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Salt Lake City, Utah 84117

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01/22/99 09:43 AM 51.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
BRYAN ROBINSON & ASSOCIATES  
REC BY: Z JOHANSON DEPUTY - WI

FIRST SUPPLEMENT  
TO  
AMENDED DECLARATION OF CONDOMINIUM  
FOR  
GRANITE POINTE CONDOMINIUMS PHASE 1

THIS SUPPLEMENT is made and executed this 22 day of DEC, 1998 by Panda Bear Homes, Inc., a Utah corporation (hereinafter referred to as "Declarant").

RECITALS:

A. On September 3, 1998, Declarant created the Granite Pointe Condominiums Phase 1 Condominium Project (hereinafter, the "Project") by filing for record in the office of the Recorder of Salt Lake County, Utah: (i) an instrument entitled "Amended Declaration of Condominium for Granite Pointe Condominiums Phase 1" (hereinafter, "Original Declaration") as Entry No. 7092004 in Book 8098, at Page 2127 and (ii) an instrument styled "Record of Survey Map for Granite Pointe Condominiums Phase 1" (hereinafter, "Original Map") as Entry No. 7092003 in Book 9809P at Page 630. The Project, as so created, included the following-described real property located in Salt Lake County, State of Utah:

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

B. As more fully set forth in Articles XVII through XX, inclusive, of the Original Declaration, Declarant, subject to the prior written approval of the Secretary of Veterans Affairs, reserved the unilateral right (i.e., without the consent of the Management Committee of the Granite Pointe Condominiums Phase 1 Project, any Unit Owner, or any other person or entity) to expand the Project by addition(s) of all or any part of the Additional Land to the Project in accordance with said Articles. Concurrently with the recordation of this Supplement, there is being recorded in the office of the Recorder of Salt Lake County, Utah an instrument styled "Record of Survey Map of Granite Pointe Condominiums Phase 2" (hereinafter, the "Phase 2 Map") which, together with this Supplement, adds to the Project the following-described real property (hereinafter, "Added Parcel") located in Salt Lake County, Utah:

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

**I. EXPANSION OF PROJECT**

NOW, THEREFORE, in accordance with the procedure set forth in the Original Declaration for expansion of the Project and in conjunction with the addition to the Project of the Added Parcel, Declarant hereby makes the following declarations and provides the following information.

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1. **Identification of Documents.** Data sufficient to identify the Original Declaration and the Original Map is set forth in Recital "A" above.

2. **Legal Description.** The legal description for the portion of the Additional Land being added to the Project (herein referred to as the "Added parcel") is set forth in Recital "B" above.

3. **Description of Added Parcel Improvement.** The significant improvements located on the Added Parcel include Buildings C, D and F containing Units 101, 102, 103, 201, 202 and 203 in each Building, asphalt roadways, concrete driveways, patios and porches. The location and configuration of such improvements are depicted on the Phase 2 Map. The Phase 2 Map shows the location, number of stories, and dimensions of the Units located on the Added Parcel. Each of the Buildings located on the Added Parcel is composed of the same materials as the Buildings originally contained in the Project.

4. **Limited Common Areas.** The Limited Common Areas and Facilities which are contained within the Added Parcel consist of all of the following: (i) All patios, porches, balconies, decks, private yard areas and storage shed, if any, attached or adjacent to a Unit; and (ii) The parking area and driveway designated for the use of an individual Unit on the Phase 2 Map, if any. The exclusive use of each patio, porch, balcony, deck, private yard area, storage shed, or designated parking area is reserved to the Unit which it adjoins, with which it is associated, or as designated on the Phase 2 Map.

5. **Status of Title and Reservations for Declarant.** The Added Parcel is submitted to the provisions of the Act and added to the Project together with the appurtenances and subject to the restrictions, reservations, and other matters set forth on Exhibit "D", attached hereto and incorporated herein by this reference.

6. **Amended Exhibit "B".** Exhibit "B" attached hereto and incorporated herein by this reference furnishes the information described in the Original Declaration for each Unit contained in the Project from and after the addition of the Added Parcel to the Project. The undivided ownership interests in the Common Areas and Facilities set forth on said Exhibit "B" have been computed and derived as described in the Original Declaration. From and after the effective date of this Supplement, Exhibit "B" attached hereto shall automatically become effective for all purposes and shall completely supersede the Exhibit "B" attached to the Original Declaration.

7. **Definitions.** All capitalized terms used herein but not specifically defined are given the meaning ascribed to them in the Original Declaration.

EXECUTED the day and year first above written.

ATTEST:

DECLARANT

Panda Bear Homes, Inc.  
a Utah corporation

By: \_\_\_\_\_  
Secretary

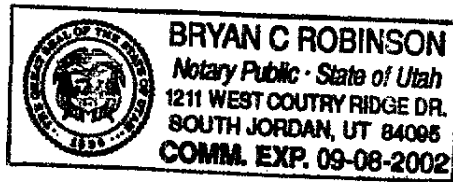
By: \_\_\_\_\_  
Vice President

STATE OF UTAH            )  
                                  ): ss.  
County of Salt Lake        )

On this 22 day of Dec, 1998, personally appeared before me GLENN V. ARNESEN  
Vice \_\_\_\_\_ and \_\_\_\_\_, who being by me duly sworn did say that he is the  
~~they are the~~ President and Secretary, respectively, of Panda Bear Homes, Inc., a Utah  
corporation, that the foregoing First Supplement to Declaration of Condominium was signed on  
behalf of said corporation by authority of its By-Laws or a resolution of its Board of Directors,  
and said individuals did each acknowledge that said corporation executed the foregoing First  
Supplement to Declaration of Condominium.

