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Salt Lake City, UT 84117

BOOK 1045

0708743

PAGE 813
FIFTH AMENDMENT AB

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1985 JUL 31 AM 9:51

CAROL BEATTIE
DAVIS COUNTY RECORDER
DEPUTY *[Signature]* FEE 80 50

TO

DECLARATION OF CONDOMINIUM

OF

CARRIAGE CROSSING (PHASE VI)

AN EXPANDABLE CONDOMINIUM COMMUNITY

STE # 84140

*ADD - Carriage Crossing
Phase #1 - #2 - #3
#4 - #5 - #6*

THIS FIFTH AMENDMENT TO DECLARATION is made on the date set forth at the end hereof by Prowswood, Ltd., a Utah corporation, hereinafter called "Declarant," for itself, its successors, grantees and assigns, pursuant to the condominium Ownership Act of the State of Utah.

RECITALS

A. On August 8, 1984, Declarant executed a Declaration of Condominium of Carriage Crossing, an Expandable Condominium Community (the "Declaration") as part of a Plan for the Carriage Crossing Condominium Project (the "Project"), which Declaration was recorded in the Office of the County Recorder of Davis County, State of Utah, on August 21, 1984, as Entry No. 680796 in Book 1002 at Pages 1274 through 1338. The Project was expanded by the First Amendment to Declaration (Phase II) recorded October 16, 1984 as Entry No. 685345 in Book 1009 at Page 917 and Record of Survey Map for Phase II recorded October 16, 1984 as Entry No. 685344 in Book 1009 at Page 916 and by the Corrective Second Amendment to Declaration (Phase III) recorded November 23, 1984 as Entry No. 688284 in Book 1014 at Page 17 and Record of Survey Map for Phase III recorded November 14, 1984 as Entry No. 687646 in Book 1013 at Page 238 and by a Third Amendment to Declaration (Phase IV) recorded February 19, 1985, as Entry No. 694902 in Book 1023 at Page 732 and Record of Survey Map for Phase IV recorded February 19, 1985, as Entry No. 694901 in Book 1023 at Page 731 and by Fourth Amendment to Declaration (Phase V) recorded May 21, 1985 as Entry No. 0702579 in Book 1035 at Page 883 and Record of Survey Map for Phase V recorded May 21, 1985 as Entry No. 702578 in Book 1035 at Page 882. The Declaration, Amendments and the Maps submitted to the provisions of the Act

the following described real property situated in Salt Lake County, State of Utah, to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

B. Declarant desires pursuant to Section 36 of the Declaration to further expand the Project.

C. Declarant is the record owner of the real property described on Exhibit "B" attached hereto (the "Phase VI Land") which is a portion of the Additional Land described in the Declaration. The Record of Survey Map Phase VI of the Project ("Phase VI Map") consists of eight (8) sheets, prepared and certified to by J. Scott Balling, a Utah Registered Land Surveyor. Upon recordation, this document shall effect the fourth expansion of the Project.

D. It is the intent of the Declaration that the Phase VI Land shall become subject to the Declaration.

E. There currently exists in the Project ninety-six (96) Units. This Amendment to Declaration and the Phase VI Map expands the Project to include thirty-two (32) Additional Units and Additional Common and Limited Common Areas, all as depicted on the Phase VI Map. After the recording of the Phase VI Map and this Amendment to Declaration, there will be a total one hundred twenty-eight (128) Units in the Project.

NOW, THEREFORE, for such purposes, Declarant hereby makes the following Amendment to Declaration:

1. Definitions. Except as otherwise defined herein or as may be required by the context, all terms or expressions defined in the Declaration, shall have such defined meanings when used in this Amendment to Declaration.

2. Submission to Condominium Ownership. Declarant hereby submits to the provisions of the Act, as additional land associated with the Project, the parcels of real property situated in Davis County, State of Utah, described on Exhibit "B" attached hereto.

RESERVED FROM THE SUBMISSION OF THE LAND described on Exhibit "B" are such easements and rights of egress and ingress over, across, through and under the Land, 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 affected shall terminate upon the completion and sale of all Units in the Project. AND SUBJECT, ALSO, to all visible easements and easements of record and SUBJECT FURTHER to restrictions, provisions and covenants of record.

