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Book - 9046 Pg - 5434-5441  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
METRO NATIONAL TITLE  
BY: SBM, DEPUTY - (M & P)

**FIFTH AMENDMENT TO CONDOMINIUM DECLARATION**

**FOR**

**MONTE LUCA CONDOMINIUMS**

THIS DECLARATION is made and entered into by GLACIER LAND CO., L.L.C., a Utah limited liability company, sole owner of the property described on the Record of Survey Map dated September 16, 2004 herewith referred to as "Declarant" pursuant to the provisions of the Utah Condominium Ownership Act, Utah Code Annotated Sections 57-8-1 through 57-8-37, for itself, its successors, grantees and assigns.

**ARTICLE I**

Declarant is the sole owner of that certain real property in Salt Lake County, Utah, which is described in Exhibit "A" attached hereto and made a part hereof by this reference. Exhibit "A" consists of the property to be added to the MONTE LUCA CONDOMINIUMS as PHASE III OF THE MONTE LUCA CONDOMINIUM PROJECT.

There have been or will be constructed buildings and other improvements on Phase III in accordance with the plans and drawings set forth in the Record of Survey Map which shall be recorded upon its approval by Salt Lake County consisting of three sheets, prepared and certified by L. Mark Neff, Neff Engineers & Associates, Inc., a registered land surveyor. Said record of survey map shall be deemed a part of this Fifth Amendment on its recordation.

Declarant desires by filing this FIFTH AMENDMENT TO CONDOMINIUM DECLARATION FOR MONTE LUCA CONDOMINIUMS to add the real property, building and improvements constructed or to be constructed in Phase III to the original MONTE LUCA CONDOMINIUMS PROJECT. Declarant desires by filing this Declaration and the aforesaid Record of Survey Map to submit the above-described real property and the buildings and other improvements constructed thereon to the provisions of the Utah Condominium Ownership Act as an additional part of the condominium project known as MONTE LUCA CONDOMINIUMS.

Declarant desires and intends to sell the fee title to the individual units contained in said condominium project, together with the undivided ownership interest in the common areas and facilities appurtenant thereto, to various purchasers, subject to the covenants, limitations and restrictions contained in the original Declaration dated August 7, 2001 filed for record on August 16, 2001 in book 8490 at Pages 849-898 of the Official Records of the Recorder of Salt Lake County, Utah. It is the express intention of the Declarant that the land and improvements contained in Phase III will be subject to the original terms of the CONDOMINIUM

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DECLARATION FOR MONTE LUCA CONDOMINIUMS and to the Bylaws for "Monte Luca Homeowners Association." dated August 7, 2001 and recorded with the original Declaration except as the Declaration and Bylaws are expressly or impliedly modified by this Fifth Amendment.

NOW, THEREFORE, for the purposes expressed above, Declarant hereby makes the following Fifth Amendment to Declaration.

#### **ARTICLE II**

The CONDOMINIUM DECLARATION FOR MONTE LUCA CONDOMINIUMS, dated August 7, 2001, together with the Bylaws for Monte Luca Homeowners Association, executed August 7, 2001, both of which were recorded on August 16, 2001, in Book 8490 Pages 849-898 of the official Record of the Salt Lake County Recorder are hereby restated, ratified, and declared to be in full force and effect for both the original property and for Phase III except as they are expressly modified by this FIFTH AMENDMENT TO CONDOMINIUM DECLARATION FOR MONTE LUCA CONDOMINIUMS or except as the Declaration and Bylaws are impliedly modified by the increase in the number of units in the project.

#### **ARTICLE III**

Phase III consists of real property situated in Salt Lake County, Utah which is more fully and particularly described on Exhibit "A" attached hereto.

#### **ARTICLE IV**

Upon recordation of this document the MONTE LUCA CONDOMINIUMS shall contain 38 units. Said units and the percentage of the common area ownership and expenses are set forth in Exhibit "B" which is attached hereto and incorporated by this reference as though fully set forth herein.

