

379192

# 9. 80

STATE OF UTAH  
COUNTY OF CACHE  
FILED AND RECORDED FOR  
*Carl Malouf*  
JUN 3 4 53 PM '74

GRETTA B. SMITH  
COUNTY RECORDER  
DEPUTY.

SUBSTITUTED

EXHIBIT "A"

TO AMENDED DECLARATION FOR ASPEN CONDOMINIUM

1. DESCRIPTION:

A. The condominium project consists of multi-unit family dwellings located upon the property described in this Declaration consisting of 14 Units each Unit having an attached double garage in the front. The buildings have wood superstructures and cedar, brick and glass exterior with sloped shingled roofs. Each Unit has a full basement under the main floor living portion and each has a ground floor and Units 2, 3, 335, and 345 have a partial second story.

B. As shown on the Map and UNIT 2 MAP, the two buildings consist of 7 units with front entrances facing West, and 7 Units with front entrances facing East. The Units are designated 1-7 and 325, 335, 345, 355, 365, 375, and 385.

C. Each unit includes fee ownership of one double car garage and limited common area for a patio allocated as follows:

Unit 1, garage 1-A, patio 1-B  
Unit 2, garage 2-A, patio 2-B  
Unit 3, garage 3-A, patio 3-B  
Unit 4, garage 4-A, patio 4-B  
Unit 5, garage 5-A, patio 5-B  
Unit 6, garage 6-A, patio 6-B  
Unit 7, garage 7-A, patio 7-B  
Unit 325, garage 325-A, patio 325-B  
Unit 335, garage 335-A, patio 335-B  
Unit 345, garage 345-A, patio 345-B  
Unit 355, garage 355-A, patio 355-B  
Unit 365, garage 365-A, patio 365-B  
Unit 375, garage 375-A, patio 375-B  
Unit 385, garage 385-A, patio 385-B

D. Limited common areas as shown on the Map and UNIT 2 MAP, are patios and garden spaces between units 2 and 3; 4 and 5; 6 and 7; 335 and 345; 355 and 365; 375 and 385 and concrete walkways. Such limited common areas are hereby allocated to the adjoining unit owner and are reserved for the exclusive use of such unit. To the extent that limited common area sidewalks are shared, they shall be reserved jointly to the adjoining unit owners. To the extent that such walkways are ordinarily and necessarily used by the public, their use is not exclusive. The management committee may from time to time designate or re-designate limited common areas as needed on an equitable basis.

E. The common area consists of all area not otherwise limited or being unit ownership and being bounded by the legal description contained in the Map and UNIT 2 MAP and in the Declaration as amended.

2. INTEREST: The units being of approximately equal value shall entitle the unit owner to one of fourteen votes upon any matter (except when cumulative voting is expressly allowed) upon which the owner is allowed to vote. Each owner or owners of each unit shall own an undivided 1/14 interest in the common area and facilities.

Page 2 of Substituted Exhibit A

3. SERVICE OF PROCESS: Vernon K. Wheatley, whose address is 330 North 150 West, Logan, Utah, is hereby designated as the person to receive process in connection with the project for all purposes provided by the Act.

4. UTILITIES: Each unit will be billed by Logan City Corporation (or its successors in interest) for electricity, sewage and water usage which such billing charge shall be discharged by the unit owner as the same is not a common expense.

5. SUPERCEDING: This Substituted Exhibit A shall upon recording supersede the provisions of Exhibit A attached to and made a part of the Original Declaration.

**AMENDED DECLARATION FOR ASPEN CONDOMINIUM**

THIS AMENDED DECLARATION, made and executed in Cache County, State of Utah, this 3rd day of June, 1974, by MODERN BUILDERS SUPPLY, a partnership, in Smithfield, Utah, called DECLARANT, pursuant to the provisions of the Utah Condominium Ownership Act.

