

Return When Recorded to:  
McArthur Homes, LC  
c/o Don McArthur  
9948 South Redwood Road  
South Jordan, Utah 84095

7721507  
09/19/2000 02:01 PM 37.00  
Book - 8388 Pg - 5300-5308  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
MCARTHUR HOMES LC  
9948 S REDWOOD RD  
SOUTH JORDAN UT 84095  
BY: RDJ, DEPUTY - WI 9 P.

7721507

[Parcel Nos. 21-30-102-044 thru 055 and 21-30-103-001]

**AMENDMENT NO. FIVE  
TO AMENDED AND RESTATED DECLARATION  
AND DECLARATION OF ANNEXATION FOR  
BRITTANY CONDOMINIUMS**

THIS AMENDMENT TO THE AMENDED AND RESTATED DECLARATION of Covenants Conditions and Restrictions for Brittany Condominiums is made pursuant to the Utah Condominium Act, Utah Code Ann. §57-8-13.6, and executed this 18 day of September, 2000, AND AMENDS THE AMENDED AND RESTATED DECLARATION FOR BRITTANY CONDOMINIUMS ("Declaration"), an expandable condominium Project, recorded June 5, 2000, as Entry No. 7653288, in Book 8366, at Pages 1625 through 1677, of the records of the Salt Lake County Recorder.

**AMENDMENT**

This is a Declaration of Annexation prepared pursuant to Article III of the Declaration which created an expandable residential condominium Project consisting of twelve (12) Units and additional property available for the expansion of a maximum number of two-hundred and seventy (270) additional Units for a total number of two-hundred and eighty-two (282) Units. The Declaration has subsequently been amended by AMENDMENT NO. ONE, recorded the \_\_\_ day of \_\_\_\_\_, 2000, as Entry No. \_\_\_\_\_, in Book \_\_\_\_\_, at Pages \_\_\_\_\_ et seq., of the records of the Salt Lake County Recorder; AMENDMENT NO. TWO, recorded the \_\_\_ day of \_\_\_\_\_, 2000, as Entry No. \_\_\_\_\_, in Book \_\_\_\_\_, at Pages \_\_\_\_\_ et seq., of the records of the Salt Lake County Recorder; AMENDMENT NO. THREE, recorded the \_\_\_ day of \_\_\_\_\_, 2000, as Entry No. \_\_\_\_\_, in Book \_\_\_\_\_, at Pages \_\_\_\_\_ et seq., of the records of the Salt Lake County Recorder; and AMENDMENT NO. FOUR, recorded the \_\_\_ day of \_\_\_\_\_, 2000, as Entry No. \_\_\_\_\_, in Book \_\_\_\_\_, at Pages \_\_\_\_\_ et seq., of the records of the Salt Lake County Recorder; to include an additional thirty (30) Units for a total of forty-two (42) Units with additional property available for the expansion of a maximum number of two-hundred and forty (240) additional Units for a total number of two-hundred and eighty-two (282) Units.

BK 8388 PG 5300

From the Property identified in the Declaration at Exhibit E, Declarant hereby annexes the parcels of Property described in Exhibit A attached hereto as a part hereof and known as Phase 5 ("Phase 5 Property"), and declares its intention that the Phase 5 Property shall be subject to the Declaration, and any amendments thereto.

Declarant hereby adds to the existing Project a total of twelve (12) additional Units pursuant to the Declaration and any Amendments thereto. The maximum number of Units within the existing Project will be fifty-four (54) with two-hundred and twenty-eight (228) Units being reserved in the expandable area.

NOW THEREFORE, in pursuance of the foregoing, Declarant declares and certifies as follows:

1. Phase 5 Expansion: Declarant hereby submits the Phase 5 Property more particularly described at Exhibit A to the provisions of the Utah Condominium Ownership Act. Declarant is the sole owner of the Phase 5 Property and said Property shall be known as the Brittany Condominiums, Phase 5, and shall be subject to the provisions of the Declaration and Amendments thereto. The maximum number of Units to be contained within the Phase 5 Property improvements shall be twelve (12), the proposed configuration of which is described in the Plat Map attached hereto at Exhibit B.

2. Improvements: The improvements to be built on the Phase 5 Property shall be architecturally compatible with the existing Units and shall be of similar quality. However, the Declarant makes no assurances that any Units constructed on any additional properties annexed hereto by the Declarant will be without variance with the Units depicted in the plat.

