

5795.

**DECLARATION FOR COURTYARD AT JAMESTOWN CONDOMINIUMS
PHASE III. UNITS "A" AND "C" OF BUILDINGS FOUR AND FIVE, aka
COURTYARD AT JAMESTOWN CONDOMINIUMS PHASES VII and VIII.**

This Declaration for Courtyard at Jamestown Condominiums Phase III Units "A" and "C" is entered into this 8 day of Aug, 2006, by the owners of units "A" and "C" of buildings four and five, which will also be known and platted as phases VII and VIII of Courtyard at Jamestown Condominiums.

RECITALS

- A. The undersigned Owners are the owners of certain real property located in the City of Provo, County of Utah, State of Utah, and particularly described in Exhibit "A", attached hereto and made a part hereof by reference.
- B. The Declaration for Courtyard at Jamestown Condominiums Phase III was previously recorded at entry 20032, book 4981 at page 212, of the official records of the County Recorder of Utah County, State of Utah.
- C. The Declaration for Courtyard Condominiums Phase III contains attachment "C" which sets forth unit numbers, percentages of interest in common areas, and square footage of each unit.
- D. Due to changes in wall locations, the percentages of interest in common areas and square footage of units "A" and "C" in buildings four and five are no longer correct.
- E. The owners of units "A" and "C" in buildings four and five are therefore adopting this Declaration for Courtyard at Jamestown Condominiums Phase III. Units "A" and "C" of Buildings Four and Five to correct the percentages of interest and square footage.
- F. Concurrent with filing of this addendum, amended plats will be filed with Utah County reflecting the correct ownership percentages and wall locations¹.

DEFINITIONS

The definitions set forth in the Declaration for Courtyard at Jamestown Condominiums Phase III recorded at entry 20032, book 4981 at page 212, of the official records of the County Recorder of Utah County, State of Utah, are adopted and made a part hereof by reference with the following exceptions:

¹ To meet Utah County plat recording requirements, the amended plats will be designated phases 7 and 8. Despite the phase designations, the property is subject to the Declaration for Courtyard Condominiums Phase III recorded at entry 20032, book 4981 at page 212.

- A. The definition of "Owner" set forth in section 1.17 shall refer only to owners of units "A" and "C" of buildings four and five.
- B. The definition of Unit set forth in section 1.24 shall refer only to the owners of units "A" and "C" of buildings four and five.
- C. "Properties" shall mean units "A" and "C" of buildings four and five.

DECLARATION

The property contained within units "A" and "C" of buildings four and five contained within the real property described in exhibit "A" attached, shall be subject to this addendum. This declaration is for the purpose of protecting the value and desirability of the subject properties, and for correcting the square footages and percentage of interest in common areas. This declaration shall be construed as covenants of equitable servitude, shall run with the properties and be binding on all parties having any right, title or interest in the Properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof. Except as specifically amended below, the provisions contained in the Declaration for Courtyard at Jamestown Condominiums Phase III shall continue in full force and effect, and shall continue to govern the properties contained within units "A" and "C" of buildings four and five.

Except as specifically amended below, this declaration shall be subject to the provisions set forth in articles II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XII of the Declaration for Courtyard at Jamestown Condominiums Phase III recorded at entry 20032, book 4981 at page 212, of the official records of the County Recorder of Utah County, State of Utah, which is incorporated herein by reference.

Attached to the Declaration for Courtyard at Jamestown Condominiums Phase III is exhibit "C", a document setting forth unit numbers, percentages of interest in common areas, and square footage of each unit. Because of walls having been moved, those percentages as they relate to units "A" and "C" of buildings three and four are incorrect. The corrected numbers are as follows:

<u>Unit Number</u>	<u>Percentage of Interest in common area</u>	<u>Square Footage of Unit</u>
Building #4 unit "A":	3.1087 %	1938
Building #4 unit "C":	3.5706 %	2226
Building #5 unit "A":	2.8600 %	1783
Building #5 unit "C":	3.5482 %	2212

As between the parties to this declaration, the above percentages and square footage shall govern.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 25 day of August, 2006.

