

**SECOND AMENDMENT TO
AMENDED DECLARATION OF CONDOMINIUM
FOR
POWDER WOOD AT LANDMARK**

THIS SECOND AMENDMENT TO AMENDED DECLARATION OF CONDOMINIUM is made and executed this 18th day of December 1984, by LANDMARK PLAZA ASSOCIATES, a Utah general partnership (hereinafter referred to as "Declarant").

R E C I T A L S

WHEREAS, on August 16, 1983, Declarant caused to be recorded the Declaration of Condominium For Powder Wood at Landmark in the Office of the Recorder of Summit County, Utah, as Entry No. 209624 in Book 269 at Page 692; and

WHEREAS, on June 28, 1984, Declarant caused to be recorded the Amended Declaration of Condominium For Powder Wood at Landmark in the Office of the Recorder of Summit County, Utah, as Entry No. 222015 in Book 304 at Page 184; and

WHEREAS, on September 10, 1984, Declarant caused to be recorded the First Amendment to Amended Declaration of Condominium For Powder Wood at Landmark in the Office of the Recorder of Summit County, Utah, as Entry No. 224934 in Book 313 at Page 829; and

WHEREAS the legal description of the Powder Wood at Landmark Condominium project is attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, Declarant wishes to amend of the Amended Declaration of Condominium;

NOW, THEREFORE, Declarant does hereby make the following Amendment to the Amended Declaration of Condominium For Powder Wood at Landmark:

1. Exhibit "A" is amended to conform to the Amended Exhibit "A" attached hereto. Said Amended Exhibit "A" reflects the fact that the recorded Record of Survey Maps as amended and supplemented break the legal description of the project property into Phases I and II.

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Entry No.	228618
REQUEST OF	ASSOCIATED TITLE COMPANY
FEE	ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ 72.00	By <i>Susan Johnson</i>
RECORDED	12-26-84 at 2:21 M

2. Paragraph 5 at Page 2 is amended by the addition of the following language at the end of the paragraph:

The real property set forth in Exhibit "A" consists of and includes the descriptions of Phases I and II on the recorded Record of Survey Maps as amended and supplemented. Phase I contains or will contain 120 units and Phase II contains or will contain 108 units.

3. Paragraph 5 at page 8 is amended by the addition of the following language at the end of the paragraph:

In the event that some of the 228 Units are not constructed by Declarant, the percentage interests set forth in Exhibit "B" for said unconstructed Units shall be reallocated pro-rata among the units which are constructed so that the total percentage interests equal 100%. Said reallocation shall be accomplished by the recordation of an Amended Exhibit "B". If, for example, only 120 units are constructed, the percentage interests would be reallocated as per Exhibit "C", attached hereto

IN WITNESS WHEREOF, the undersigned have executed this First Amendment to Amended Declaration of Condominium For Powder Wood at Landmark the day and year first above written.

DECLARANT:

LANDMARK PLAZA ASSOCIATES
A Utah General Partnership

By Michael J. Milner
The Human Element, A Utah
Corporation, as Corporate
General Partner, by Its
President, Michael J. Milner

ATTEST:

Leon H. Saunders
LEON H. SAUNDERS
Managing and General Partner

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STATE OF UTAH)

:ss.

COUNTY OF SALT LAKE)

On the 18th day of December, 1984, personally appeared before me MICHAEL J. MILNER and LEON H. SAUNDERS, who being by me duly sworn did say, each for himself, that he, the said MICHAEL J. MILNER, is the President of THE HUMAN ELEMENT, the Corporate General Partner of LANDMARK PLAZA ASSOCIATES, a Utah general partnership, and he, the said LEON H. SAUNDERS, is the Managing and General Partner of LANDMARK PLAZA ASSOCIATES, and that the within and foregoing instrument was signed on behalf of said partnership by authority of the Partnership Agreement or a resolution of the partners, and said MICHAEL J. MILNER and LEON H. SAUNDERS each duly acknowledged to me that said partnership executed the same.

