

6-48

WHEN RECORDED MAIL TO:

Twin Peaks Properties, L.C.  
7258 Racquet Club Drive  
Salt Lake City, Utah 84121  
Attn: Brian Merrill

10323478  
01/15/2008 12:02 PM \$68.00  
Book - 9559 Pg - 1172-1177  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
BRYAN MERRILL  
7258 RACQUET CLUB DR  
SLC UT 84121  
BY: SLR, DEPUTY - WI 6 P.

Space above for Recorder's use

**FIRST AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM  
STONEY BROOK CONDOMINIUM PROJECT**

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM, STONEY BROOK CONDOMINIUM PROJECT (this "Amendment") is entered into this 8<sup>th</sup> day of January, 2008, by STONEY BROOK CONDOMINIUM ASSOCIATION, INC., a Utah non-profit corporation (the "Association").

**RECITALS**

A. Whereas on or about June 13, 2006, the Stoney Brook Condominium Project (the "Project") was formed by the recordation in the Salt Lake County, Utah Recorder's office of a Declaration of Condominium (the "Declaration") as Entry No. 9751380 in Book 9307 beginning at Page 3889 and relating to that certain property (the "Property") more fully described in Exhibit A attached hereto and incorporated herein by reference; and

B. Whereas the owners of the Project (the "Owners") desire to amend the Declaration to facilitate the concurrent amendment to the Condominium Map for the Project in order to correct certain Unit references contained therein; and

C. Whereas the Association is authorized pursuant to Section 17.03 of the Declaration to cause an amendment to the Declaration to be filed upon obtaining the necessary votes and consent of the owners; and

D. Whereas, pursuant to the provisions of the Declaration, the Declaration may only be amended by (i) the vote or written consent of 67% of the Owners and (ii) the vote or written consent of 51% of the Eligible Mortgagees (as defined in the Governing Documents); and

E. WHEREAS, there are no Eligible Mortgagees associated with the Project; and

F. Whereas, the Association has obtained the requisite number of votes or consents of the Owners sufficient to effectuate the following amendment to the Declaration.

NOW, THEREFORE, in consideration of the foregoing, the Association hereby declares as follows:

**AMENDMENT**

1. Section 3.03(c) of the Declaration is hereby amended to read as follows:

The Interest in General Common Area shall have a permanent character and shall not be altered without the express consent of Owners expressed in an amendment to this Declaration adopted as provided in Section 17.03 hereof. If any Units are added to or withdrawn from the Condominium Project, or if the Area of one or more Units is increased or decreased, the Interest in General Common Area for all Units within the Condominium Project after such addition or withdrawal, increase or decrease shall be recalculated in accordance with the formula set forth in Section 3.03(a) above.

2. Exhibit C to the original Declaration is hereby deleted in its entirety and Exhibit C attached hereto and incorporated herein by reference is substituted in lieu thereof.

\* \* \*

3. To the extent the terms of this Amendment modify or conflict with any provisions of the Declaration, the terms of this Amendment shall control. All other terms of the Declaration not modified by this Amendment shall remain the same and are hereby ratified and affirmed. Capitalized terms not specifically defined herein shall have the same meaning as set forth in the Declaration unless a contrary intent is clearly implicated.

IN WITNESS WHEREOF, the Association has executed this Amendment the day and year first above written.

STONE BROOK CONDOMINIUM ASSOCIATION,  
INC., a Utah non-profit corporation,

By: *Kelli Butters*  
Its: President

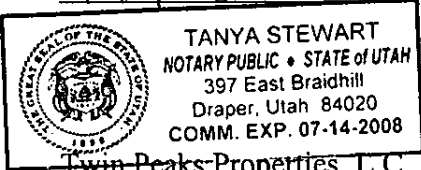
State of Utah )

County of Salt Lake : SS

The foregoing instrument was acknowledged before me this 8 day of January, 2007 by Kelli Butars, President of the Stoney Brook Condominium Association, Inc., a Utah non-profit corporation.