DECLARANT:
STUTZEL FAMILY TRUST

By: Harry Lewis Stutzel
Harry Lewis Stutzel, Trustee

By: Jane Holcomb Stutzel
Jane Stutzel, Trustee

California
STATE OF ~~UTAH~~)
:SS.
COUNTY OF ~~UTAH~~) Los Angeles

On August 25, 2006 personally appeared before me Harry Lewis Stutzel and Jane Stutzel, who being by me duly sworn did say each for themselves, that they, the said Harry Lewis Stutzel and Jane Stutzel are trustees of the Stutzel Family Trust, and that having authority, the above document was signed in behalf of said trust, and that Harry Lewis Stutzel and Jane Stutzel duly acknowledged to me that said trust executed the same.



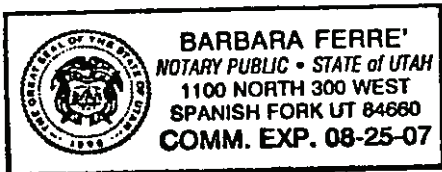
Jennie Lee Yourgas
NOTARY PUBLIC

DECLARANT:
ANTONE BUNKER FARMS, A LIMITED PARTNERSHIP

By: Anna Bunker
Anna Bunker, Partner

STATE OF UTAH)
:SS.
COUNTY OF UTAH)

On Oct. 3, 2006 personally appeared before me Anna Bunker who being by me duly sworn did say that she, the said Anna Bunker is a partner of Antone Bunker Farms, a Limited Partnership, and that having authority, the above document was signed in behalf of said partnership, and that Anna Bunker duly acknowledged to me that said partnership executed the same.



Barbara Ferre
NOTARY PUBLIC

EXHIBIT C

Unit Number	Percentage of Interest In Common Area	Square Footage of Unit
<u>Building #4 3550</u>		
Unit A 100	3.7038% 3.1087	2,309 1,938
Unit B 125	3.4824%	2,171✓
Unit C 150	2.9755% 3.5704	1,855 2,224 2,224
Unit D 200	3.2145%	2,004✓
Unit E 250	2.9482%	1,838
Unit F 275	2.9851%	1,861
Unit G 300	3.7343%	2,328
Unit H 325	2.8793%	1,795
Unit J 250	6.7195%	4,189
Unit K 375	5.8276%	3,633
<u>Building #5 - 3520</u>		
Unit A 100	3.5097% 2.8600%	2,188 1,783 1,783
Unit B 125	3.4536%	2,153✓
Unit C 150	2.8985% 3.5482%	1,807 2,212 2,212
Unit D 175	3.1777%	1,981
Unit E 200	3.5449%	2,210
Unit F 225	2.9177%	1,819
Unit G 250	2.8760%	1,793
Unit H 275	2.8038%	1,748
Unit J 300	6.4612%	4,028
Unit K 325	5.6816%	3,542
<u>Building #7 3650</u>		
Unit A 100	3.5449%	2,210
Unit B 125	2.8038%	1,748
Unit C 150	2.9178%	1,819
Unit D 175	2.8760%	1,793
Unit E 200	6.4917%	4,047
Unit F 225	5.5709%	3,473

STARTSAL

$$\frac{.066793}{4164} \approx \frac{K}{1,938}$$

$$\frac{Y}{2,224}$$

.064082

$$\frac{.064082}{3995} \approx \frac{K}{1,783}$$

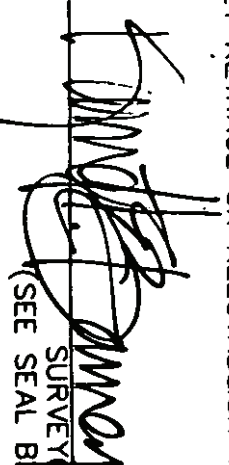
3995

$$\frac{Y}{2,212}$$

5/-8-13(1) OF THE UTAH CONJUNCTION OWNERSHIP ACT. IF FURTHER VERIFICATION IS REQUIRED, THE REFERENCE MARKERS SHOWN ON THIS RECORD OF SURVEY ARE LOCATED AS SHOWN AND ARE SUFFICIENT TO READILY RETRACE OR REESTABLISH THIS SURVEY.

