

When Recorded, Mail To:  
Harbor Village @ Bear Lake  
c/o Dennis Bullock  
460 Edgehill Drive  
Providence, UT 84332

Recorded SEP 02 1997 Filing No. 50899  
At 4:46 AM/PM in Book T7 Page 059  
Fee 22.00 Debra L. Ames, Rich County Recorder  
Requested By Town of Harbor Village  
Dennis Bullock

SECOND AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF THE  
INN CONDOMINIUMS @ HARBOR VILLAGE  
*A UTAH CONDOMINIUM PROJECT*

THIS SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM ("Second Amendment") is made and executed this 22 day of Sept 1997, by THE INN @ HARBOR VILLAGE, INC., a Utah corporation, hereinafter referred to as the "Declarant" in contemplation of the following facts and circumstances:

A. Declarant caused to be recorded that certain Declaration of Condominium of the Inn Condominiums @ Harbor Village dated May 15, 1993, and recorded in the office of the Rich County Recorder on November 17, 1993 as Filing No. 44755 in Book T6 beginning at Page 053 (the "Declaration").

B. Concurrent with the recording of the Declaration, Declarant caused to be recorded a record of survey map entitled the "Inn Condominiums - Harbor Village," which map was recorded in the office of the Rich County Recorder on November 17, 1993, as Filing No. 44754 in Book T6 beginning at Page 052 (the "Map").

C. The Declaration expressly reserved in Declarant the right to expand the Inn Condominiums @ Harbor Village, a Utah Condominium Project, which right to expand is permitted by law pursuant to the Condominium Ownership Act, Utah Code Annotated, Section 57-8-13.6 (1994).

D. Declarant caused to be recorded that certain First Amendment to Declaration of Condominium of the Inn Condominiums @ Harbor Village dated August 20, 1996, and recorded in the office of the Rich County Recorder on September 20, 1996 as Filing No. 49280 in Book M7 beginning at Page 113 (the "First Amendment"). Concurrent with the recording of the First Amendment, Declarant caused to be recorded a survey map entitled the "Inn Condominiums — Harbor Village @ Bear Lake Phase 2," which map was recorded in the office of the Rich County Recorder on September 20, 1996 as Filing No. 49279 in Book M7 beginning at Page 112 (the "Phase 2 Map").

E. The term "Declaration" shall refer to the Declaration as amended by said amendments.

F. Declarant now desires to expand the Inn Condominiums @ Harbor Village, a Utah Condominium Project, to include additional real property and condominium units.

NOW THEREFORE, pursuant to the foregoing, Declarant hereby makes the following Second Amendment:

1. Definitions. Unless the context clearly indicates otherwise, any and all terms used in this Second Amendment shall have the meaning set forth in the Declaration.

2. Supplemental Map. Recorded concurrently herewith is a supplemental record of survey map entitled "Inn Condominiums @ Harbor Village, Expansion Phase 3, Tennis Building" (the "Expansion Phase 3 Map"). The Expansion Phase 3 Map is recorded in compliance with Article XVI of the Declaration. The Expansion Phase 3 Map shall be deemed a part of the Map as defined in Section 1.20 of the Declaration and any reference to the Map shall hereafter be deemed to include the Expansion Phase 3 Map.

3. Description of Land. The following-described portions of the Additional Land ("Second Amendment Land") are hereby added to the description of Land in the Declaration, and hereby deemed incorporated into the Project, to wit:

Part of the N.E. 1/4 of Section 17, Township 14 North, Range 5 East, Salt Lake Base and Meridian, located in Garden City, Rich County, Utah as follows:

Beginning at a point that is 1253.54 feet South and 492.21 feet West from said N.E. Corner of Section 17, said Point being the S.E. Corner of Lot 1 Raspberry Patch Estates Unit No. 1, and running thence North 150 feet to the N.E. Corner of said Lot 1, thence North 87°11'00" West 152.95 feet, thence North 103.53 feet, thence East 245.14 feet, thence South 265.60 feet to the North line of Raspberry Patch Road, thence North 87°11'00" West 92.49 feet to the point of beginning.

Together with, and subject to, a non-exclusive easement for access and utilities as shown as "Access and Utilities Easement" on the plat entitled "Inn Condominiums @ Harbor Village, Expansion Phase 3, Tennis Building" as recorded in the office of the Rich County Recorder.

4. Submission to Condominium Act. The Declarant hereby submits to the provisions of the Condominium Act, the Second Amendment Land, the Buildings, including specifically the Tennis Building and Parking as shown on the Expansion Phase 3 Map, and all other improvements now or hereafter made in or upon the Second Amendment Land. All of the Second Amendment Land and Buildings shall hereafter be held, conveyed, hypothecated, encumbered, leased, rented, used, and improved as part of the Inn Condominiums @ Harbor Village, a Utah Condominium Project.

5. Limited Common Area. The exterior stairways which provide ingress and egress to units located upon the second level of the Building shown on the Expansion Phase 3 Map shall be limited common area reserved for the exclusive use of the occupants of the unit to which each respective stairway is attached.

6. Rights and Benefits; Covenants and Restrictions. The Second Amendment Land shall be entitled to all of the rights, benefits, easements, privileges and licenses, and subject to all the covenants, conditions, restrictions, uses, limitations, obligations and responsibilities placed upon the Land or any Owner thereof, all as set forth in the Declaration or as provided by law. Each and every provision of the Declaration shall be deemed to run with the Second Amendment Land and shall be a burden and a benefit on the Second Amendment Land and shall be binding upon the Declarant, its successors and assigns, and to any person acquiring, leasing, or owning an interest in the real property and improvements comprising the Project, and to their respective personal representatives, heirs, successors and assigns.

