

WHEN RECORDED MAIL TO:

MJM2 L.C.
1351 Moray Court
Park City, Utah 84060

00545306 Bk01278 Pg00183-00186

ALAN SPRIGGS, SUMMIT CO RECORDER
1999 JUL 29 15:53 PM FEE \$16.00 BY DMG
REQUEST: HIGH COUNTRY TITLE

**FIRST SUPPLEMENTAL DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
BLACKHAWK STATION SUBDIVISION**

This First Supplemental Declaration of Covenants, Conditions and Restrictions, hereinafter referred to as the "First Supplemental Declaration" is made and executed in Summit County, State of Utah, this ____ day of _____, 1999, by MJM2 L.C., a Utah limited liability company, designated and referred to herein as "Declarant," pursuant to the provisions of the Declaration.

WITNESSETH:

WHEREAS, on September 1, 1998, the Declarant executed the original Declaration of Covenants, Conditions and Restrictions of Blackhawk Station Subdivision ("Declaration"). On September 3, 1998, Declarant simultaneously recorded with the Summit County Recorder the Declaration as Entry No. 516902 in Book 1179, Pages 553-592, and that certain record of survey map, Blackhawk Station Subdivision Phase I ("Plat I").

WHEREAS, Article 11 provides for expanding the Project as set forth in the Declaration by adding additional Lots.

WHEREAS, the Declarant is the owner of certain real property located at Blackhawk Station Subdivision, Summit County, Utah, and more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference ("Property").

WHEREAS, the Declarant is the owner of 80 Lots and certain other improvements heretofore constructed or hereafter to be constructed upon the Property.

WHEREAS, the Declarant desires to add as Phase II of the Project the 80 Lots, together with the Property and improvements and appurtenances thereon, to the Project as set forth in the Declaration.

WHEREAS, the 80 Lots the Declarant desires to add to the Project are set forth and depicted on that certain record of survey map, Blackhawk Station Subdivision Phase II ("Plat II") to be simultaneously recorded with this First Supplemental Declaration.

NOW, THEREFORE, the Declarant does hereby publish and declare that all of the Property depicted on Plat II, including the 80 Lots, improvements and appurtenances thereon, is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the covenants, conditions, restrictions, uses, limitations and obligations set forth in the Declaration and this First Supplemental Declaration, all of which are declared and agreed to be in furtherance of a plan for the improvement of the property depicted on Plat I and Plat II and the division thereof into a subdivision and shall be deemed to run with the land and shall be a burden and a benefit to Declarant, its successors and assigns and any person or persons acquiring or owning an interest in the real property and improvements, their grantees, successors, heirs, executors, administrators, devisees, assigns, tenants, employees, and any other person who may in any manner use such property or any part thereof.

1. **Definitions.** All capitalized terms used in this First Supplemental Declaration, including the recitals and attachments hereof, shall have the meanings defined in the Declaration, including the recitals and attachments thereof, except for those capitalized terms specifically defined in this First Supplemental Declaration, including the recitals and attachments hereof.

2. **Rights and Obligations.** Each of the owners of the 80 Lots added to the Project under this First Supplemental Declaration shall have all of the rights and shall be subject to each of the obligations set forth in the terms and conditions of the Declaration, Articles of Incorporation for Blackhawk Station Subdivision Owners' Association, Inc. and By-laws of Blackhawk Station Subdivision Owners' Association, Inc.

3. **Reallocation of Undivided Interests.** As required by the Declaration, the undivided interests of the Common Areas and the votes appurtenant to each of the Lots covered by the Declaration and this First Supplemental Declaration shall be reallocated among all of the Lots, including the 80 Lots added to the Project hereof. A part of the entire interest in the Common Areas shall be allocated to each Lot in proportion to the size of such Lot, and the total of the undivided interests so allocated to all of the Lots in the Project shall add up to one hundred percent (100%). The size of each Lot shall be determined on the basis of the approximate number of square feet within such Lots and percentages of undivided interests may be rounded off. The vote shall be similarly reallocated.

4. **Effective Date.** This First Supplemental Declaration shall take effect upon recording of the First Supplemental Declaration and Plat II.

5. **Modification.** Except as expressly modified by this First Supplemental Declaration, the terms and conditions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the date first written above.

00545306 Bx01278 Pg00184

DECLARANT

MJM2 L.C.