\_\_\_\_\_  
Notary Public

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EXHIBIT "A"

A parcel of Land located in Salt Lake County, State of Utah, described as follows:

Beginning at a point South  $00^{\circ}14'30''$  West 201.21 feet and North  $89^{\circ}44'58''$  West 167.57 feet from the Southeast corner of Lot 16, block 18, Ten Acre Plat "A" Big Field Survey, said Southeast corner being North  $00^{\circ}14'30''$  East 607.85 feet and North  $89^{\circ}58'07''$  West 33.00 feet from a Salt Lake County brass cap monument located at the intersection of 500 East street and 3900 South Street, and running thence South  $00^{\circ}15'02''$  West 205.49 feet; thence North  $89^{\circ}57'25''$  West 141.13 feet; thence North  $00^{\circ}15'27''$  East 123.63 feet; thence South  $89^{\circ}45'30''$  East 20.64 feet; thence North  $00^{\circ}14'30''$  East 82.36 feet; thence South  $89^{\circ}44'58''$  East 120.49 feet to the point of beginning.

EXHIBIT "B"

<u>Building</u>	<u>Unit Number</u>	<u>Number of votes Owner has as a Member of Association</u>	<u>Percentage Interest in Common Areas</u>
C	101	1	3.3333%
C	102	1	3.3333%
C	103	1	3.3333%
C	201	1	3.3333%
C	202	1	3.3333%
C	203	1	3.3333%
D	101	1	3.3333%
D	102	1	3.3333%
D	103	1	3.3333%
D	201	1	3.3333%
D	202	1	3.3333%
D	203	1	3.3333%
E	101	1	3.3333%
E	102	1	3.3333%
E	103	1	3.3333%
E	201	1	3.3333%
E	202	1	3.3333%
E	203	1	3.3333%
F	101	1	3.3333%
F	102	1	3.3333%
F	103	1	3.3333%
F	201	1	3.3333%
F	202	1	3.3333%
F	203	1	3.3333%
G	101	1	3.3333%
G	102	1	3.3333%
G	103	1	3.3333%
G	201	1	3.3333%
G	202	1	3.3333%
G	203	1	3.3333%
TOTAL			100%

Exhibit "C"

A parcel of land located in Salt Lake County, State of Utah, described as follows:

BEGINNING AT A POINT SOUTH 00°14'30" WEST 201.21 FEET AND NORTH 89°44'58" WEST 167.57 FEET FROM THE SOUTHEAST CORNER OF LOT 16, BLOCK 18, TEN ACRE PLAT A, BIG FIELD SURVEY, SAID SOUTHEAST CORNER BEING NORTH 00°14'30" EAST 607.85 FEET AND NORTH 89°58'07" WEST 33.00 FEET FROM A SALT LAKE COUNTY BRASS CAP MONUMENT LOCATED AT THE INTERSECTION 500 EAST STREET AND 3900 SOUTH STREET, AND RUNNING THENCE NORTH 89°44'58" WEST 120.49 FEET; THENCE SOUTH 00°14'30" WEST 82.36 FEET; THENCE NORTH 89°45'30" WEST 20.64 FEET; THENCE SOUTH 00°15'27" WEST 5.00 FEET; THENCE NORTH 89°57'25" WEST 76.74 FEET; THENCE NORTH 00°15'43" EAST 236.41 FEET; THENCE SOUTH 89°58'07" EAST 76.72 FEET; THENCE NORTH 00°15'27" EAST 50.97 FEET; THENCE SOUTH 89°58'07" EAST 141.08 FEET; THENCE SOUTH 00°15'02" WEST 200.57 FEET TO THE POINT OF BEGINNING.

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Exhibit "D"

The added Parcel is submitted to the provisions of the Act and added to the Project together with the following appurtenances and subject to the following restrictions, reservations, and other matters:

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property.

ALL OF THE FOREGOING IS SUBJECT TO: All liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all Patent reservations and exclusions; any mineral reservations of record and rights incident thereto; all instruments of record which affect the Added Parcel or any portion thereof, including, without limitation, any mortgage or deed of trust; all visible easements and rights-of-way, all easements and rights-of-way of record; any easements rights-of-way, encroachments, or discrepancies shown on or revealed by the Phase 2 Map or otherwise existing; an easement for each and every pipe line, cable, wire, utility line, or similar facility which traverses or partially occupies the Added Parcel at such time as construction of all Project improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines cables, wires, utility lines, and similar facilities.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under the Added Parcel and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant or for any assignee or successor of Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (i) To construct and complete each of the Buildings and all of the other improvements described in this Supplement or in the Phase 2 Map recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; and (ii) To improve portions of the Added Parcel with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners as declarant or as such assignee or successor may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the Added Parcel or any improvements 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 reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire seven (7) years after the date on which this Supplement is filed for record in the office of the County Recorder of Salt Lake County, Utah.