3. Allocated Interests: As specified in Article III of the Declaration, the undivided interest of each Unit Owner to all Common Area following the expansion created herein is 1/54th. Likewise, pursuant to paragraph 4 of Article IV of the Declaration the par value of each ownership interest shall be 1/54th as shown in the Table attached hereto as Exhibit C.

4. Additional Land: With the annexation of the Phase 5 Property, the remaining land available for expansion, being more particularly described at Exhibit D, consists of the original expandable land less the Phase 2 Property, the Phase 3 Property, the Phase 4 Property, and the Phase 5 Property.

Any required approvals have been given. This Amendment to Declaration for Brittany Condominiums, shall take effect upon recording in the office of the County Recorder of Salt Lake County, Utah by McARTHUR HOMES AT BRITTANY, LC.

IN WITNESS WHEREOF, the undersigned being the Declarant, has caused this instrument to be executed and its seal be affixed hereto on the day and year first above written.

McARTHUR HOMES AT BRITTANY, LC  
a Utah Limited Liability Company

By: McARTHUR HOMES, INC.  
a Utah Corporation, it's Manager

By: *Donald R. McArthur*  
Donald R. McARTHUR, President

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

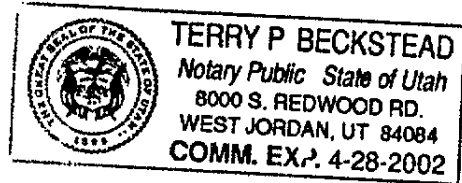
On the 18 day of September, 2000, personally appeared before me Donald R. McArthur, who being by me duly sworn, did say that he is the President of McArthur Homes, Inc., which is the Manager of McArthur Homes at Brittany, LC, and that said instrument was acknowledged on behalf of said McArthur Homes at Brittany, LC, by authority, and said Donald R. McArthur duly acknowledged to me that he is the President of and executed the same on behalf of McArthur Homes, Inc. the Manager of McArthur Homes at Brittany, LC.

*Terry P. Beckstead*  
NOTARY PUBLIC

My Commission Expires:

4/28/2002

Residing at: \_\_\_\_\_



BK8388PG5302

EXHIBIT A

REAL PROPERTY DESCRIPTION OF  
BRITTANY CONDOMINIUMS PHASE 5

PROPERTY DESCRIPTION:

Beginning at a point which is N00°08'29"W along the Section Line, 2183.933 feet and N89°51'31"E, 288.205 feet and N00°08'29"W, 77.988 feet from the West Quarter Corner of Section 30, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence N00°08'29"W, 134.806 feet; thence S89°57'09"E, 303.893 feet, thence S00°08'29"E, 237.127 feet; thence N83°29'59"W, 166.930 feet, thence N81°00'56"W, 38.002 feet, thence Northeasterly 13.370 feet along the arc of a 338.00 foot radius curve to right, (chord bears N10°43'53"E, 13.369 feet); thence Northeasterly 49.978 feet along the arc of a 262.00 foot radius curve to the left, (chord bears N06°24'00"E, 49.902 feet); thence Northwesterly 23.844 feet along the arc of a 15.00 foot radius curve to the left, (chord bears N44°36'11"W, 21.412 feet); thence S89°51'31"W, 93.770 feet to the point of beginning.

