

6597169

WHEN RECORDED MAIL TO:

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215 South State Street, Suite 900
Salt Lake City, Utah 84111

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03/19/97 11:26 AM 140.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
MERRILL TITLE
REC BY: D KILPACK DEPUTY - MI

**AMENDED AND SUPPLEMENTAL DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
COUNTRY WOOD CONDOMINIUMS**

THIS AMENDED AND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF COUNTRY WOOD CONDOMINIUMS ("Supplemental Declaration") is executed this 17th day of March, 1997, by WLA ARCON, INC., a California Corporation, (hereinafter "Declarant") and EQUIMARK DEVELOPMENT, L.C., a Utah Limited Liability Company (hereinafter "Equimark").

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property situated in Salt Lake County, State of Utah, together with the buildings and other improvements located thereon, which is more particularly described on the attached Exhibit "A"; and

WHEREAS, a Declaration of Covenants, Conditions and Restrictions of Country Wood Condominiums (hereinafter sometimes "Declaration") was executed by Declarant and recorded in the Office of the Salt Lake County Recorder on February 21, 1997 as Entry No. 6577246 at Book 7603 and Page 86; and

WHEREAS, the Declaration contained a typographical error affecting the voting rights of certain owners of condominium units; and

WHEREAS, Declarant seeks to correct such typographical error by virtue of this Supplemental Declaration in order to clarify the correct voting rights of such owners; and

WHEREAS, the Declaration created an expandable condominium project on the real property described on the attached Exhibit "A"; and

WHEREAS, Equimark is the owner of two parcels of real property situated in Salt Lake County, State of Utah, described on the attached Exhibit "B". Such real property is adjacent to

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Declarant's property and is described in the Declaration as the "Phase II Property" and "Phase III Property"; and

WHEREAS, the Declaration also reserved the right to expand the condominium project to include Equimark's adjacent real property described on the attached Exhibit "B"; and

WHEREAS, Declarant and Equimark desire to exercise the right contained in the Declaration to expand the Country Wood Condominiums to include Equimark's adjacent property described on the attached Exhibit "B";

WHEREAS, Declarant and Equimark seek to change the numerical method of describing the units of the condominium project; and

NOW, THEREFORE, and for such purposes, Declarant and Equimark hereby execute this Supplemental Declaration as follows:

1. Amendment. Paragraph 3 of Article III of the Declaration is hereby amended to read as follows:

"3. Votes. Each Member shall be entitled to the number of votes appurtenant to his or her Unit, as set forth on Exhibit "A", which is attached hereto and incorporated herein by this reference. The number of votes appurtenant to each Unit has been determined by the approximate relative values of the different size Condominiums at the time this Declaration is recorded. Owners of Units improved with two-bedroom Condominiums shall be entitled to three (3) votes, and Owners of Units improved with three-bedroom Condominiums shall be entitled to four (4) votes. The Assessment Percentages set forth on Exhibit "A" have also been determined by the approximate relative values of the different size Condominiums. The number of votes appurtenant to each Unit shall be permanent, and shall not change in the event an Owner modifies a Condominium to increase or decrease the size of his Unit relative to other Units. In the event that there is more than one Owner of a particular Unit, the votes relating to such Unit shall be exercised as such Owners may determine among themselves. No Unit shall have more than the number of votes shown on Exhibit "A", regardless of the number of persons having an ownership interest in the Unit. The votes cast at any Association meeting by any of such Owners, whether in person or by proxy, shall be conclusively presumed to be the votes attributable to the Unit concerned unless an objection is immediately made by another Owner of the same

Unit. In the event such an objection is made, the votes involved shall not be counted for any purpose whatsoever other than to determine whether a quorum exists. The Declarant shall have full voting rights with respect to each Unit which it owns."

The Exhibit "A" referenced in the foregoing paragraph is the Exhibit "A" attached to the original Declaration.

