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AFTER RECORDING PLEASE RETURN TO:

M

Pinehurst At 800 North, L.L.C.
c/o Bruce R. Dickerson
1013 South Orem Blvd.
Orem, UT 84058



ENT 25244:2006 PG 1 of 6
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2006 Mar 03 11:28 am FEE 42.00 BY SS
RECORDED FOR OREM CITY CORPORATION

**SECOND SUPPLEMENT TO
DECLARATION OF CONDOMINIUM
(Including Owner Association Bylaws)
OF
PINEHURST PLAZA OFFICE CONDOMINIUMS
(An Expandable Condominium Project)
Orem, Utah County, Utah**

THIS SECOND SUPPLEMENT TO DECLARATION OF CONDOMINIUM (the "Second Supplement to Declaration") is made this 21st day of Feb., 2006, by **PINEHURST AT 800 NORTH, L.L.C.**, a Utah limited liability company ("Declarant") pursuant to the provisions of Title 57 Real Estate, Chapter 8 of the *Utah Code*, as amended, known as the Condominium Ownership Act (the "Act").

RECITALS:

A. Declarant is the Developer of Pinehurst Plaza Office Condominiums, an expandable office condominium project in Orem, Utah (the "Project").

B. On or about July 26, 2001, Declarant caused to be recorded in the Public Records as Entry 73686:2001 Map #9173 the Condominium Plat entitled **Pinehurst Office Condominiums, Phase "1"** (herein "the Original Plat"). Concurrently with such recording, Declarant also caused to be recorded in the Public Records as Entry 73686:2001 pages 1-29, inclusive, that certain **Declaration of Condominium (Including Owner Association Bylaws)** (herein "the Declaration"), relating to the Project.

C. Thereafter, on or about November 15, 2004, and pursuant to Sections 2.03 and 2.04 of the Declaration, Declarant expanded the Project by recording in the Public Records as Entry 128419:2004 Map #10794 that certain Condominium Plat entitled **Pinehurst Plaza Office Condominiums, Phase "2"** (herein "the Second Phase Plat"). Concurrently with such recording, Declarant also caused to be recorded in the Public Records as Entry 128420:2004 Pages 1-5, inclusive, that certain instrument entitled **First Supplement to Declaration of Condominium (Including Owner**

Association Bylaws) (herein "the First Supplement to Declaration"). The effect of these November 15, 2004 recordings in the Public Records was to expand the Project to 16 total office Condominium Units.

D. Thereafter, on or about October 14, 2005, Declarant caused to be recorded in the Public Records as Entry 117217:2005 Pages 1-29, inclusive, that certain instrument entitled **Amended Declaration of Condominium (Including Owner Association Bylaws)** which instrument was defective because the same was not recorded concurrently with an amended condominium plat of Phase "1" of the Project, yet purported to amend the percentage allocation of undivided ownership interests and votes in Unit 103 of Phase "1" only, ignoring the fact that the Project had been enlarged by the addition of Phase "2", containing additional Units which needed to be included in such allocations. Such defective instrument shall be referred to herein, if at all, as "the First Defective Amended Declaration" which is hereby revoked in its entirety.

E. Thereafter, on or about November 3, 2005, Declarant caused to be recorded in the Public Records as Entry 126680:2005 Map #11350 the Condominium Plat entitled **Pinehurst Plaza Office Condominiums, Amended Phase "1"** (herein "the Amended Original Plat"), the effect of which was to subdivide Unit 103 of Phase "1" into three Units: 103A, 103B and 103C. Concurrently with such recording, Declarant also caused to be recorded as Entry 126681:2005, Pages 1-29, inclusive, that certain instrument entitled **Amended Declaration of Condominium (Including Owner Association Bylaws)** (herein "the Second Amended Declaration"). The Second Amended Declaration was also defective in that it failed to include in the gross undivided percentage ownership interests in **Amended Exhibit A** thereto any allocations of the Units created by the Second Phase Plat (see **RECITAL C.**, above) being applicable only to the real property and improvements set forth in the Amended Original Plat, ignoring entirely any such allocations of undivided percentage interests as set forth in the recorded First Supplement to Declaration which included Units of both Phase "1" and Phase "2". By reason of such omissions, the Second Amended Declaration will, upon recordation of this Second Supplement to Declaration, be revoked in its entirety.