Janet Lee
Notary Public
Residing at: Salt Lake County

My Commission Expires:

10-2-88

BOOK 325 PAGE 37

AMENDED EXHIBIT "A"

Powder Wood and Landmark Condominium Project
(Real Property Submitted to Act)

The following described parcel of real property situated in Summit County, State of Utah:

Part of the East Half of Section 13, Township 1 South, Range 3 East, Salt Lake Base and Meridian, in Summit County, Utah, being more particularly described as follows:

Commencing at the southeast corner of the East Half of the East Half of Section 13, Township 1 South Range 3 East, Salt Lake Base and Meridian; thence North $89^{\circ}49'42''$ West 1348.31 feet to the southwest corner of said half-half section; thence North $00^{\circ}20'38''$ West along the west line of said half-half section 943.74 feet to the TRUE POINT OF BEGINNING; thence North $00^{\circ}20'38''$ West along said west line 1822.67 feet to a point on the southwesterly right-of-way line of Kilby Road (formerly the Interstate 80 Frontage Road); thence South $35^{\circ}42'22''$ East along said right-of-way line 460.14 feet; thence South $01^{\circ}00'00''$ East 332.42 feet to a point on a 215.00 foot radius curve concave easterly from which the radius bears North $89^{\circ}00'00''$ East; thence southerly along said curve, through a central angle of $24^{\circ}10'00''$, an arc distance of 90.68 feet; thence South $25^{\circ}10'00''$, East 484.26 feet to a point on a 635.00 foot radius curve concave westerly from which the radius point bears South $64^{\circ}50'00''$ West; thence southerly along said curve, through a central angle of $41^{\circ}01'34''$, an arc distance of 454.69 feet; thence South $15^{\circ}51'34''$ West 130.06 feet; thence North $74^{\circ}08'26''$ West 183.96 feet; thence South $73^{\circ}00'00''$ West 247.13 feet; thence West 77.00 feet to the point of beginning; containing 14.476 acres, more or less.

The above description consists of and includes the following Phase I and Phase II descriptions which appear on the Recorded Record of Survey Maps as amended and supplemented:

PHASE I

Commencing at the southeast corner of the East Half of the East Half of Section 13, Township 1 South, Range 3 East, Salt Lake Base and Meridian; thence North $89^{\circ}40'42''$ West 1348.31 feet to the southwest corner of said half-half section; thence North $00^{\circ}20'38''$ West along the west line of said half-half section 1567.69 feet to the TRUE POINT OF BEGINNING; thence North $00^{\circ}20'38''$ West along said west line 1198.72 feet to a point on the southwesterly right-of-way line of the Interstate 80 Frontage Road; thence South $35^{\circ}42'22''$ East along said right-of-way line 460.14 feet; thence South $1^{\circ}00'00''$ East 332.42 feet to a point on a 215.00 foot radius curve to the left (radius point bears North $89^{\circ}00'00''$ East 215.00 feet of which the central angle is $24^{\circ}10'00''$); thence southerly along the arc of said curve 90.68 feet; thence South $25^{\circ}10'00''$ East 472.47 feet; thence South $64^{\circ}50'00''$ West 180.53 feet; thence North $73^{\circ}00'00''$ West 339.91 feet to the point of beginning; containing 7.903 acres, more or less.

PHASE II May 7, 1984

Commencing at the southeast corner of the East Half of the East Half of Section 13, Township 1 South, Range 3 East, Salt Lake Base and Meridian; thence North $89^{\circ}40'42''$ West 1348.31 feet to the southwest corner of said half-half section; thence North $00^{\circ}20'38''$ West along the west line of said half-half section 943.74 feet to the TRUE POINT OF BEGINNING; thence North $00^{\circ}20'38''$ West along said west line 623.95 feet; thence South $73^{\circ}00'00''$ East 339.91 feet; thence North $64^{\circ}50'00''$ East 180.53 feet; thence South $25^{\circ}10'00''$ East 11.79 feet to a point on a 635.00 foot radius curve to the right (radius point bears South $64^{\circ}50'00''$ West 635.00 feet of which the central angle is $41^{\circ}01'34''$); thence southerly along the arc of said curve 454.69 feet; thence South $15^{\circ}51'34''$ West 130.06 feet; thence North $74^{\circ}08'26''$ West 183.96 feet; thence South $73^{\circ}00'00''$ West 247.13 feet; thence West 77.00 feet to the point of beginning; containing 6.564 acres, more or less.

