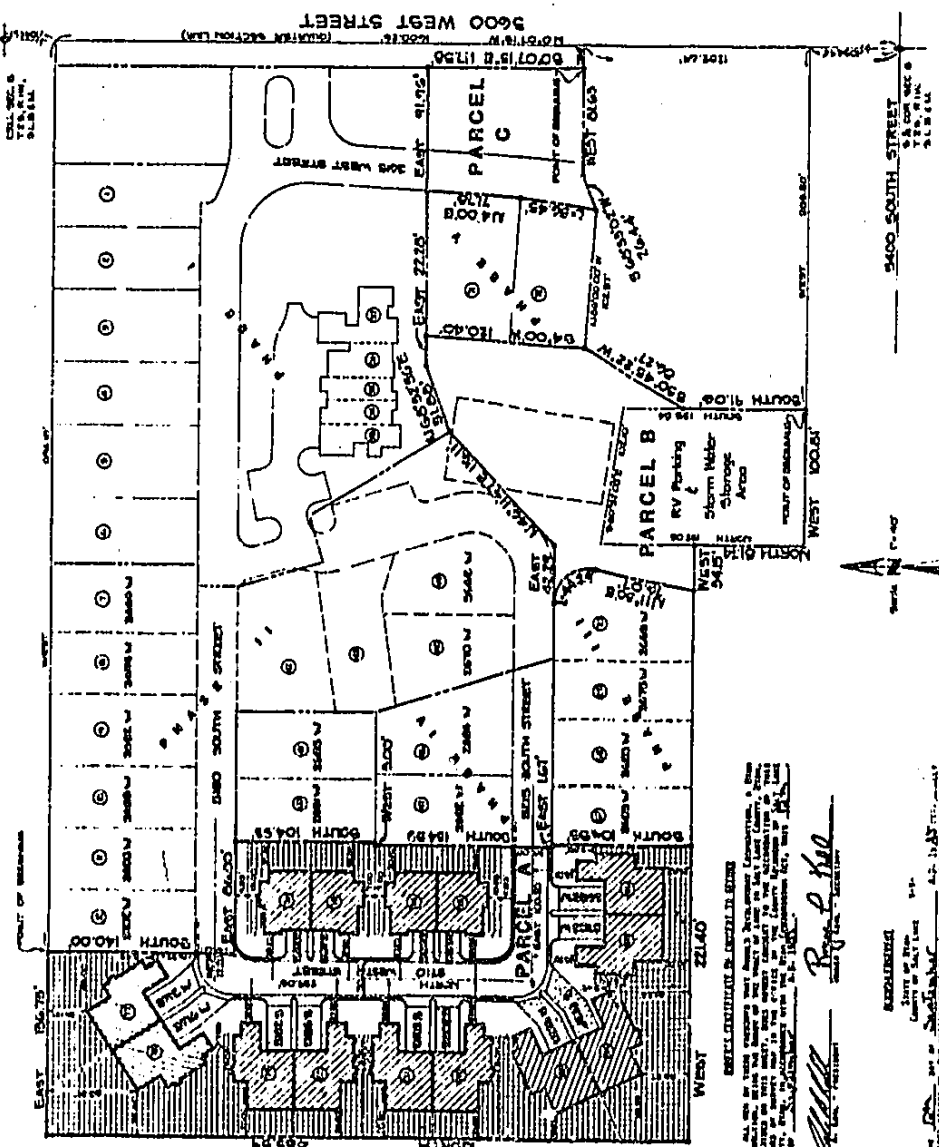
- LEGEND**
- PRIVATE CONDOMINIUM
 - LIMITED COMMONS CONDOMINIUM
 - COMMONS CONDOMINIUM
 - CONCRETE STRIP LAUNCH CONDOMINIUM
 - UNIT NUMBERS
 - FENCE LINE

SECTION EIGHT
This Survey is a subdivision of the land described in the plat of the Stone Hollow Condominium Project, Phase VI, recorded in the Office of the County Clerk of Salt Lake County, Utah, as Book 5709, Page 1397. The purpose of this Survey is to show the location and boundaries of the units and common areas of the project. The units are shown by hatched patterns and the common areas are shown by dotted patterns. The concrete strip launch is shown by horizontal lines and the fence line is shown by double lines. The unit numbers are shown by circles with numbers inside.