IF THE
Y DID

March 7, 2006
DATE


SURVEYOR
(SEE SEAL BELOW)

BOUNDARY DESCRIPTION

EA PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 6 SOUTH, RANGE 2 EAST, S.1.B.& M., PROVO, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 24: THENCE S.00°36'48"E. A DISTANCE OF 675.28 FEET ALONG THE SECTION LINE AND West. A DISTANCE OF 15.85 FEET TO THE REAL POINT OF BEGINNING.

THENCE S.06°19'53"E. A DISTANCE OF 30.00 FEET; THENCE S.83°40'07"W. A DISTANCE OF 3.00 FEET; THENCE S.06°19'53"E. A DISTANCE OF 12.50 FEET; THENCE N.83°40'07"E. A DISTANCE OF 2.00 FEET; THENCE S.51°19'53"E. A DISTANCE OF 6.00 FEET; THENCE S.06°19'53"E. A DISTANCE OF 9.51 FEET; THENCE S.38°40'07"W. A DISTANCE OF 6.00 FEET; THENCE S.83°40'07"W. A DISTANCE OF 2.00 FEET; THENCE S.06°19'53"E. A DISTANCE OF 12.50 FEET; THENCE N.83°40'07"E. A DISTANCE OF 3.00 FEET; THENCE S.06°19'53"E. A DISTANCE OF 30.00 FEET; THENCE S.83°40'07"W. A DISTANCE OF 20.83 FEET; THENCE S.06°19'53"E. A DISTANCE OF 6.00 FEET; THENCE S.38°39'26"W. A DISTANCE OF 5.66 FEET; THENCE S.83°40'07"W. A DISTANCE OF 18.50 FEET; THENCE N.51°19'53"W. A DISTANCE OF 5.66 FEET; THENCE N.06°19'53"W. A DISTANCE OF 6.00 FEET; THENCE S.83°40'07"W. A DISTANCE OF ~~23.85~~ FEET; THENCE N.06°19'53"W. A DISTANCE OF 12.50 FEET; THENCE S.83°40'07"E. A DISTANCE OF 3.00 FEET; THENCE N.06°19'53"W. A DISTANCE OF 6.00 FEET; THENCE S.83°40'07"E. A DISTANCE OF 9.50 FEET; THENCE N.38°40'07"E. A DISTANCE OF 6.00 FEET; THENCE N.83°40'07"E. A DISTANCE OF 6.50 FEET; THENCE N.06°19'53"W. A DISTANCE OF 12.50 FEET; THENCE S.83°40'07"W. A DISTANCE OF 3.00 FEET; THENCE N.06°19'53"W. A DISTANCE OF 30.00 FEET; THENCE N.83°40'07"E. A DISTANCE OF 23.83 FEET; THENCE N.06°19'53"W. A DISTANCE OF 6.00 FEET; THENCE N.38°40'07"E. A DISTANCE OF 5.66 FEET; THENCE N.83°40'07"E. A DISTANCE OF 18.50 FEET; THENCE S.51°19'53"E. A DISTANCE OF 5.66 FEET; THENCE S.06°19'53"E. A DISTANCE OF 6.00 FEET; THENCE N.83°40'07"E. A DISTANCE OF 20.83 FEET TO THE POINT OF BEGINNING. CONTAINING 7,839 SQ.FT.

2006

IF THE
Y DID