#### **ARTICLE V**

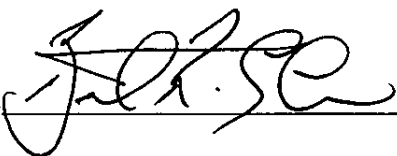
The Record of Survey Map Depicting Phase III Which is dated September 16, 2004 and was created by L. Mark Neff further describing and delineating the limited common areas and facilities formed out of the land contained in Phase III is attached hereto as Exhibit "C."

**IN WITNESS WHEREOF**, the undersigned has caused this Declaration to be executed on its behalf on the 30 day of September, 2004.

**"DECLARANT"**

GLACIER LAND CO., L.L.C.

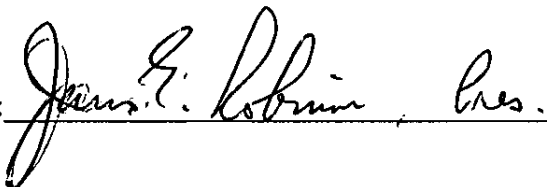
BY:

  
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**"ASSOCIATION"**

MONTE LUCA CONDOMINIUMS OWNER'S ASSOCIATION, INC.

BY:

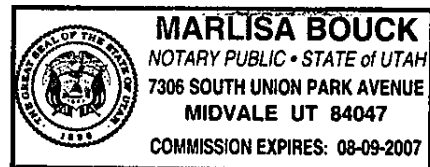
  
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STATE OF UTAH, County of SALT LAKE) ss.

On this date, SEPTEMBER 30, 2004, personally appeared before me BRENT R. SHAW, who being by me duly sworn did say that he is a MANAGING MEMBER of GLACIER LAND CO., L.L.C., the limited liability company that executed the above and foregoing instrument and that said instrument was signed on behalf of said company by authority of its by-laws (or by authority of a resolution of its board of managers/members) and said BRENT R. SHAW acknowledged to me that said limited liability company executed same.

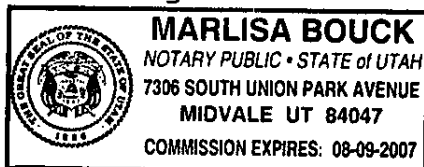
  
Notary Public

My commission expires: 8-9-07  
Residing in: MIDVALE, UTAH



State of Utah, County of SALT LAKE: ss

On SEPTEMBER 30, 2004, personally appeared before me JAMES E. ROBINSON who upon being duly sworn (or affirmed) upon oath that he did sign the foregoing instrument with authority as granted in the capacity as TRUSTEE (S) of OF THE MONTE LUCA CONDOMINIUMS OWNERS'S ASSOCIATION, INC., and that the said JAMES E. ROBINSON duly acknowledged to me that he executed the same.



  
Notary Public

My Commission Expires: 8-9-07  
Residing at: MIDVALE, UTAH

EXHIBIT "A"

BOUNDARY DESCRIPTION (PHASE III)

BEGINNING AT A POINT 1641.72 FEET NORTH AND 408.54 FEET EAST FROM THE SOUTH QUARTER CORNER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN; AND RUNNING THENCE NORTH 57°14'22" EAST 113.50 FEET; THENCE NORTH 32°13'08" WEST 45.68 FEET; THENCE NORTH 57°46'52" EAST 67.72 FEET; THENCE NORTH 21°22'40" WEST 186.78 FEET; THENCE NORTH 00°36'07" WEST 47.61 FEET; THENCE SOUTH 83°30'49" WEST 71.81 FEET; THENCE NORTH 09°16'41" WEST 183.44 FEET; THENCE SOUTH 80°34'45" WEST 73.98 FEET; THENCE NORTH 09°24'00" WEST 35.00 FEET; THENCE SOUTH 80°36'00" WEST 88.00 FEET; THENCE NORTH 09°24'00" WEST 141.53 FEET; THENCE SOUTH 72°02'00" WEST 83.53 FEET; THENCE SOUTH 09°24'00" EAST 164.09 FEET; THENCE SOUTH 80°36'00" WEST 74.76 FEET; THENCE SOUTH 38°40'00" EAST 429.25 FEET; THENCE 144.02 FEET ALONG A 650.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 32°19'09" EAST THROUGH A CENTRAL ANGLE OF 12°41'41"; THENCE 24.52 FEET ALONG A 650 FOOT CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 27°03'01" EAST THROUGH A CENTRAL ANGLE OF 02°09'24".