Tanya Stewart  
Notary Public  
Residing at:  
Draper, UT

My commission expires:  
7-14-08



**CONSENT OF DECLARANT**

Twin Peaks Properties, L.L.C., a Utah limited liability company, the original declarant who created the Stoney Brook Condominium Project, hereby consents to the First Amendment to Declaration of Condominium in accordance with the Utah Condominium Ownership Act to the extent such consent is required under the Declaration.

IN WITNESS WHEREOF, Declarant has hereunto set its hand this 9th day of January, 2007.

Twin Peaks Properties, L.L.C.,  
A Utah limited liability company

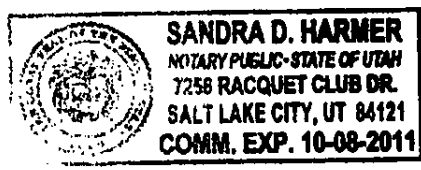
By: Brian J. Merrill  
Brian Merrill, CEO/Manager

State of Utah )  
                              : SS  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this 9th day of January, 2007 by Brian Merrell, CEO/Manager of Twin Peaks Properties, L.L.C., a Utah limited liability company.

Sandra D. Harmer  
Notary Public  
Residing at:  
Salt Lake City, UT 84121

My commission expires:  
10-08-2011



## EXHIBIT A

### Description of the Property

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The Property referred to in the foregoing First Amendment to Declaration of Condominium is located in Salt Lake County, Utah, and is more particularly described as follows:

BEGINNING AT A POINT NORTH 53.98 FEET AND WEST 1086.885 FEET AND SOUTH 89°56'15" WEST 69.39 FEET FROM THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN AND RUNNING THENCE SOUTH 00°09'00" EAST 142.04 FEET; THENCE SOUTH 89°12'35" EAST 69.03 FEET; THENCE SOUTH 130.91 FEET; THENCE SOUTH 88°58'39" WEST 341.82 FEET; THENCE NORTH 89°54'06" WEST 35.64 FEET; THENCE SOUTH 64°35'13" WEST 34.05 FEET; THENCE NORTH 03°00'00" WEST 290.11 FEET; THENCE NORTH 75°51'06" EAST 18.31 FEET, THENCE NORTH 89°56'15" EAST 336.19 FEET TO THE POINT OF BEGINNING.

Also described as:

Units 101 through 508 contained within the Stoney Brook Condominium Project as the same is identified in the Condominium Map recorded in Salt Lake County, Utah, on June 16 2006 as Entry No. 9751379 (as said Condominium Map shall have heretofore been amended or supplemented) and in the Declaration of Condominium for Stoney Brook Condominium Project, recorded in Salt Lake County, Utah on June 13, 2006 as Entry No. 9751380 in Book 9307 beginning at Page 3889 (as said Declaration may have heretofore been amended or supplemented). TOGETHER WITH the undivided ownership interest in said Project's Common Area that is appurtenant to said Units as more particularly described in said Declaration.

**EXHIBIT C**

(Attached to and forming a part of the Declaration of Condominium  
Stoney Brook Condominium Project)

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Interest in General Common Area

<u>UNIT NUMBER</u>	<u>AREA</u>	<u>INTEREST IN GENERAL COMMON AREAS</u>
101	1,006	2.140
102	1,006	2.140
103	1,006	2.140
104	1,006	2.140
105	1,006	2.140
106	1,006	2.140
107	1,006	2.140
108	1,006	2.140
201	1,006	2.140
202	1,006	2.140
203	1,006	2.140
204	1,006	2.140
205	1,006	2.140
206	1,006	2.140
207	1,006	2.140
208	1,006	2.140
301	952	2.026
302	952	2.026
303	955	2.032
304	950	2.024
305	952	2.026
306	952	2.026
307	955	2.032
308	950	2.024
309	952	2.026
310	952	2.026
311	955	2.032
312	950	2.024
401	952	2.025
402	952	2.025
403	955	2.032
404	950	2.023
405	952	2.025
406	952	2.025

407	955	2.032
408	950	2.024
409	952	2.025
410	952	2.025
411	955	2.032
412	950	2.023
501	1,006	2.140
502	1,006	2.140
503	1,006	2.140
504	1,006	2.140
505	1,006	2.140
506	1,006	2.140
507	1,006	2.140
508	1,006	2.140