

When Recorded Mail To:  
Harbor Village @ Bear Lake  
c/o Dennis Bullock  
460 Edgehill Drive  
Providence, UT 84332

Recorded NOV 01 1999 Filing No. 54848

At 10:15 AM/PM in Book KB Page 129

Fee 85<sup>00</sup> Debra L. Ames Rich County Recorder

Requested by Town of Garden City

THIRD AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF THE  
INN CONDOMINIUMS @ HARBOR VILLAGE  
*A UTAH CONDOMINIUM PROJECT*

THIS THE THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM ("Third Amendment) is made and executed this 20 day of October, 1999, by THE INN @HARBOR VILLAGE, INC., a Utah Corporation, hereinafter referred to as the "Declarant" in contemplation of the following facts and circumstances.

A. Declarant caused to be recorded that certain Declaration of Condominium of the Inn Condominiums @ Harbor Village dated May 15, 1993, and recorded in the office of Rich County Recorder on November 17, 1993 as filing Number 44755 in Book T6 beginning a page 053 (the "Declaration").

B. Concurrent with the recording of the Declaration, Declarant caused to be recorded a survey map entitled the "Inn Condominiums - Harbor Village" which map was recorded in the office of Rich county Recorder on November 17, 1993 as Filing Number 44754 in Book T6 beginning at Page 052 (the "Map").

C. The Declaration expressly reserved in Declarant the right to expand the Inn Condominiums @ Harbor Village, a Utah Condominium Project, which right to expand is permitted by law pursuant to the Condominium Ownership Act, Utah Annotated Code Section 75-8-13.6 (1994).

D. Declarant caused to be recorded that certain Second Amendment to Declaration of Condominium of the Inn Condominiums @ Harbor Village dated August 22, 1997 and recorded in the office of the Rich county Recorder on April 12, 1999 as Filing No. 53763 in Book F8 beginning at Page 461 (the "Second Amendment"). Concurrent with the recording of the Second amendment, Declarant caused to be recorded a survey map entitled "Inn Condominiums - Harbor village @ Bear Lake Phase 3, which a map which was recorded in the office of the Rich County Recorder on September 2, 1997 as filing No. 50899 in Book T7 Beginning at Page 59 (the "Phase 3" Map").

E. The term "Declaration" shall refer to the Declaration as amended by said amendments.

F. Declarant now desires to expand the Inn Condominiums @ Harbor Village, a Utah Condominium Project, to include additional real property and condominium units.

NOW THEREFORE, pursuant to the foregoing, Declarant hereby makes the following Third Amendment:

1. Definitions. Unless the context clearly indicates otherwise, any and all terms used in this Third Amendment shall have the meaning set for in the Declaration.

2. Supplemental Map. Recorded concurrently herewith is a supplemental record of survey amp entitled "Inn Condominiums @ Harbor Village, Expansion Phase IV. The Expansion Phase IV Map is recorded in compliance with Article XVI of the Declaration. Expansion Phase IV Map shall be deemed a part of the Map defined in Section 1.20 of the Declaration and any references to the Map shall hereafter be deemed to include the Expansion Phase IV Map.

3. Description of Land. The following described portions of the Additional Land ("Third Amendment Land") are hereby added to the description of Land in the Declaration, and hereby deemed incorporated into the Project, to wit:

Part of the NE 1/4 of Section 17, Township 14 North, Range 5 East, Salt Lake Base and Meridian, located in Garden City, Rich County, Utah as follows:

Beginning at a point N88°32'48"W 275.39 feet of the northeast corner of Section 17, Township 14 north, Range 5 east, of the Salt Lake Base and Meridian said point being on the north line of said Section 17, and running thence SO8°19'13"W 207.02 feet; thence N85°23'48"W 75.29 feet; thence N09°49'48"E 114.91 feet; thence North 87.75 feet to the north line of said Section 17; to the pint of beginning. Containing 0.36 acres, more or less.

Together with easements for access and utilities as shown on the plat.

4. Submission to the Condominium Act. The Declarant hereby submits to the

provisions of the Condominium Act, the Third Amendment Land, the Buildings and all other improvements now or hereafter made in or upon the Third Amendment Land. All of the Third Amendment Land and Buildings shall hereafter be held, conveyed, hypothecated, encumbered, leased, rented, used, and improved as part of the Inn Condominiums @ Harbor Village, a Utah Condominium Project.

5. Limited Common Area. The exterior stairways which provide ingress and egress to units located upon the second level of the Building shown on Expansion Phase IV Map shall be limited common area reserved for the exclusive use of the occupants of the unit to which each respective stairway is attached.

6. Right and Benefits: Covenants and Restrictions. The Third Amendment Land shall be entitled to all of the rights, benefits, easements, privileges and licenses, and subject to all of the covenants, conditions, restrictions, uses, limitations, obligations and responsibilities placed upon the Land or any Owner thereof, all as set forth in the Declaration or as provided by law. Each and every provision of the Declaration shall be deemed to run with the Third Amendment Land and shall be a burden and benefit on the Third Amendment Land and shall be binding upon the Declarant, its successors and assigns, and to any person acquiring, leasing or owing an interest in the real property and improvements comprising the Project, and to their respective personal representatives, heirs, successors and assigns.

7. Right of Way and Utility Easement. Declarant does hereby grant to each Owner and their respective personal representatives, heirs, successors and assigns, a non-exclusive easement for ingress and egress of pedestrian and vehicular traffic and for the construction and/or maintenance of underground utility systems over, across and under those portions of the Land, as amended hereby with the addition of the Third Amendment Land, and shall be designated on the Map as "Access and Utilities Easement," as said Map shall be amended by the inclusion of the Expansion Phase IV Map.