**WITNESSETH:**

WHEREAS, DECLARANT is the owner of a parcel and pursuant to the provisions of paragraph 35 of that certain Declaration for Aspen Condominium, dated the 5th day of February, 1973, and recorded on February 9, 1973 as filing number 371361 in Book 152, page 214, herein referred to as Original Declaration; and under its control for the purposes of this Amended Declaration, certain real property located in Logan City, Cache County, Utah, more particularly described as follows:

Beginning at the Southwest Corner of Lot 1, Block 36, Plat "A" Logan City Survey; and running thence North 133 feet; thence East 66 feet; thence North 7 feet; thence East 66 feet; thence North 96.125 feet; thence East 16.5 feet; thence North 144.37 feet (by record, 148.5 feet by measurement); to a point 4 Rods South of the North line of Lot 7; thence West 212.5 feet; thence North 66 feet (by record, 68.6 feet by measurement) to the North line of Lot 4, said Block 36; thence West 35 feet to a point 12 rods East of the East line of 2nd West Street; thence South 49.5 feet (by record, 50.9 by measurement); thence West 3 Rods; (49.5 feet); thence South 59.9 feet (by record, 63 feet by measurement); thence East 16.5 feet; thence South 49.4 feet; thence West 16.5 feet; thence South 148.5 feet (by record, 150.425 feet by measurement); thence East 16.5 feet; thence South 16.5 feet; thence East 66 feet; then South 132 feet to the North line of 3rd North Street; thence East along 3rd North Street 66 feet to the point of beginning. Further described as being situate in the Northeast Quarter of Section 33, Township 12 North, Range 1 East, of the Salt Lake Base and Meridian.

WHEREAS, DECLARANT, pursuant to such ownership and said control declares that it is the owner of Multiple-Unit Dwellings and certain other improvements heretofore constructed or hereafter to be constructed upon the portion of the aforesaid premises (said portion being more particularly described upon the hereinafter described UNIT 2 MAP), which property (in total) constitutes a condominium project under the terms of the provisions of the Utah Condominium Ownership Act (Title 57, chapter 8, Utah Code Annotated, 1953), and it is the desire and the intention of the DECLARANT to amend the Original Declaration, to develop the aforesaid portion (described on UNIT 2 MAP) of the project into condominiums, and sell and convey individual dwelling units together with the undivided ownership interest in the common areas and facilities to various purchasers subject to the covenants, conditions and restrictions herein reserved to be kept and observed in said Original Declaration as amended by this Amended Declaration; and

WHEREAS, the DECLARANT has had prepared by Erwin U. Moser, registered professional engineer and land surveyor, license number 46, a certain instrument entitled "Record of Survey Map of Aspen Condominium, Unit 2", herein referred to as UNIT 2 MAP, which MAP is dated the 3rd day of June, 1974, and filed for record on June 3, 1974, 1974, as filing number 379193, which real property described in said UNIT 2 MAP plus the real property described in the Original Declaration constitutes the entire Condominium Project as amended and as above described.

NOW, THEREFORE, the DECLARANT does hereby publish and declare that all of the property above described is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the covenants, conditions and restrictions, uses, limitations

and obligations, all of which are declared in said Original Declaration as amended and agreed to be in furtherance of a plan for the improvement of said property and the division thereof into a condominium and shall be deemed to run with the land and shall be a burden upon and a benefit to the DECLARANT and Owners, their successors, heirs, executors, administrators and assigns, and any person or persons acquiring or owning any interest in the real property and improvements, their grantees, successors, heirs, executors, administrators, devisees, assigns, tenants, employees, or any other person who may in any manner use the property or any part thereof.

1. SUBSTITUTION OF EXHIBIT A: Attached hereto and hereby made a part of this Amended Declaration is "Substitute Exhibit A". The same shall have the force and effect of being substituted for and superceding the document known as Exhibit A attached to said Original Declaration.

2. ADDED UNIT 2 MAP: Recorded on even date herewith is the above referenced UNIT 2 MAP subjecting property and described therein to the provisions of the Original Declaration and this Amendment. Said UNIT 2 MAP together with the original Map constitute the entire condominium project subject to the Original Declaration as Amended.