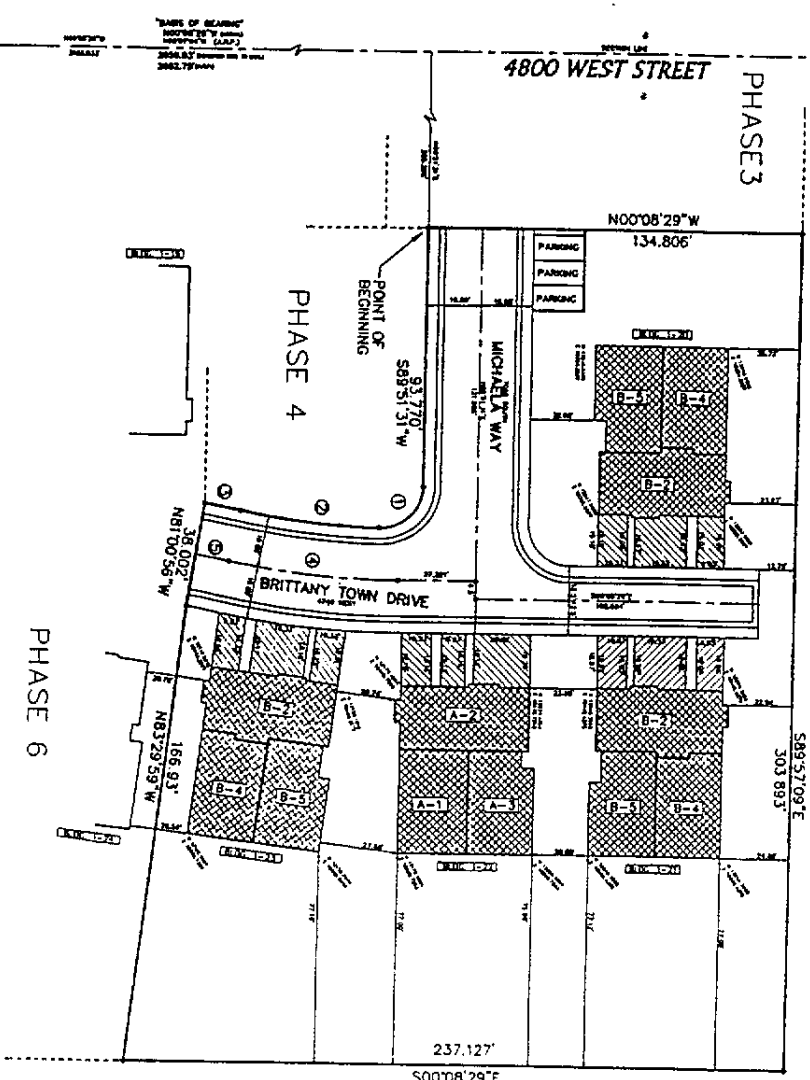
Contains 1.35 Acres or 58,986 Square Feet

BK8388PG5303

EXHIBIT B

BRITTANY CONDOMINIUMS PHASE 5 MAP

# BRITTANY CONDOMINIUMS PHASE 5

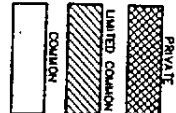


CONDOMINIUM PLAT...  
FILED IN THE COUNTY OF...  
ON...

589°37'09"E  
500°08'29"E



LEGEND  
● UNIT CONTOUR...  
○ UNIT CONTOUR...  
■ LIMITED COMMON  
▨ COMMON



WEST JORDAN CITY ENGINEER

CORNER	UTILITY	STREET	STATION	CONTOUR
1	852.81	11.00	43.17	117.92
2	163.54	242.82	43.78	118.42
3	178.32	134.00	13.17	119.02
4	179.32	201.00	81.17	119.62
5	273.72	39.00	12.11	120.22

APPROVAL AS TO FORM  
DATE 10/11/99

EWP ENGINEERING, INC.  
CITY & SUBDIVISIONAL - TRANSPORTATION & UTILITIES DEPARTMENT  
15155 WASHINGTON TERRACE  
SUITE 300, WEST JORDAN, UTAH 84088

BRITTANY CONDOMINIUMS - PHASE 5  
PART OF THE...  
FILED IN THE COUNTY OF...  
ON...

OWNERS DEDICATION  
I, the undersigned, do hereby dedicate and consent to the dedication of the property described herein to the use of the Condominium as a residential project for the use of the units shown on the attached plat.

BRITTANY CONDOMINIUMS - PHASE 5  
CONDATE  
ACKNOWLEDGMENT  
State of Utah  
County of Salt Lake

West Jordan, Utah  
D.R. [Signature]  
D.R. [Signature], President

On the 13th day of April, A.D. 1999.

RECORDED IN BOOK 251 PAGE 5305  
FILED IN THE COUNTY OF SALT LAKE  
ON 10/11/99

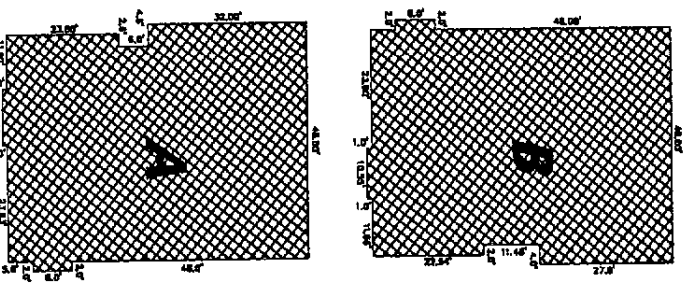
BRITTANY CONDOMINIUMS - PHASE 5  
APPROVED BY THE CITY ENGINEER  
WEST JORDAN CITY ENGINEER  
DATE 10/11/99