3. Description of Improvements. The significant improvements contained or to be contained in the Phase VI of the Project include one (1) two and one-half story building containing thirty-two (32) Units constructed principally of concrete foundation with exterior walls of wood composition siding, asphalt shingle roofing, interior walls of wood studs, plywood and dry wall plaster. Each unit has an assigned carport. Said improvements are located substantially as shown in the Phase VI Map and will be subject to easements which are reserved through the Project as may be required for utility services.

The Phase VI Map shows the Unit Number of each Unit, its location, those Limited Common Areas and Facilities which are reserved for its use, and the Common Areas and Facilities to which it has immediate access. All Units, of whatever type, shall be capable of being independently owned, encumbered and conveyed.

4. Description of Limited Common Areas and Facilities. Each Owner of a Unit is hereby granted an irrevocable and exclusive license to use and occupy the Limited Common Areas and Facilities reserved exclusively for the use of his Unit. The Limited Common Areas appurtenant to any given Unit consist of a patio, entrance walkway and/or balcony areas contiguous with the Unit as indicated on the Phase VI Map, and the assigned carport appurtenant to each Unit. The exclusive right to use and occupy each Limited Common Area shall be appurtenant to and shall pass with the title to the Unit with which it is associated.

5. Computation of Undivided Interest. The percentage of undivided ownership interest in the Common Areas and Facilities which is appurtenant to each Unit has been computed by deter-

mining the ratio between the square footage associated with such Unit (as set forth in Exhibit "C") and the aggregate square footages of all Units in the Project including previous Phases (with such minor adjustments in some or all of the resulting percentage interests as may have been necessary to assure that the total undivided interest respecting the Project equals 100%). These percentages are subject to diminution upon merger with the other Phases. Substantially identical Units have been assigned the same square footage, and the total of all undivided interests equals 100%. A Unit Owner's percentage of ownership interest in the Common Areas and Facilities shall be for all purposes, including voting and assessment of common expenses.

6. Contents of Revised Exhibit "C". The Revised Exhibit "C" to this Amendment to Declaration contains the following information with respect to each Unit contained in the Project as expanded: (i) the Unit number and type; (ii) the assigned carport; (iii) the square footage of the Unit; and (iv) the appurtenant Percentage Ownership Interest in Common Areas and Facilities after the expansion accomplished by this Amendment to Declaration.

7. Effective Date. This Fifth Amendment to Declaration shall take effect upon recording.

IN WITNESS WHEREOF, the Declarant has executed this Fifth Amendment to Declaration this 29th day of July, 1985.

ATTEST:

PROWSWOOD, LTD., a Utah corporation

David C. Judd
Secretary

By Michael R. Holmes
Vice President

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

On the 29th day of July, 1985, personally appeared before me Michael R. Holmes and David C. Judd, who being by me duly sworn, did say that they are the Vice President and Secretary respectively of Prowswood, Ltd., a Utah corporation and the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors and

they duly acknowledged to me that said corporation executed the same.

Kenyon R. Gurr

NOTARY PUBLIC

Residing at: ~~South Lake City~~, Utah
Bountiful

My Commission Expires:
April 4, 1986

SCM1580P

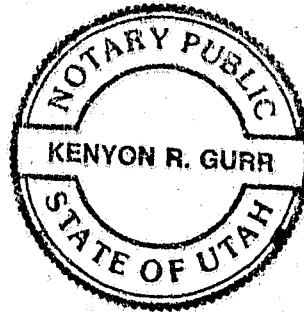


EXHIBIT "A"