2. Submission of Phase II and Phase III Property. The real property described on the attached Exhibit "B" is described in the Declaration as the Phase II Property and the Phase III Property, and is hereby submitted to the Condominium Act of the State of Utah and the Country Wood Condominium Project. As a result, all of the Phase II Property and all of the Phase III Property is and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, and improved as part of the Country Wood Condominium Project. All of the Phase II Property and all of the Phase III Property is and shall be subject to the Declaration, the First Amendment thereto, and all covenants, conditions, restrictions, uses, limitations, and obligations set forth therein, as amended, each and all of which are declared and agreed to be for the benefit of the Project and in furtherance of a plan for the improvement of the Phase II Property and the Phase III Property and the division thereof into Condominium Units; further, each and all of the provisions hereof shall be deemed to run with the land and shall be a burden and a benefit on the land and shall be binding upon the Declarant, Equimark, and their successors and assigns, upon any person acquiring, leasing, or owning an interest in the real property and improvements comprising the Project, and upon their respective personal representatives, heirs, successors, and assigns.

3. Division of Property. The Phase II Property and the Phase III Property is hereby divided into condominium units as set forth in Exhibit "C", attached hereto and incorporated herein by reference.

4. Units and Boundaries. Country Wood Condominiums, a Utah Condominium Project, as hereby expanded, shall hereafter consist of twelve (12) buildings containing a total of one hundred forty (140) units. Each new unit is given an identifying number and is depicted on that certain Supplemental Record of Survey Maps of Phase II and Phase III entitled "Record of Survey Map of Country Wood Condominiums Phase II" and "Record of Survey Map of Country Wood Condominiums Phase III" which are being recorded concurrently herewith in the office of the County Recorder of Salt Lake County, State of Utah.

5. Undivided Interest in Common Areas. Pursuant to the provisions of Section 57-8-13.10 of the Act, the undivided ownership interest in the Common Areas of the Project are hereby re-allocated between each Unit in the Project, including the Units created in Phases II and III, in accordance with the attached Exhibit "C".

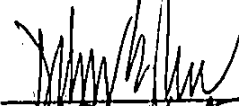
6. Description of Current and Future Units. The units in the condominium project shall hereafter be described by the numbers set forth on the attached Exhibit "C". The purpose of such change in descriptions as to existing units is to match the Record of Survey Map previously recorded as Entry No. 6577245 at Book 97-2P, Page 46. Units to be constructed in the future on Phase II Property and Phase III Property shall also be described as set forth on the attached Exhibit "C".

7. Definitions. Each of the words used in this Supplemental Declaration shall have the meaning given to each such term in the Declaration.

8. Ratification of Terms and Provisions. Except as modified by this Supplemental Declaration, the Declarant and Equimark hereby ratify and confirm all of the terms and provisions of the Declaration.

IN WITNESS WHEREOF, the undersigned have executed this Supplemental Declaration on the date, month and year first above written.

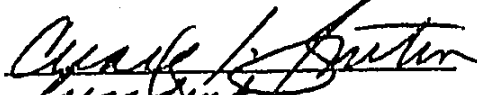
WLA ARCON, INC.,
a California Corporation

By: 
Its: V. President

EQUIMARK DEVELOPMENT, L.C.


By its Manager:

EASTMONT ENTERPRISES, INC.

By: 
Its: President

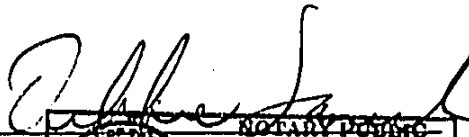
By its Manager:

EQUIMARK FINANCIAL CORP.

By: 
Its: President

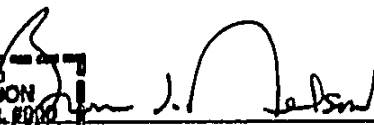
STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

On this 17 day of March, 1997, personally appeared before me, Debra Spohn, the signer of the above instrument, who duly acknowledged to me that she executed the same in the capacity indicated.


NOTARY PUBLIC
DEBBIE SANICH
4455 South 700 East #302
Salt Lake City, Utah 84107
My Commission Expires
May 15, 1997
STATE OF UTAH

STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

On this 17th day of March, 1997, personally appeared before me, Craig P. Burton, the signer of the above instrument, who duly acknowledged to me that he executed the same in the capacity indicated.


Notary Public
BRUCE J. NELSON
215 South State St. #1000
Salt Lake City, Utah 84143
My Commission Expires
August 8, 1997
State of Utah
NOTARY PUBLIC

STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

On this 17th day of March, 1997, personally appeared before me, Mark B. Millburn, the signer of the above instrument, who duly acknowledged to me that he executed the same in the capacity indicated.