3. OVERLAP AND CONSENT: The undersigned acknowledge that they are all the owners presently owning units described in the Original Declaration, and that a portion of Unit 325 depicted on UNIT 2 MAP was constructed on a portion of the parcel described in the Original Declaration and Map contrary to the provisions of paragraph 35 of said Original Declaration and we do consent thereto and waive any common ownership rights or claims which we may have at law or in equity to said overlap. We do further consent to the provisions of this Amended Declaration.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 3rd day of June, 1974.

MODERN BUILDERS SUPPLY

Amy Beth W. Saxton  
Amy Beth W. Saxton  
Annette Saxton  
Annette Saxton (their wives)

Lyle H. Saxton  
Lyle H. Saxton  
L. Robert Saxton  
L. Robert Saxton (Partners)

STATE OF UTAH )  
 ) ss.  
County of Cache )



On the 3rd day of June, 1974, personally appeared before me LYLE H. SAXTON and L. ROBERT SAXTON, who duly acknowledged to me that they are all the partners of Modern Builders Supply and Amy Beth W. Saxton and Annette Saxton, in their individual capacity, all signers, acknowledged to me that they executed the same.

C. S. McJannet  
Notary Public

Residing at Logan, Utah  
Commission Expires: July 9, 1975

OWNERS OF CONDOMINIUMS:

June K. Lundberg  
June K. Lundberg

Alta B. Clarke  
Alta B. Clarke

Vernon K. Wheatley  
Vernon K. Wheatley

Mrs. Aitch Morrison  
Mrs. Aitch Morrison

Shirlene Wheatley  
Shirlene Wheatley

W. A. Trustee  
First Security Bank of Utah  
W. A. Trustee

J. Patton Healey  
J. Patton Healey

Stella Healey  
Stella Healey

R. C. Healey  
R. C. Healey

James P. Healey  
James P. Healey

Albertina C. Fendleton  
Albertina C. Fendleton

STATE OF UTAH )  
 ) ss.  
County of Cache )



On the 3rd day of June, 1974, personally appeared before me, June L. Lundberg, the signer of the within instrument, who duly acknowledged to me that she executed the same.

C. S. McJannet  
Notary Public

Residing at: Logan, Utah  
Commission Expires: July 9, 1975

STATE OF UTAH )  
: ss.  
County of Cache )

On the 3rd day of June, 1974, personally appeared before me, VERNON K. WHEATLEY and SHIRLENE WHEATLEY, PATTON NEELEY and STELLA NEELEY, ALBERTINA C. PENDLETON, AITA B. CLARKE, MRS. APTON MORRISON, all signers of the within instrument, who duly acknowledged to me that they executed the same.



Mary Ellen Verbeke  
Notary Public

Residing at: Logan, Utah  
Commission Expires: December 5, 1977

STATE OF UTAH )  
: ss.  
County of )

On the 3rd day of June, 1974, personally appeared before me, R. C. NEELEY, a signor of the within instrument, who duly acknowledged to me that he executed the same.

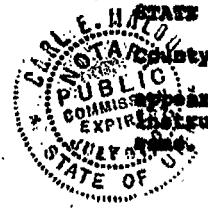


Carl E. Halverson  
Notary Public

Residing at: Logan, Utah  
Commission Expires: July 9, 1975

STATE OF UTAH )  
: ss.  
County of )

On the 3rd day of June, 1974, personally appeared before me, JAMES P. NEELEY, a signor of the within instrument, who duly acknowledged to me that he executed the same.



Carl E. Halverson  
Notary Public

Residing at: Logan, Utah  
Commission Expires: July 9, 1975

STATE OF UTAH )  
: ss.  
County of )

On the 3rd day of June, 1974, personally appeared before me, Jack W. Lamont, who is duly authorized to act as a representative for the FIRST SECURITY BANK OF UTAH, NA, TRUSTEE, a signor of the within instrument. I duly acknowledged to me that he executed the same.



Carl E. Halverson  
Notary Public

Residing at: Logan, Utah  
Commission Expires: July 9, 1975

STATE OF UTAH )  
: ss.  
County of )

On the \_\_\_ day of \_\_\_\_\_, 1974, personally appeared before me, \_\_\_\_\_, a signor of the within instrument who duly acknowledged to me that he executed the same.

Residing at: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_  
Notary Public