Phase I

Beginning at a point which is N 89°44'04" E 1284.84 ft along the south line of a street (500 South Street) and S 0°36'11" E 1047.04 ft along the west line of a street (Main Street) from the Northwest Corner of Lot 4, Block "L", North Mill Creek Plat, Bountiful Townsite Survey, and running thence S 89°57'30" W 223.06 ft along the extended north line of a concrete retaining wall; thence N 0°01'15" W 21.16 ft along the extended west line of a concrete retaining wall; thence N 37°28'40" E 25.30 FT; thence northwesterly 33.48 ft along the arc of a 47.08 ft radius curve to the right through a central angle of 40°41'20" (radius point bears N 37°28'40" E from the beginning of the curve), thence N 11°50' W 69.69 ft thence northwesterly 10.88 ft along the arc of a 20.00 ft radius curve to the left through a central angle of 31°10' (radius point bears S 78°10' W from the beginning of the curve); thence N 43°00' W 20.15 ft; thence westerly 37.82 ft along the arc of a 20.00 ft radius curve to the left through a central angle of 108°21'10" (radius point bears S 47°00' W from the beginning of the curve); thence N 61°21'10" W 25.00 ft; thence northeasterly 4.62 ft along the arc of a 100.00 ft radius curve to the left through a central angle of 2°38'50" (radius point bears N 61°21'10" W from the beginning of the curve); thence N 26°00' E 42.00 ft; thence northeasterly 189.11 ft along the arc of a 110.00 ft radius curve to the right through a central angle of 98°30' (radius point bears S 64°00' E from the beginning of the curve); thence S 55°30' E 49.84 ft; thence southeasterly 61.27 ft along the arc of a 100.00 ft radius curve to the left through a central angle of 35°06'10" (radius point bears N 34°30' E from the beginning of the curve); thence N 89°23'49" E 29.55 ft; thence S 0°36'11" E 207.99 ft along said west line of Main Street to the point of beginning. Containing 1.3929 acres.

Phase II

Beginning at the Southwest Corner of CARRIAGE CROSSING CONDOMINIUM PHASE 1 and the Corner of an existing concrete retaining wall which point is N 89°44'04" E 1284.84 ft. along the South line of a street (500 South Street) and S 0°36'11" E 1047.04' ft. along the West line of a street (Main Street) and S 89°57'30" W 223.06 ft. along the South boundary of said CARRIAGE CROSSING CONDOMINIUMS PHASE 1 from the Northwest

corner of Lot 4 Block "L", North Mill Creek Plat, Bountiful Townsite Survey; and running thence S 89°57'30" W 79.73 ft., thence N 23°53'30" W 81.99 ft.; thence S 89°50'26" W 82.33 ft.; thence N 0°09'34" E 43.72 ft.; thence S 89°50'26" E 10.85 ft.; thence Northeasterly 111.86 ft. along the arc of a 112.50 ft. radius curve to the left through a central angle of 56°58'15" (radius point bears N 0°09'34" E from the beginning of the curve; thence along the boundary of said CARRIAGE CROSSING CONDOMINIUMS PHASE 1 in the following eight courses to the point of beginning; S 61°21'10" E 25.79 ft.; Easterly 37.82 ft along the arc of a 20.00 ft. radius curve to the right through a central angle of 108°21'10" (radius point bears S 61°21'10" E from the beginning of the curve); S 43°00' E 20.15 ft.; Southeast-erly 10.88 ft. along the arc of a 20.00 ft. radius curve to the right through a central angle of 31°10' (radius point bears S 47°00' W from the beginning of the curve); S 11°50' E 69.69 ft.; Southeasterly 33.43 ft. along the arc of a 47.08 ft. radius curve to the left through a central angle of 40°41'20" (radius point bears N 78°10' E from the beginning of the curve); S 37°28'40" W 25.30 ft.; S 0°01'15" E 21.16 ft.

Containing 0.4833 acres.