CONTAINING 131,758.92 SQUARE FEET OR 3.02 ACRES.

**EXHIBIT "B"**

Ownership of Common Areas

<b>Unit No.</b>	<b>Shares of Ownership of Common Areas and Facilities</b>	<b>Amount of Initial Quarterly Assessment</b>
1	2.63%	\$600.00
2	2.63%	\$600.00
3	2.63%	\$600.00
4	2.63%	\$600.00
5	2.63%	\$600.00
6	2.63%	\$600.00
7	2.63%	\$600.00
8	2.63%	\$600.00
9	2.63%	\$600.00
10	2.63%	\$600.00
11	2.63%	\$600.00
12	2.63%	\$600.00
13	2.63%	\$600.00
14	2.63%	\$600.00
15	2.63%	\$600.00
16	2.63%	\$600.00
17	2.63%	\$600.00
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25	2.63%	\$600.00
26	2.63%	\$600.00
27	2.63%	\$600.00
28	2.63%	\$600.00
29	2.63%	\$600.00
30	2.63%	\$600.00
31	2.63%	\$600.00
32	2.63%	\$600.00
33	2.63%	\$600.00
34	2.63%	\$600.00
41	2.63%	\$600.00
42	2.63%	\$600.00
43	2.63%	\$600.00
44	2.63%	\$600.00
45	2.63%	\$600.00



## Boundary Description (Phase 1)

Beginning at a point 390.83' EAST and 1171.939' NORTH from the South Quarter corner of Section 35, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence  
N 08°23'00" E a distance of 1.868'; thence  
N 31°21'00" E a distance of 191.250'; thence  
N 37°58'00" W a distance of 342.732'; thence  
N 56°57'42" E a distance of 131.149'; thence  
around a curve to the right through a central angle of 01°30'22" an arc distance of 17.086'  
a chord bearing of S 26°43'30" E a distance of 17.085'; thence around a curve to the left  
through a central angle of 02°09'24" an arc distance of 24.466' a chord bearing of  
S 27°03'01" E a distance of 24.465'; thence  
N 57°14'22" E a distance of 113.508'; thence  
N 32°13'08" W a distance of 45.682'; thence  
N 57°46'52" E a distance of 67.717'; thence  
S 21°22'40" E a distance of 45.066'; thence  
S 89°58'39" E a distance of 295.598'; thence  
S 25°59'44" E a distance of 27.825'; thence  
N 89°58'39" W a distance of 16.165'; thence  
S 05°33'16" E a distance of 237.565'; thence  
S 18°25'09" E a distance of 74.815'; thence  
S 71°34'27" W a distance of 244.609'; thence  
SOUTH a distance of 87.994'; thence WEST  
a distance of 100.109'; thence S 68°34'00" W  
a distance of 181.098' to the point of beginning.

Containing: 208032.31 square feet or 4.776 acres.

## Boundary Description (Phase 2)

Beginning at a point 1607.31' North and 279.76' East from the South Quarter corner of Section 35, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence  
N 56°57'42" E a distance of 131.15'; thence  
around a curve to the left through a central angle of 11°11'19" an arc distance of 126.93'  
a chord bearing of N 33°04'20" W a distance of 126.73'; thence N 38°40'00" W a distance of 429.25'; thence N 80°36'00" E a distance of 74.76'; thence N 09°24'00" W a distance of 164.09'; thence S 72°02'00" W a distance of 101.92'; thence N 00°04'12" E a distance of 10.44'; thence S 76°27'00" W a distance of 229.94'; thence S 41°16'00" E a distance of 318.97'; thence S 37°58'00" E a distance of 472.27' to the point of beginning.

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Containing: 125787.7988 square feet or 2.8877 acres