8. Description of Units. The Expansion Phase IV Map contains the unit number, location and dimensions of each Unit to be added to the Project by this Third Amendment and all other information necessary to identify each such Unit.

9. Interest in common Areas. The undivided interest in the common areas appurtenant to each Unit in the Project as set forth in Section 4.05 of the Declaration is hereby amended and shall be set forth in Exhibit "A" to this Third Amendment, attached hereto and incorporated herein by this reference. Exhibit "A" attached to the Declaration at Page 35, Exhibit "A" attached to the First Amendment and Exhibit "A" attached to the Second Amendment are hereby deleted for all purposes under the Declaration from the date of recordation of this Third Amendment, and Exhibit "A" attached hereto shall be used for all purposes in lieu thereof.

10. Number of Votes. The number of votes appurtenant to each respective Condominium as set forth in Section 7.04 of the Declaration or and amendment prior to the date hereof is hereby amended and shall be set forth in Exhibit "A" which is attached hereto.

11. Scenic Easement. The scenic easement granted pursuant to Section 5.08 of the Declaration shall not be applicable to any unit annexed into the Project by this Third Amendment.

IN WITNESS WHEREOF, the undersigned declarant and record owner of the real property described above have executed this Declaration the day and year first above written.

DECLARANT: THE INN @ HARBOR VILLAGE, INC. a Utah corporation

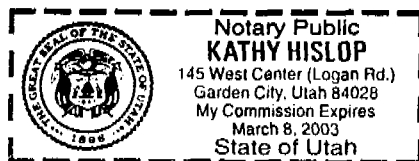
By: Dennis Bullock  
Dennis Bullock, President

OWNER: HARBOR VILLAGE @ BEAR LAKE CORP., a Utah corporation

By: Dennis Bullock

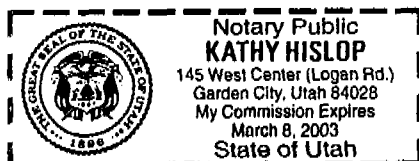
STATE OF UTAH )  
                                  :SS  
COUNTY OF RICH )

On the 20th day of October, 1999, personally appeared before me Dennis F. Bullock, who, being by me sworn, did say that he is the President of THE INN @ HARBOR VILLAGE, INC., a Utah corporation, and that this is the Third Amendment to the Declaration of Condominium was signed in behalf of said corporation.



Kathy Hislop  
Notary Public  
Residing at: Garden City, Utah

On the 20th day of October, 1999, personally appeared before me Dennis F. Bullock, who, being by me sworn, did say that he is the President of HARBOR VILLAGE @ BEAR LAKE, INC., a Utah corporation, and that this is the Third Amendment to the Declaration of Condominium was signed in behalf of said corporation.



Kathy Hislop  
Notary Public  
Residing at: Garden City, Utah

EXHIBIT "A"

to

THIRD AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
OF THE  
INN CONDOMINIUMS @HARBOR VILLAGE

Undivided Ownership  
Interest in Common

<u>Unit No.</u>	<u>Square Feet</u>	<u>Area Percentage</u>	<u>Votes</u>
101	615	0.0103	1.03
102	615	0.0103	1.03
103	615	0.0103	1.03
104	615	0.0103	1.03
105	615	0.0103	1.03
106	615	0.0103	1.03
107	615	0.0103	1.03
108	615	0.0103	1.03
109	615	0.0103	1.03
110	615	0.0103	1.03
111	615	0.0103	1.03
112	615	0.0103	1.03
113	615	0.0103	1.03
114	615	0.0103	1.03
115	1220	0.0203	2.03
116	1220	0.0203	2.03
117	1220	0.0203	2.03
118	1220	0.0203	2.03
119	1220	0.0203	2.03
120	615	0.0103	1.03
201	615	0.0103	1.03
202	615	0.0103	1.03
203	615	0.0103	1.03
204	615	0.0103	1.03
205	615	0.0103	1.03

EXHIBIT "A"  
(CONTINUED)

206	615	0.0103	1.03
207	615	0.0103	1.03
208	615	0.0103	1.03
209	615	0.0103	1.03
210	615	0.0103	1.03
211	615	0.0103	1.03
212	615	0.0103	1.03
213	615	0.0103	1.03
214	615	0.0103	1.03
215	1220	0.0203	2.03
216	1220	0.0203	2.03
217	1220	0.0203	2.03
218	1220	0.0203	2.03
219	1220	0.0203	2.03
220	615	0.0103	1.03
06-101	1220	0.0203	2.03
06-102	1220	0.0203	2.03
06-103	1220	0.0203	2.03
06-104	1220	0.0203	2.03
06-105	1220	0.0203	2.03
06-106	1220	0.0203	2.03
06-201	1220	0.0203	2.03
06-202	1220	0.0203	2.03
06-203	1220	0.0203	2.03
06-204	1220	0.0203	2.03
06-205	1220	0.0203	2.03
06-206	1220	0.0203	2.03
IV-1	1220	0.0203	2.03
IV-2	1220	0.0203	2.03
IV-3	1220	0.0203	2.03
IV-4	1220	0.0203	2.03
IV-5	1220	0.0203	2.03
IV-6	1220	0.0203	2.03
IV-7	1220	0.0203	2.03
IV-8	1220	0.0203	2.03
IV-9	1220	0.0203	2.03
IV-10	1220	0.0203	2.03
IV-11	1220	0.0203	2.03
IV-12	1220	0.0203	2.03

Total Votes of the Association 99.9