Phase III

BEGINNING at a point on the West side of an existing concrete retaining wall which point is N 89°44'04" E 1284.84 ft. along the South line of a Street (500 South Street) and S 0°36'11" E 1047.04 ft. along the West line of a street (Main Street) and S 89°57'30" W 223.06 ft. along the South Boundary of Carriage Crossing Condominiums Phase 1 and S 0°01'15" E 112.98 ft. along the West side of said concrete retaining wall from the Northwest corner of Lot 4 Block "L", North Mill Creek Plat, Bountiful Townsite Survey; and running thence S 0°01'15" E 52.45 ft. along the West side of said wall; thence S 4°08'30" W 107.34 ft.; thence N 85°51'30" W 229.09 ft. along an extended fence line and the North line of cinder block wall; thence N 0°09'34" E 97.94 ft.; thence N 89°50'26" W 17.00 ft.; thence N 0°09'34" E 252.00 ft.; thence S 89°50'26" E 17.00 ft.; thence N 0°09'34" E 25.00 ft.; thence S 89°50'26" E 40.00 ft.; thence S 0°09'34" W 43.72 ft.; along the boundary of Carriage Crossing Condominiums Phase 2; thence N 89°50'26" W 17.50 ft.; thence S 0°09'34" W 187.28 ft.; thence S 89°50'26" E 21.00 ft.; thence N 0°09'34" E 20.08 ft.; thence S 89°50'26" E 112.54 ft.; thence S 0°01'15" E 20.67 ft.; thence N 89°57'30" E 79.73 ft. to the point of beginning. Containing 1.1013 acres.

PHASE IV

Beginning at the Southwest corner on the most Southerly line of CARRIAGE CROSSING CONDOMINIUMS PHASE 1, in Bountiful City, Davis County, Utah, which is N 89°44'04"E 1284.84 ft. along the South line of a street (500 South Street) and S 0°36'11"E 1047.04 ft. along the West line of a street (Main Street) and S 89°57'30"W 223.06 ft. along the South boundary of said Carriage Crossing Condominiums Phase I from the Northwest corner of Lot 4 of Block L, North Mill Creek Plat, Bountiful Townsite Survey and running thence S 0°01'15" E 112.98 ft. along a fence line to the Northeast corner of the most Easterly line of Carriage Crossing Condominiums Phase 3; thence along the boundary of said Carriage Crossing Condominiums Phase 3 in the following seven courses: S 89°57'30"W 79.73 ft.; N 0°01'15" W 20.67 ft.; N 89°50'26" W 112.54 ft.; S 0°09'34" W 20.08 ft.; N 89°50'26" W 21.00 ft.; N 0°09'34" E 187.28 ft.; S 89°50'26" E 17.50 ft.; thence along the boundary of Carriage Crossing Phase 2 in the following three courses to the point of beginning: S 89°50'26"E 82.33 ft., S 23°53'30"E 81.99 ft.; N 89°57'30" E 79.73 ft. Containing 0.6996 acres.

PHASE V

Beginning at the Northwest corner of the most Northerly line of Carriage Crossing Condominiums Phase 3 in Bountiful City, Davis County, Utah, which point is N89°44'04"E 82322 feet along the South line of a street (500 South Street) and S0°09'34"W 926.00 ft. and S89°50'26"E 17.00 feet from the Northwest corner of Lot 4, Block L, North Mill Creek Plat, Bountiful Townsite Survey and running thence N89°50'26"W 17.00 feet; thence N0°09'34"E 64.00 feet; thence S89°50'26"E 17.50 feet; thence N0°09'34"E 90.00 ft; thence N89°50'26"W 17.50 feet; thence N0°09'34"E 172.00 feet; thence S89°50'26"E 39.98 feet; thence Northwesterly 13.81 feet along the arc of a 87.50 feet radius curve to the right through a central angle of 9°02'25" (radius point bears S83°50'25"E from the beginning of the curve; thence N15°12'E 15.00 feet along a tangent line; thence S74°48'E 17.00 feet; thence N15°12'E 60.55 feet; thence S59°15'45"E 183.03 feet; thence S30°44'15"W 98.54 feet; thence N59°15'45"W 15.88 feet; thence N44°50'26"W 43.50 feet; thence N89°50'26"W 80.54 feet; thence S 0°09'34"W 46.00 feet; thence N89°50'26"W 21.50 feet; thence S0°09'34"W 223.00 feet; thence N89°50'26"W 22.50 feet along the North boundary of said Carriage Crossing Phase 3 to the Point of Beginning. Containing 0.7169 acres.