F. Pursuant to Sections 2.03 and 2.04 of the Declaration, Declarant is permitted to expand the Project by annexing additional real property (herein "the Additional Land"), as set forth and described in **Exhibit B** to the Declaration for purposes of development into additional Condominium Units and Common Areas consistent with existing Phase "1", as amended by the Amended Original Plat, and Phase "2" of the Project and with the Declaration.

G. Declarant desires to annex the balance of the Additional Land into the Project as Phase "3" of the Project.

NOW, THEREFORE, in consideration of the foregoing, Declarant hereby makes this Second Supplement to Declaration as follows:

1. All defined terms as used in this Second Supplement to Declaration, including the above **RECITALS**, shall have the meanings ascribed to them herein or, as the case may be, in the Project's Declaration.

2. The following described real property situated in the City of Orem, Utah County, Utah, is hereby submitted to the provisions of the Act and the Declaration and is hereby annexed into the Project to be held, transferred, sold, conveyed and occupied as a part thereof:

Commencing at a point located North 00°39'38" West along the Section line 360.42 feet and East 1661.70 feet from the West Quarter corner of Section 10, Township 6 South, Range 2 East, Salt Lake Base & Meridian, said point also being on the Easterly boundary line of Phase 2, Pinehurst Plaza Office Condominiums; thence along the Easterly boundary line of said Phase 2, Pinchurst Plaza Office Condominiums as follows: North 45°24'16" West 195.28 feet; thence North 00°40'37" West 51.69 feet; thence South 89°19'23" West 19.97 feet; thence North 00°40'37" West 65.17 feet, thence North 08°21'42" East 30.32 feet, thence North 00°24'16" West 40.71 feet to the South boundary line of Sunridge Subdivision Plat "D"; thence North 89°35'44" East along the South boundary of said Sunrise Subdivision Plat "D" 296.99 feet to a point on the Westerly boundary line of Amended Phase 1 Pinehurst Plaza Office Condominiums; thence along the Westerly boundary line of Amended Phase 1, Pinehurst Plaza Office Condominiums as follows: South 00°24'16" East 40.17 feet, thence South 03°46'38" West 30.08 feet; thence South 00°24'16" East 20.00 feet; thence South 03°22'27" West 45.10 feet; thence South 00°07'55" East 52.22 feet; thence South 44°35'44" West 194.58 feet, to the point of beginning.

Area = 1.69 acres

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property.

RESERVING UNTO DECLARANT, however such easements and rights of ingress and egress over, across, through, and under the above-described real property, and any improvements (including any structure) now or hereafter constructed thereon, as may be reasonably necessary for Declarant: (i) to construct and complete the Building and Units and all of the other improvements described in the Declaration or in the Condominium Plat recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; and (ii) to improve portions of the said property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners as Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the above-described real property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire ten (10) years after the date on which this Second Supplement to Declaration is filed for record in the Public Records.

ALL OF THE FOREGOING IS SUBJECT TO all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all Patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described real property or any portion thereof, including, any mortgage (and nothing in this paragraph

shall be deemed to modify or amend such mortgage); all visible easements and rights-of-way; all easements and rights-of-way, encroachments, or discrepancies shown on or revealed by the Condominium Plat or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the above-described real property at such time as construction of all Project improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cables, wires, utility lines, and similar facilities; **AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS, AND RESTRICTIONS CONTAINED IN THE DECLARATION.**

3. The Declaration is hereby amended in the following particulars as a result of, and pursuant to, the annexation set forth above.

(a) Section 2.02 is amended in its entirety to read as follows:

2.02 Division of Project Into Office Condominium Units; Ownership Interests. The Project is hereby divided into 22 office Condominium Units as set forth and described on the Plats, each such Unit having an appurtenant and undivided interest in and to the Common Areas and Facilities as set forth in **Amended Exhibit A** attached hereto and incorporated herein by reference.

(b) The words "seven (7) year" or "seven (7) years" as they may appear in Sections 2.03 and 2.04 of the Declaration are hereby amended to read "six (6) year" or "six (6) years", respectively.