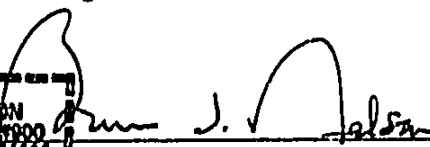

Notary Public
BRUCE J. NELSON
215 South State St. #1000
Salt Lake City, Utah 84143
My Commission Expires
August 8, 1997
State of Utah
NOTARY PUBLIC

EXHIBIT "A"

BEGINNING at the Southeast corner of Parcel 1, said point being North 00°03'25" West 796.99 feet; North 87°57'00" West 270.55 feet and South 89°44'00" West 59.633 feet from the South 1/4 corner of Section 27, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 89°44'00" West 315.47 feet; thence North 00°40'15" West 88.02 feet; thence North 89°57'00" West 264.94 feet; thence North 00°03'00" East 309.20 feet; thence North 88°24'41" East 131.41 feet; thence North 00°33'29" East 129.88 feet to a point on a 899.00 foot radius curve to the right (bearing to the radius point bears South 02°40'24" West); thence along said curve through a central angle of 04°46'58", a distance of 75.04 feet to a point on a 949.00 foot curve to the left (bearing to the radius point bears North 07°27'22" East); thence along said curve through a central angle of 07°38'33", a distance of 126.58 feet; thence North 00°11'11" West 5.00 feet to a point on a 944.00 foot radius curve to the left (bearing to the radius point bears North 0°11'11" West); thence along the arc of said curve through a central angle of 07°37'35", a distance of 125.65 feet to a point on a 904.00 foot radius curve to the right (bearing to the radius point bears South 07°48'46" East); thence along the arc of said curve through a central angle of 07°44'52", a distance of 122.24 feet; thence South 00°03'25" East 537.00 feet to the point of BEGINNING.

EXHIBIT "B"

PHASE II PROPERTY: (East Parcel)

BEGINNING at a point which is North $00^{\circ}03'25''$ West 938.66 feet and South $89^{\circ}56'35''$ West 53.00 feet from the South Quarter Corner of Section 27, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence North $88^{\circ}34'53''$ West 277.09 feet; thence North $00^{\circ}03'25''$ West 243.62 feet; thence East 277.00 feet; thence South $00^{\circ}03'25''$ East 250.48 feet to the point of BEGINNING.

PHASE III PROPERTY: (NW Parcel)

BEGINNING at a point which is North $00^{\circ}03'25''$ West 1,206.01 feet and West 779.41 feet from the South Quarter Corner of Section 27, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence South $88^{\circ}24'41''$ West 131.41 feet; thence North $00^{\circ}03'00''$ East 134.40 feet to the Southerly right of way line of 7600 South Street; thence along the Southerly right of way line of 7600 South Street the following two courses: (1) North $89^{\circ}56'17''$ East 89.57 feet, (2) Southeasterly 42.95 feet along the arc of a 899.00 foot radius curve to the right (chord bears South $88^{\circ}41'35''$ East 42.95 feet); thence South $00^{\circ}33'29''$ West 129.88 feet to the point of BEGINNING.

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EXHIBIT "C"

List of Units, Votes and Assessment Percentages

PHASE I PROPERTY:

<u>Building</u>	<u>Unit</u>	<u>Bedrooms</u>	<u>Votes</u>	<u>Assessment Percentages</u>
A	101	2	3	.5769%
A	102	2	3	.5769%
A	103	2	3	.5769%
A	104	2	3	.5769%
A	201	2	3	.5769%
A	202	2	3	.5769%
A	203	2	3	.5769%
A	204	2	3	.5769%
A	301	2	3	.5769%
A	302	2	3	.5769%
A	303	2	3	.5769%
A	304	2	3	.5769%
B	101	2	3	.5769%
B	102	2	3	.5769%
B	103	2	3	.5769%
B	104	2	3	.5769%
B	201	2	3	.5769%
B	202	2	3	.5769%
B	203	2	3	.5769%
B	204	2	3	.5769%
B	301	2	3	.5769%
B	302	2	3	.5769%
B	303	2	3	.5769%