PARCEL A
This parcel is a portion of the land described in the plat of the Stone Hollow Condominium Project, Phase VI, recorded in the Office of the County Clerk of Salt Lake County, Utah, as Book 5709, Page 1397. The parcel is bounded by the fence line to the north and east, and by the concrete strip launch to the south and west.

PARCEL B
This parcel is a portion of the land described in the plat of the Stone Hollow Condominium Project, Phase VI, recorded in the Office of the County Clerk of Salt Lake County, Utah, as Book 5709, Page 1397. The parcel is bounded by the fence line to the north and east, and by the concrete strip launch to the south and west.

PARCEL C
This parcel is a portion of the land described in the plat of the Stone Hollow Condominium Project, Phase VI, recorded in the Office of the County Clerk of Salt Lake County, Utah, as Book 5709, Page 1397. The parcel is bounded by the fence line to the north and east, and by the concrete strip launch to the south and west.



| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| PLANNING COMMISSION THE PLANNING COMMISSION HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE SUBDIVISION MAP ACT AND THE CONDOMINIUM ACT. | COUNCIL RICHARDS & SORENSEN, INC. CONSULTING ENGINEERS SALT LAKE CITY, UTAH | RECORDED IN BOOK 5709 PAGE 1397 |
| APPROVED FOR THE STATE OF UTAH BY THE COUNTY CLERK OF SALT LAKE COUNTY | APPROVED FOR THE STATE OF UTAH BY THE COUNTY CLERK OF SALT LAKE COUNTY | APPROVED FOR THE STATE OF UTAH BY THE COUNTY CLERK OF SALT LAKE COUNTY |

APPROVED FOR THE STATE OF UTAH
BY THE COUNTY CLERK OF SALT LAKE COUNTY

APPROVED FOR THE STATE OF UTAH
BY THE COUNTY CLERK OF SALT LAKE COUNTY

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SCHEDULE III
LEGAL DESCRIPTION OF
PHASE VI LAND

All of that certain real property located in Salt Lake County, Utah, together with all improvements located thereon and all easements and rights-of-way appurtenant thereto as more particularly described as follows:

Parcel A

BEGINNING AT A POINT THAT IS N 0°07'15" W 1600.26 FEET AND WEST 694.18 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 140.00 FEET; THENCE EAST 86.00 FEET; THENCE SOUTH 104.53 FEET; THENCE WEST 3.00 FEET; THENCE SOUTH 134.53 FEET; THENCE EAST 1.67 FEET; THENCE SOUTH 104.53 FEET; THENCE WEST 221.40 FEET; THENCE NORTH 483.59 FEET; THENCE EAST 136.73 FEET TO THE POINT OF BEGINNING.

PARCEL B

BEGINNING AT A POINT THAT IS N 0°07'15" W 1034.93 FEET AND WEST 285.79 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE WEST 100.81 FEET; THENCE NORTH 81.74 FEET; THENCE WEST 34.15 FEET; THENCE N 11°30'00" E 76.07 FEET TO A POINT ON A 25.00 FOOT RADIUS CURVE TO THE LEFT (RADIUS BEARS N 78°30' W); THENCE 44.29 FEET NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 101°30'00"; THENCE EAST 42.29 FEET; THENCE N 46°11'47" E 115.11 FEET; THENCE N 68°52'56" E 51.88 FEET; THENCE EAST 22.28 FEET; THENCE S 4°00'00" W 120.40 FEET; THENCE S 30°43'22" W 86.27 FEET; THENCE SOUTH 91.00 FEET TO THE POINT OF BEGINNING.

PARCEL C

BEGINNING AT A POINT THAT IS N 0°07'15" W 1,210.62 FEET AND WEST 33.00 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE WEST 61.26 FEET; THENCE S 68°33'02" W 48.32 FEET TO A POINT ON A 310.00 FOOT RADIUS CURVE TO THE LEFT (RADIUS BEARS N 75°34'00" W); THENCE 56.45 FEET NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°26'00"; THENCE N 4°00'00" E 71.78 FEET; THENCE EAST 91.96 FEET; THENCE S 0°07'15" E 109.64 FEET TO THE POINT OF BEGINNING.