EXHIBIT "c"

<u>BUILDING</u>	<u>UNIT DESIGNATION</u>	<u>PAR VALUE</u>	<u>PERCENTAGE INTEREST</u>
1	A	854	.89834
1	B	854	.89834
1	C	854	.89834
1	D	854	.89834
1	E	854	.89834
1	F	854	.89834
1	G	854	.89834
1	H	854	.89834
1	I	854	.89834
1	J	854	.89834
1	K	854	.89834
1	L	854	.89834
2	A	648	.68164
2	B	648	.68164
2	C	648	.68164
2	D	648	.68164
2	E	648	.68164
2	F	648	.68164
2	G	648	.68164
2	H	648	.68164
2	I	648	.68164
2	J	648	.68164
2	K	648	.68164
2	L	648	.68164
2	M	854	.89834
2	N	854	.89834
2	O	854	.89834
2	P	854	.89834
2	Q	854	.89834
2	R	854	.89834
2	S	854	.89834
2	T	854	.89834
2	U	854	.89834
2	V	854	.89834
2	W	854	.89834
2	X	854	.89834
3	A	648	.68164
3	B	648	.68164
3	C	648	.68164
3	D	648	.68164
3	E	648	.68164
3	F	648	.68164
3	G	648	.68164
3	H	648	.68164

<u>BUILDING</u>	<u>UNIT DESIGNATION</u>	<u>PAR VALUE</u>	<u>PERCENTAGE INTEREST</u>
3	I	648	.68164
3	J	648	.68164
3	K	648	.68164
3	L	648	.68164
3	M	854	.89834
3	N	854	.89834
3	O	854	.89834
3	P	854	.89834
3	Q	854	.89834
3	R	854	.89834
3	S	854	.89834
3	T	854	.89834
3	U	854	.89834
3	V	854	.89834
3	W	854	.89834
3	X	854	.89834
4	A	854	.89834
4	B	854	.89834
4	C	854	.89834
4	D	854	.89834
4	E	854	.89834
4	F	854	.89834
4	G	854	.89834
4	H	854	.89834
4	I	854	.89834
4	J	854	.89834
4	K	854	.89834
4	L	854	.89834
5	A	854	.89834
5	B	854	.89834
5	C	854	.89834
5	D	854	.89834
5	E	854	.89834
5	F	854	.89834
5	G	854	.89834
5	H	854	.89834
5	I	854	.89834
5	J	854	.89834
5	K	854	.89834
5	L	854	.89834
6	A	648	.68164
6	B	648	.68164
6	C	648	.68164
6	D	648	.68164
6	E	648	.68164
6	F	648	.68164
6	G	648	.68164

<u>BUILDING</u>	<u>UNIT DESIGNATION</u>	<u>PAR VALUE</u>	<u>PERCENTAGE INTEREST</u>
6	H	648	.68164
6	I	648	.68164
6	J	648	.68164
6	K	648	.68164
6	L	648	.68164
6	M	854	.89834
6	N	854	.89834
6	O	854	.89834
6	P	854	.89834
6	Q	854	.89834
6	R	854	.89834
6	S	854	.89834
6	T	854	.89834
6	U	854	.89834
6	V	854	.89834
6	W	854	.89834
6	X	854	.89834
7	A	854	.89834
7	B	854	.89834
7	C	854	.89834
7	D	854	.89834
7	E	854	.89834
7	F	854	.89834
7	G	854	.89834
7	H	854	.89834
7	I	854	.89834
7	J	854	.89834
7	K	854	.89834
7	L	854	.89834

TOTAL PERCENTAGE 100.00000