<u>Building</u>	<u>Unit</u>	<u>Bedrooms</u>	<u>Votes</u>	<u>Assessment Percentages</u>
B	304	2	3	.5769%
C	101	3	4	.7692%
C	102	3	4	.7692%
C	103	3	4	.7692%
C	104	3	4	.7692%
C	201	3	4	.7692%
C	202	3	4	.7692%
C	203	3	4	.7692%
C	204	3	4	.7692%
C	301	3	4	.7692%
C	302	3	4	.7692%
C	303	3	4	.7692%
C	304	3	4	.7692%
D	101	3	4	.7692%
D	102	3	4	.7692%
D	103	3	4	.7692%
D	104	3	4	.7692%
D	201	3	4	.7692%
D	202	3	4	.7692%
D	203	3	4	.7692%
D	204	3	4	.7692%
D	301	3	4	.7692%
D	302	3	4	.7692%
D	303	3	4	.7692%
D	304	3	4	.7692%
E	101	3	4	.7692%
E	102	3	4	.7692%

<u>Building</u>	<u>Unit</u>	<u>Bedrooms</u>	<u>Votes</u>	<u>Assessment Percentages</u>
E	103	3	4	.7692%
E	104	3	4	.7692%
E	201	3	4	.7692%
E	202	3	4	.7692%
E	203	3	4	.7692%
E	204	3	4	.7692%
E	301	3	4	.7692%
E	302	3	4	.7692%
E	303	3	4	.7692%
E	304	3	4	.7692%
F	101	3	4	.7692%
F	102	3	4	.7692%
F	103	3	4	.7692%
F	104	3	4	.7692%
F	201	3	4	.7692%
F	202	3	4	.7692%
F	203	3	4	.7692%
F	204	3	4	.7692%
F	301	3	4	.7692%
F	302	3	4	.7692%
F	303	3	4	.7692%
F	304	3	4	.7692%
G	101	2	3	.5769%
G	102	2	3	.5769%
G	103	2	3	.5769%
G	104	2	3	.5769%
G	201	2	3	.5769%

<u>Building</u>	<u>Unit</u>	<u>Bedrooms</u>	<u>Votes</u>	<u>Assessment Percentages</u>
G	202	2	3	.5769%
G	203	2	3	.5769%
G	204	2	3	.5769%
G	301	2	3	.5769%
G	302	2	3	.5769%
G	303	2	3	.5769%
G	304	2	3	.5769%
H	101	2	3	.5769%
H	102	2	3	.5769%
H	103	2	3	.5769%
H	104	2	3	.5769%
H	201	2	3	.5769%
H	202	2	3	.5769%
H	203	2	3	.5769%
H	204	2	3	.5769%
H	301	2	3	.5769%
H	302	2	3	.5769%
H	303	2	3	.5769%
H	304	2	3	.5769%
I	101	2	3	.5769%
I	102	2	3	.5769%
I	103	2	3	.5769%
I	104	2	3	.5769%
I	201	2	3	.5769%
I	202	2	3	.5769%
I	203	2	3	.5769%
I	204	2	3	.5769%

<u>Building</u>	<u>Unit</u>	<u>Bedrooms</u>	<u>Votes</u>	<u>Assessment Percentages</u>
I	301	2	3	.5769%
I	302	2	3	.5769%
I	303	2	3	.5769%
I	304	2	3	.5769%

PHASE II PROPERTY:

<u>Unit</u>	<u>Bedrooms</u>	<u>Votes</u>	<u>Assessment Percentages</u>
1	3	5	.9615%
2	3	5	.9615%
3	3	5	.9615%
4	3	5	.9615%
5	3	5	.9615%
6	3	5	.9615%
7	3	5	.9615%
8	3	5	.9615%
9	3	5	.9615%
10	3	5	.9615%
*** ** ** ** ** ** ** ** ** ** ** **			
11	3	5	.9615%
12	3	5	.9615%
13	3	5	.9615%
14	3	5	.9615%
15	3	5	.9615%
16	3	5	.9615%
17	3	5	.9615%
18	3	5	.9615%
19	3	5	.9615%
20	3	5	.9615%

PHASE III PROPERTY:

<u>Building</u>	<u>Unit</u>	<u>Bedrooms</u>	<u>Votes</u>	<u>Assessment Percentages</u>
J	101	2	4	.7692%
J	102	2	4	.7692%
J	103	2	4	.7692%
J	104	2	4	.7692%
J	201	2	4	.7692%
J	202	2	4	.7692%
J	203	2	4	.7692%
J	204	2	4	.7692%
J	301	2	4	.7692%
J	302	2	4	.7692%
J	303	2	4	.7692%
J	304	2	4	.7692%