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SIXTH AMENDED EXHIBIT "A"

(Attached to and forming a part of the Supplemental Declaration of and Sixth Amendment to the Declaration of Condominium of the Stone Hollow Condominium, a Utah Condominium Project.)

UNITS, UNDIVIDED OWNERSHIP INTERESTS, AND VOTES:

| <u>Unit No.</u> | <u>SIZE^a (Square Feet)</u> | <u>UNDIVIDED OWNERSHIP (Percentage)</u> | <u>INTERESTS** Votes</u> |
|-----------------|-------------------------------------------|---------------------------------------------|------------------------------|
| 1 | 1715 | 2.61 | 261 |
| 2 | 1177 | 1.79 | 179 |
| 3 | 1715 | 2.61 | 261 |
| 4 | 1177 | 1.79 | 179 |
| 5 | 1715 | 2.61 | 261 |
| 6 | 1177 | 1.79 | 179 |
| 7 | 1241 | 1.72 | 172 |
| 8 | 1177 | 1.79 | 179 |
| 9 | 1715 | 2.61 | 261 |
| 10 | 1177 | 1.79 | 179 |
| 11 | 1177 | 1.79 | 179 |
| 12 | 1177 | 1.79 | 179 |
| 33 | 1574 | 2.23 | 223 |
| 34 | 1278 | 1.94 | 194 |
| 35 | 1278 | 1.94 | 194 |
| 36 | 1653 | 2.34 | 234 |
| 37 | 1448 | 2.04 | 204 |
| 40 | 1177 | 1.79 | 179 |
| 41 | 1715 | 2.61 | 261 |
| 42 | 1715 | 2.61 | 261 |
| 43 | 1177 | 1.79 | 179 |
| 44 | 1177 | 2.61 | 261 |
| 45 | 1652 | 1.73 | 173 |
| 46 | 1715 | 2.61 | 261 |
| 47 | 1715 | 2.61 | 261 |

UNITS, UNDIVIDED OWNERSHIP INTERESTS, AND VOTES:
-Continued-

| <u>Unit No.</u> | <u>SIZE*</u> <u>(Square Feet)</u> | <u>UNDIVIDED OWNERSHIP</u> <u>(Percentage)</u> | <u>INTERESTS**</u> <u>Votes</u> |
|-----------------|--------------------------------------|---------------------------------------------------|------------------------------------|
| 67 | 1177 | 1.79 | 179 |
| 68 | 1715 | 2.61 | 261 |
| 69 | 1177 | 1.79 | 179 |
| 70 | 1715 | 2.61 | 261 |
| 71 | 1177 | 1.79 | 179 |
| 72 | 1715 | 2.61 | 261 |
| 73 | 1177 | 1.79 | 179 |
| 74 | 1177 | 1.79 | 179 |
| 75 | 1177 | 1.79 | 179 |
| 76 | 1177 | 1.79 | 179 |
| 77 | 1715 | 2.61 | 261 |
| 78 | 1715 | 2.61 | 261 |
| 79 | 1715 | 2.61 | 261 |
| 80 | 1715 | 2.61 | 261 |
| 81 | 1715 | 2.61 | 261 |
| 82 | 1715 | 2.61 | 261 |
| 83 | 1715 | 2.61 | 261 |
| 84 | 1715 | 2.61 | 261 |
| 85 | 1715 | 2.61 | 261 |
| 86 | <u>1715</u> | <u>2.61</u> | <u>261</u> |
| | | 100.00% | 10,000 |

* Size has been determined on the basis of the approximate number of square feet of floor space within each respective Unit, as shown on the Map and rounded off.

** Undivided Ownership Percentages have been computed on the basis of the relative sizes of the Units, as shown above and rounded off.

CN0702I

4/10/21
REBECCA GRAY
REBECCA GRAY

NOV 15 9 35 AM '85

KATHLEEN SWAN
RECORDER
SALT LAKE COUNTY,
UTAH

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