7. Right of Way and Utilities Easement. Declarant does hereby grant to each Owner and their respective personal representatives, heirs, successors, and assigns, a non-exclusive easement for ingress and egress of pedestrian and vehicular traffic and for the construction and/or maintenance of underground utility systems over, across, and under those portions of the Land, as amended hereby with the addition of the Second Amendment Land, as shall be designated on the Map as an "Access & Utilities Easement," as said Map shall be amended by the inclusion of the Expansion Phase 3 Map.

8. Description of Units. The Expansion Phase 3 Map contains the unit number, location and dimensions of each Unit to be added to the Project by this Second Amendment and all other information necessary to identify each such Unit.

9. Interest in Common Areas. The undivided interest in the Common Areas appurtenant to each Unit in the Project as set forth in Section 4.05 of the Declaration is hereby amended and shall be as set forth in Exhibit "A" to this Second Amendment, attached hereto and incorporated herein by this reference. Exhibit "A" attached to the Declaration at Page 35 and Exhibit "A" attached to the First Amendment are hereby deleted for all purposes under the Declaration from the date of the recordation of this Second Amendment, and Exhibit "A" attached hereto shall be used for all purposes in lieu thereof.

10. Number of Votes. The number of votes appurtenant to each respective Condominium as set forth in Section 7.04 of the Declaration or any amendment prior to the date hereof is hereby amended and shall be as set forth in Exhibit "A" which is attached hereto.

11. Scenic Easement. The scenic easement granted pursuant to Section 5.08 of the Declaration shall not be applicable to any unit annexed into the Project by this Second Amendment.

IN WITNESS WHEREOF, the undersigned declarant and record owner of the real property described above have executed this Declaration the day and year first above written.

DECLARANT: THE INN @ HARBOR VILLAGE, INC., a Utah corporation

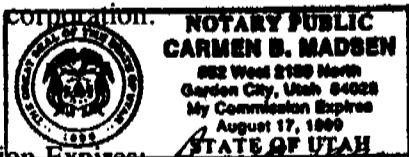
By: *Dennis F. Bullock*  
Dennis F. Bullock, President

OWNER: HARBOR VILLAGE @ BEAR LAKE CORP., a Utah corporation

By: *Dennis F. Bullock*  
Dennis F. Bullock, President

STATE OF UTAH )  
  :SS  
COUNTY OF RICH )

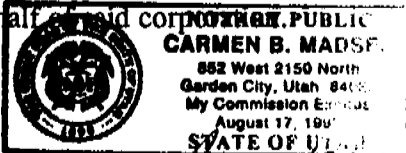
On the 22 day of <sup>Aug</sup>~~July~~, 1997, personally appeared before me Dennis F. Bullock, who, being by me duly sworn, did say that he is the President of THE INN @ HARBOR VILLAGE INC., a Utah corporation, and that this Second Amendment to Declaration of Condominium was signed in behalf of said corporation.



My Commission Expires: Aug 17, 1999

*Carmen B. Madsen*  
Notary Public  
Residing at: Garden City, Utah

On the 22 day of <sup>Aug</sup>~~July~~, 1997, personally appeared before me Dennis F. Bullock, who, being by me duly sworn, did say that he is the President of HARBOR VILLAGE @ BEAR LAKE, CORP., a Utah corporation, and that this Second Amendment to Declaration of Condominium was signed in behalf of said corporation.



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*Carmen B. Madsen*  
Notary Public  
Residing at: Garden City, Utah

EXHIBIT "A"

to

SECOND AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
OF THE  
INN CONDOMINIUMS @ HARBOR VILLAGE

<u>Unit No.</u>	<u>Square Feet</u>	<u>Undivided Ownership Interest in Common Area</u>		<u>Votes</u>
		<u>Percentage</u>		
101	615	0.0136		1.360
102	615	0.0136		1.360
103	615	0.0136		1.360
104	615	0.0136		1.360
105	615	0.0136		1.360
106	615	0.0136		1.360
107	615	0.0136		1.360
108	615	0.0136		1.360
109	615	0.0136		1.360
110	615	0.0136		1.360
111	615	0.0136		1.360
112	615	0.0136		1.360
113	615	0.0136		1.360
114	615	0.0136		1.360
115	1,220	0.0269		2.690
116	1,220	0.0269		2.690
117	1,220	0.0269		2.690
118	1,220	0.0269		2.690

EXHIBIT "A"  
(CONTINUED)

119	1,220	0.0269	2.690
120	615	0.0136	1.360
201	615	0.0136	1.360
202	615	0.0136	1.360
203	615	0.0136	1.360
204	615	0.0136	1.360
205	615	0.0136	1.360
206	615	0.0136	1.360
207	615	0.0136	1.360
208	615	0.0136	1.360
209	615	0.0136	1.360
210	615	0.0136	1.360
211	615	0.0136	1.360
212	615	0.0136	1.360
213	615	0.0136	1.360
214	615	0.0136	1.360
215	1,220	0.0269	2.690
216	1,220	0.0269	2.690
217	1,220	0.0269	2.690
218	1,220	0.0269	2.690
219	1,220	0.0269	2.690
220	615	0.0136	1.360
06-101	1,220	0.0269	2.690
06-102	1,220	0.0269	2.690
06-103	1,220	0.0269	2.690

EXHIBIT "A"  
(CONTINUED)

06-104	1,220	0.0269	2.690
06-105	1,220	0.0269	2.690
06-106	1,220	0.0269	2.690
06-201	1,220	0.0269	2.690
06-202	1,220	0.0269	2.690
06-203	1,220	0.0269	2.690
06-204	1,220	0.0269	2.690
06-205	1,220	0.0269	2.690
06-206	1,220	0.0269	<u>2.690</u>

Total Votes of the Association 99.980

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