PLANNING COMMISSION  
APPROVED AND SEALS  
WEST JORDAN CITY ENGINEER  
DATE 10/11/99

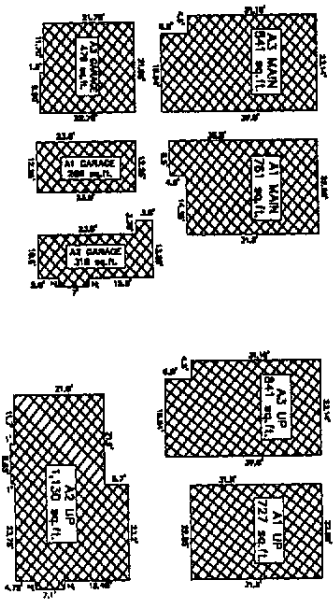
BRITANNY CONDOMINIUMS  
PHASE 5

BK8388PG5306

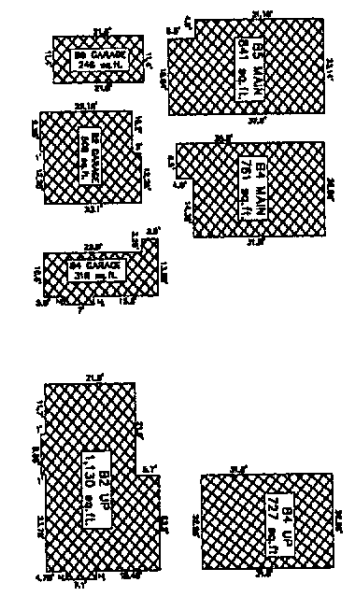
# BRITANNY CONDOMINIUMS PHASE 5



**GROUND LEVEL  
DIMENSIONS**  
(NOT TO SCALE)



**BUILDING A**  
(NOT TO SCALE)



**BUILDING B**  
(NOT TO SCALE)



**BUILDING 1-20**

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
B-5	4687.00	4673.14	7076 SOUTH BRITANNY TOWN DRIVE
B-4	4687.00	4673.14	7076 SOUTH BRITANNY TOWN DRIVE
B-2		4673.14	7076 SOUTH BRITANNY TOWN DRIVE

**BUILDING 1-21**

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
B-5	4686.70	4672.84	7075 SOUTH BRITANNY TOWN DRIVE
B-4	4686.70	4672.84	7075 SOUTH BRITANNY TOWN DRIVE
B-2		4672.84	7077 SOUTH BRITANNY TOWN DRIVE

**BUILDING 1-22**

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
A-1	4686.70	4672.84	7089 SOUTH BRITANNY TOWN DRIVE
A-2	4686.70	4672.84	7087 SOUTH BRITANNY TOWN DRIVE
A-3	4686.70	4672.84	7083 SOUTH BRITANNY TOWN DRIVE

**BUILDING 1-23**

UNIT TYPE	MAIN FLOOR ELEVATION	UPPER FLOOR ELEVATION	ADDRESS
B-5	4687.50	4673.64	7085 SOUTH BRITANNY TOWN DRIVE
B-4	4687.50	4673.64	7089 SOUTH BRITANNY TOWN DRIVE
B-2		4673.64	7097 SOUTH BRITANNY TOWN DRIVE

PROJECT NO.	15080008	DATE	01/11/11
DESIGNED BY	AND	SCALE	AS SHOWN
CHECKED BY	VI	DATE	1/11/11
SCALE	AS SHOWN		

**EWP ENGINEERING, INC.**  
 CIVIL & ARCHITECTURAL ENGINEERING & SURVEYING  
 5800 South 190 Street, Suite 200, S.L. 1000  
 MOBILE, AL 36688-1000