(c) Section 4.02 is amended in its entirety to read as follows:

4.02 Description of Buildings and Units. The Plats for Amended Phase "1", Phase "2", and Phase "3" of the Project each reflect thereon a Class "A" two-story office Building configured on two floors; each Building contains underground (basement) Limited Common Area parking and storage spaces as described in Sections 3.01, 3.02 and 3.03 of the Declaration; each Building contains central Common Area stairways, lobbies, elevators, restrooms, electrical, equipment and HVAC rooms and systems; and each has interior Limited Common Area stairwells in each Building wing between floors as reflected on the respective Plats. Construction is of steel and concrete, flat roof, granite and Ameristone stucco finish with glass curtain wall. The Phase "1" Building contains nine Units; the Phase "2" Building contains nine Units; and the Phase "3" Building contains four Units.

4. As a result of amendments to the Utah Condominium Ownership Act enacted in 2003, following recordation in the Public Records of the Declaration, the terms "Record of Survey Map" or "Map" as they may appear in the Declaration, are hereby amended to read "Condominium Plat", "Plat", or "Plats", if referring to multiple Plats.

5. Except as amended by the provisions of this Second Supplement to Declaration, the Declaration shall remain unchanged and, together with this Second Supplement to Declaration, shall constitute the Declaration of Condominium for the Project as expanded by the addition of Phase "3", as described herein.

6. This Second Supplement to Declaration shall be recorded in the Public Records concurrently with the Condominium Plat entitled **Pinehurst Plaza Office Condominiums Phase "3", An Expandable Condominium, City of Orem, Utah County, Utah** consisting of two sheets prepared by Roger D. Dudley, a Utah registered land surveyor holding Certificate No. 147089. Both such instruments shall be effective upon recordation.

DATED as of the day and year first above set forth.

DECLARANT:

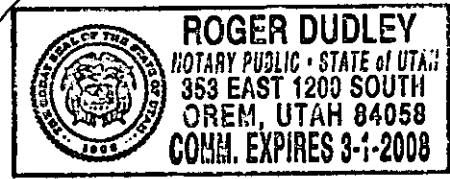
PINEHURST AT 800 NORTH, L.L.C.

By: *Bruce R. Dickerson*
Bruce R. Dickerson, Manager

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 22nd day of Feb, 2006 by **Bruce R. Dickerson** in the capacity indicated.

Roger Dudley
NOTARY PUBLIC



AMENDED EXHIBIT "A"

SECOND SUPPLEMENT TO DECLARATION OF CONDOMINIUM

PINEHURST PLAZA OFFICE CONDOMINIUMS

Orem, Utah

UNIT, SIZE, UNDIVIDED PERCENTAGE OWNERSHIP, AND VOTES

Phase "1" Building

<u>Unit No.</u>	<u>Size (Sq.Ft.) (1)</u>	<u>Percentage (2)</u>	<u>Votes</u>
101	5,274	5.528	552.8
102	2,496	2.616	261.6
103A	3,835	4.020	402.0
103B	1,801	1.888	188.8
103C	3,708	3.887	388.7
201	4,551	4.770	477.0
202	3,323	3.483	348.3
203	2,551	2.632	263.2
204	6,887	7.219	721.9

Phase "2" Building

<u>Unit No.</u>	<u>Size (Sq.Ft.) (1)</u>	<u>Percentage (2)</u>	<u>Votes</u>
101	4,271	4.477	447.7
102	2,294	2.404	240.4
103	2,509	2.630	263.0
104	2,648	2.776	277.6
105	2,772	2.906	290.6
201	3,913	4.102	410.2
202	2,692	2.822	282.2
203	1,607	1.684	168.4
204	6,325	6.630	663.0

Phase "3" Building

<u>Unit No.</u>	<u>Size (Sq.Ft.) (1)</u>	<u>Percentage (2)</u>	<u>Votes</u>
101	7,953	8.336	833.6
102	7,970	8.354	835.4
201	8,004	8.390	839.0
202	<u>8,058</u>	<u>8.446</u>	<u>844.6</u>
Total	95,402	100.000	10,000.0

- (1) Size based on the approximate number of square feet of floor space within each respective Unit as shown on the respective Condominium Plats of the three phases and rounded off (including to center under interior walls and to exterior surface of exterior walls), as determined by Dudley & Associates Engineers-Planners-Surveyors, Orem, Utah.
- (2) Percentages may be adjusted by one one-thousandth of a percentage point in order to provide for a total of one hundred percent (100%).