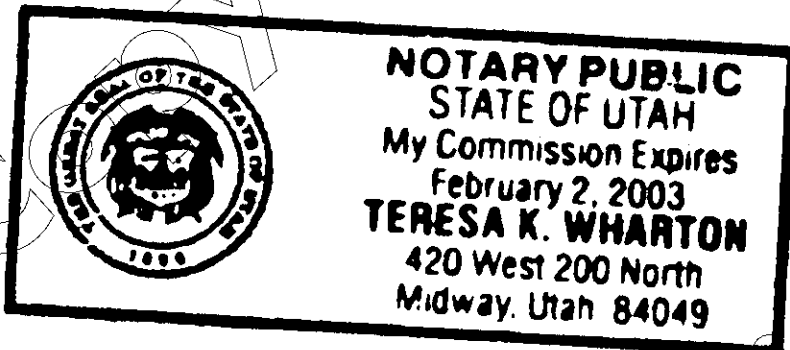
By *James A. Dainoff*
Manager

STATE OF UTAH)

ss.

COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 8 day of July, 1999, by James A. Dainoff, the Manager of MJM2 L.C.



Teresa K. Wharton

NOTARY PUBLIC

Residing at: Summit Co. Utah

My Commission Expires on February 2, 2003

00545306 Bx01278 Pg00185

EXHIBIT A:

Beginning at a point South 0°07'10" East 228.46 feet along the section line from the Northeast corner of Section 19, Township 1 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the East line of Section 19 South 0°07'10" East 350.00 feet; thence South 89°46'02" West 143.64 feet; thence South 0°13'58" East 30.59 feet to a point on a 19.50 foot radius curve to the right, of which the radius point bears South 89°46'02" West; thence along the arc of said curve 35.77 feet through a central angle of 105°06'43" to a point on a 94.30 foot radius curve to the right, of which the radius point bears North 14°52'45" East; thence along the arc of said curve 63.76 feet through a central angle of 38°44'34"; thence North 36°22'42" West 385.68 feet to a point on a 686.84 foot radius curve to the left, of which the radius point bears South 53°37'18" West; thence along the arc of said curve 277.66 feet through a central angle of 23°09'43" to a point on a 19.50 foot radius curve to the right, of which the radius point bears North 30°27'35" East; thence along the arc of said curve 29.88 feet through a central angle of 87°48'28"; thence North 61°43'57" West 20.00 feet; thence North 28°16'03" East 0.48 feet; thence North 61°43'57" West 20.00 feet; thence South 28°16'03" West 136.43 feet to a point on a 150.00 foot radius curve to the left, of which the radius point bears South 61°43'57" East; thence along the arc of said curve 82.28 feet through a central angle of 31°25'36"; thence South 3°09'33" East 68.26 feet to a point on a 110.00 foot radius curve to the right, of which the radius point bears South 86°50'27" West; thence along the arc of said curve 10.83 feet through a central angle of 5°38'30"; thence North 72°13'05" West 244.68 feet to a point on a 310.00 foot radius curve to the left, of which the radius point bears South 17°46'55" West; thence along the arc of said curve 80.68 feet through a central angle of 14°54'44"; thence South 10°00'00" West 90.99 feet to a point on a 220.00 foot radius curve to the left, of which the radius point bears South 0°04'23" East; thence along the arc of said curve 120.51 feet through a central angle of 31°23'07"; thence South 58°32'30" West 115.37 feet to a point on a 200.00 foot radius curve to the left, of which the radius point bears South 31°27'30" East; thence along the arc of said curve 72.84 feet through a central angle of 20°52'03"; thence North 47°31'31" West 16.51 feet; thence North 21°30'22" East 121.27 feet; thence North 20°10'18" East 92.98 feet; thence North 28°45'58" West 57.75 feet; thence North 25°30'27" East 14.36 feet; thence North 31°43'53" East 75.76 feet; thence North 41°01'55" West 27.90 feet; thence North 24°21'10" East 85.46 feet; thence North 06°23'16" West 96.26 feet; thence North 33°55'33" East 51.19 feet; thence North 14°10'26" East 50.89 feet; thence North 34°21'35" West 42.19 feet; thence North 10°57'39" West 74.68 feet; thence North 36°23'34" East 61.22 feet; thence North 56°46'51" East 48.89 feet; thence North 85°46'29" East 192.51 feet; thence North 75°33'31" East 61.92 feet; thence South 62°43'17" East 27.61 feet; thence North 77°29'25" East 44.87 feet; thence South 83°00'43" East 106.55 feet; thence South 73°55'44" East 133.37 feet; thence South 58°27'13" East 90.86 feet; thence South 54°53'30" East 139.56 feet; thence South 68°46'02" East 123.02 feet; thence South 37°24'18" East 83.28 feet; thence South 51°47'17" East 121.33 feet; thence South 36°25'48" East 74.30 feet; thence South 16°52'03" East 72.69 feet; thence South 58°46'34" East 113.05 feet; thence South 36°51'10" East 51.32 feet to the point of beginning.

00545506 Bk01278 Pg00186