**EXHIBIT C  
OWNERSHIP INTEREST TABLE**

Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Area
1	1-1	B-2	1/54th or 1.8519%
1		B-4	1/54th or 1.8519%
1		B-5	1/54th or 1.8519%
1	1-2	B-2	1/54th or 1.8519%
1		B-4	1/54th or 1.8519%
1		B-5	1/54th or 1.8519%
1	1-13	B-2	1/54th or 1.8519%
1		B-4	1/54th or 1.8519%
1		B-5	1/54th or 1.8519%
1	1-14	A-1	1/54th or 1.8519%
1		A-2	1/54th or 1.8519%
1		A-3	1/54th or 1.8519%
2	1-3	B-2	1/54th or 1.8519%
2		B-4	1/54th or 1.8519%
2		B-5	1/54th or 1.8519%
2	1-4	A-1	1/54th or 1.8519%
2		A-2	1/54th or 1.8519%
2		A-3	1/54th or 1.8519%
2	1-5	B-2	1/54th or 1.8519%
2		B-4	1/54th or 1.8519%
2		B-5	1/54th or 1.8519%
2	1-10	A-1	1/54th or 1.8519%
2		A-2	1/54th or 1.8519%
2		A-3	1/54th or 1.8519%
2	1-11	B-2	1/54th or 1.8519%
2		B-4	1/54th or 1.8519%
2		B-5	1/54th or 1.8519%

Phase	Bldg No.	Unit Type	Unit Par Value Percent of Undivided Interest in Common Area
2	1-12	B-2	1/54th or 1.8519%
2		B-4	1/54th or 1.8519%
2		B-5	1/54th or 1.8519%
3	1-6	B-2	1/54th or 1.8519%
3		B-4	1/54th or 1.8519%
3		B-5	1/54th or 1.8519%
3	1-7	A-1	1/54th or 1.8519%
3		A-2	1/54th or 1.8519%
3		A-3	1/54th or 1.8519%
3	1-8	B-2	1/54th or 1.8519%
3		B-4	1/54th or 1.8519%
3		B-5	1/54th or 1.8519%
3	1-9	B-2	1/54th or 1.8519%
3		B-4	1/54th or 1.8519%
3		B-5	1/54th or 1.8519%
4	Tot Lot		No Additional Units
5	1-20	B-2	1/54th or 1.8519%
5		B-4	1/54th or 1.8519%
5		B-5	1/54th or 1.8519%
5	1-21	B-2	1/54th or 1.8519%
5		B-4	1/54th or 1.8519%
5		B-5	1/54th or 1.8519%
5	1-22	A-1	1/54th or 1.8519%
5		A-2	1/54th or 1.8519%
5		A-3	1/54th or 1.8519%
5	1-23	B-2	1/54th or 1.8519%
5		B-4	1/54th or 1.8519%
5		B-5	1/54th or 1.8519%

BK8388PG5307



EXHIBIT D

BRITTANY CONDOMINIUMS - EXPANDABLE AREA

PROPERTY DESCRIPTION:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N.00°08'29"W. 2,319.69 FEET ALONG THE WEST LINE OF SAID SECTION 30; THENCE S.89°57'09"E. 592.10 FEET; THENCE S.00°08'29"E. 2,319.65 FEET TO A POINT ON THE QUARTER-SECTION LINE; THENCE NORTH 89°57'23"W. 592.10 FEET ALONG SAID QUARTER-SECTION LINE TO THE POINT OF BEGINNING.

LESS THE PROPERTY INCLUDED IN PHASE 1 AS STATED IN EXHIBIT "A" TO THE DECLARATION AND PHASE 2 AS STATED IN EXHIBIT "A" TO AMENDMENT TWO AND PHASE 3 AS STATED IN EXHIBIT "A" TO AMENDMENT THREE AND PHASE 4 AS STATED IN EXHIBIT "A" TO AMENDMENT FOUR AND PHASE 5 AS STATED IN EXHIBIT "A" HERETO.

CONTAINS 29.35 ACRES LESS 1.13 ACRES IN PHASE 1 AS STATED IN EXHIBIT "A" TO THE DECLARATION AND LESS 1.41 ACRES IN PHASE 2 AS STATED IN EXHIBIT "A" TO AMENDMENT TWO AND LESS 1.04 ACRES IN PHASE 3 AS STATED IN EXHIBIT "A" TO AMENDMENT THREE AND LESS 0.19 ACRES IN PHASE 4 AS STATED IN EXHIBIT "A" TO AMENDMENT FOUR AND LESS 1.35 ACRES IN PHASE 5 AS STATED IN EXHIBIT "A" HERETO.

BK8388PG5308