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EXHIBIT "B"

821

Additional Land

PARCEL #1

Beginning at the most westerly corner of CARRIAGE CROSSING CONDOMINIUMS PHASE 6, in Bountiful City, Davis County, Utah which point is N89°44'04"E 1,284.84 ft. along the south line of a street (500 South Street) and S0°36'11"E 876.04 ft. along the west line of a street (Main Street) and N 89°50'26"W 309.65 ft. from the northwest corner of Lot 4, Block L, North Mill Creek Plat, Bountiful Townsite Survey, and running thence along the boundary of CARRIAGE CROSSING CONDOMINIUMS PHASE 2 in the following two courses: southwesterly 114.57 ft. along the arc of a 112.50 ft. radius curve to the right through a central angle of 58°20'54" (radius point bears N58°11'20"W from the point of beginning), N89°50'26"W 10.85 ft. thence N89°50'26"W 17.50 ft. along the north boundary of CARRIAGE CROSSING CONDOMINIUMS PHASE 3; thence along the boundary of CARRIAGE CROSSING CONDOMINIUMS PHASE 5 in the following four courses: N0°09'34"E 223.00 ft., S89°50'26"E 21.50 ft., N0°09'34"E 46.00 ft., S89°50'26"E 80.54 ft.; thence S44°50'26"E 16.97 ft.; thence S0°09'34"W 203.53 ft.; thence S89°50'26"E 10.08 ft. to the point of beginning.

Parcel #1 contains 0.6577 acres

PARCEL #2

Beginning at a point on the west boundary of CARRIAGE CROSSING CONDOMINIUMS PHASE 5 in Bountiful City, Davis County, Utah which is N89°44'04"E 823.22 ft. along the south line of a street (500 South Street) and S0°09'34"W 772.00 ft. along the extended west boundary of said PHASE 5 from the northwest corner of Lot 4, Block L, North Mill Creek Plat, Bountiful Townsite Survey, and running thence along the boundary of said PHASE 5 in the following three courses: S89°50'26"E 17.50 ft., S0°09'34"W 90.00 ft., N89°50'26"W 17.50 ft.; thence N0°09'34"E 90.00 ft. to the point of beginning.

Parcel #2 contains 0.0362 acres

Total area of Parcel 1 and 2 equals 0.6939 acres.

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EXHIBIT "C"

(Phases I through VI)

822

CARRIAGE CROSSING, A CONDOMINIUM PROJECT

<u>Unit No.</u>	<u>Type of Unit</u>	<u>Limited Common Areas and Facilities Appurtenant To Unit</u>	<u>Square Footage of Unit</u>	<u>Appurtenant % of Ownership in Common Areas and Facilities</u>
<u>Bldg. #1</u>		<u>Carport #</u>		
1101	B	14	900	0.658
1102	B	13	900	0.658
1103	A	23	900	0.657
1104	A	6	900	0.657
1105	E	15	985	0.720
1106	E	21	985	0.720
1107	E	1	985	0.720
1108	E	3	985	0.720
1201	B	12	900	0.658
1202	B	11	900	0.658
1203	A	5	900	0.657
1204	A	7	900	0.657
1205	F	16	1,344	0.982
1206	F	22	1,344	0.982
1207	F	2	1,344	0.982
1208	F	4	1,344	0.982
1301	D	10	1,250	0.913
1302	D	24	1,250	0.913
1303	C	8	1,250	0.913
1304	C	9	1,250	0.913
<u>Bldg. #2</u>		<u>Carport #</u>		
2101	B	20	900	0.658
2102	B	19	900	0.658
2103	B	18	900	0.658
2104	B	17	900	0.658
2105	E	25	985	0.720
2106	E	27	985	0.720
2201	B	35	900	0.658
2202	B	32	900	0.658
2203	B	30	900	0.658
2204	B	31	900	0.658
2205	F	26	1,344	0.982

<u>Unit No.</u>	<u>Type of Unit</u>	<u>Limited Common Areas and Facilities Appurtenant To Unit</u>	<u>Square Footage of Unit</u>	<u>Appurtenant % of Ownership in Common Areas and Facilities</u>
<u>Bldg. #2 (cont.)</u>		<u>Carport #</u>		
2206	F	28	1,344	0.982
2301	D	33	1,250	0.913
2302	D	34	1,250	0.913
2303	D	29	1,250	0.913
2304	D	36	1,250	0.913
<u>Bldg. #3</u>		<u>Carport #</u>		
3101	B	50	900	0.658
3102	B	51	900	0.658
3103	A	42	900	0.657
3104	A	43	900	0.657
3105	E	53	985	0.720
3106	E	54	985	0.720
3107	E	39	985	0.720
3108	E	40	985	0.720
3201	B	52	900	0.658
3202	B	49	900	0.658
3203	A	44	900	0.657
3204	A	41	900	0.657
3205	F	55	1344	0.982
3206	F	56	1344	0.982
3207	F	37	1344	0.982
3208	F	38	1344	0.982
3301	D	48	1250	0.913
3302	D	47	1250	0.913
3303	C	46	1250	0.913
3304	C	45	1250	0.913
<u>Bldg. #4</u>		<u>Carport #</u>		
4101	A	72	900	0.657
4102	A	71	900	0.657
4103	B	70	900	0.658
4104	B	69	900	0.658
4105	E	74	985	0.720
4106	E	76	985	0.720
4107	E	59	985	0.720
4108	E	60	985	0.720
4201	A	64	900	0.657
4202	A	63	900	0.657
4203	B	62	900	0.658
4204	B	61	900	0.658
4205	F	73	1344	0.982

<u>Unit No.</u>	<u>Type of Unit</u>	<u>Limited Common Areas and Facilities Appurtenant To Unit</u>	<u>Square Footage of Unit</u>	<u>Appurtenant % of Ownership in Common Areas and Facilities</u>
<u>Bldg. #4 (cont.)</u>		<u>Carport #</u>		
4206	F	75	1344	0.982
4207	F	57	1344	0.982
4208	F	58	1344	0.982
4301	C	68	1250	0.913
4302	C	67	1250	0.913
4303	D	66	1250	0.913
4304	D	65	1250	0.913
<u>Bldg. #6</u>		<u>Carport #</u>		
6101	B	90	900	0.658
6102	B	92	900	0.658
6103	A	94	900	0.657
6104	A	96	900	0.657
6105	A	82	900	0.657
6106	A	84	900	0.657
6107	B	86	900	0.658
6108	B	88	900	0.658
6109	E	107	985	0.720
6110	E	105	985	0.720
6111	E	77	985	0.720
6112	E	79	985	0.720
6201	B	97	900	0.658
6202	B	99	900	0.658
6203	A	98	900	0.657
6204	A	100	900	0.657
6205	A	81	900	0.657
6206	A	83	900	0.657
6207	B	85	900	0.658
6208	B	87	900	0.658
6209	F	106	1344	0.982
6210	F	108	1344	0.982
6211	F	78	1344	0.982
6212	F	80	1344	0.982
6301	D	101	1268	0.927
6302	D	102	1268	0.927
6303	C	103	1268	0.927
6304	C	104	1268	0.927
6305	C	89	1268	0.927
6306	C	91	1268	0.927
6307	D	93	1268	0.927
6308	D	95	1268	0.927

<u>Unit No.</u>	<u>Type of Unit</u>	<u>Limited Common Areas and Facilities Appurtenant To Unit</u>	<u>Square Footage of Unit</u>	<u>Appurtenant % of Ownership in Common Areas and Facilities</u>
<u>Bldg. #7</u>		<u>Carport #</u>		
7101	A	110	900	0.657
7102	A	112	900	0.657
7103	B	114	900	0.658
7104	B	116	900	0.658
7105	E	120	985	0.720
7106	E	124	985	0.720
7107	E	121	985	0.720
7108	E	117	985	0.720
7201	A	125	900	0.657
7202	A	126	900	0.657
7203	B	127	900	0.658
7204	B	128	900	0.658
7205	F	118	1344	0.982
7206	F	122	1344	0.982
7207	F	123	1344	0.982
7208	F	119	1344	0.982
7301	C	109	1268	0.927
7302	C	111	1268	0.927
7303	D	113	1268	0.927
7304	D	115	1268	0.927
			136,854	100.000

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