

AFTER RECORDING PLEASE RETURN TO:

Clyde Hopeful, L.L.C.
730 North 1500 West
Orem, Utah 84057



ENT 80290:2016 PG 1 of 8
JEFFERY SMITH
UTAH COUNTY RECORDER
2016 Aug 23 9:00 am FEE 144.00 BY SS
RECORDED FOR OREM CITY CORPORATION

**FIFTH AMENDMENT TO
DECLARATION OF CONDOMINIUM
(Including Owner Association Bylaws)
OF
VILLA D' ESTE RESIDENTIAL CONDOMINIUMS
(An Expandable Condominium Project)
Orem, Utah**

THIS FIFTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM (the "Fifth Amendment to Declaration") is made this 27th day of July, 2016, by CLYDE HOPEFUL, L.L.C. ("Declarant") pursuant of the provisions of Title 57, Chapter 8 of the *Utah code*, as amended, know as the Condominium Ownership Act (the "Act").

RECITALS:

A. All defined terms as used in this Fifth Supplemental Amendment to Declaration shall have the meanings ascribed to them herein, or as the case may be, in the Condominium Project's Declaration of Condominium, recorded in the Public Records as Entry 13230:2015 on February 23, 2015 pages 1 through 33, inclusive (the "Declaration").

B. Declarant is the owner/developer of the Project and recorded a Record of Survey Map therefore in the Public Records as Entry 13229-2015 Map #1 on February 23, 2015.

C. Pursuant to ARTICLE III of the Declaration, and Sections 57-8-13 (3) and 57-8-13.4 of the Act, Declarant has caused a Fifth Supplemental Record of Survey Map and this Fifth Amendment of Declaration to be prepared for simultaneous recordation in the Public Records I order to convert certain Expandable Space in the Project into additional Units as reflected on the Fifth Supplemental Record of Survey Map.

D. The real property to which this Fifth Amendment to Declaration and the Fifth Supplemental Record of Survey map are applicable is located in Orem, Utah County, Utah, and is described as follows:

INSERT LEGAL DESCRIPTION

Commencing at a point being located North 00°39'38" West along the Section line 1473.13 feet and West 1830.36 feet from the East quarter corner of Section 9, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence along Phase 1, Villa D'este Condominiums as follows: North 90°00'00" West ~~135.92~~ feet, South 00°09'13" East 9.18 feet; thence North 90°00'00" West 22.28 feet; thence North 00°00'00" East 125.12 feet; thence North 90°00'00" East 72.08 feet; thence North 00°00'00" East 18.00 feet; thence North 90°00'00" East 88.17 feet; thence South 03°18'38" East 16.40 feet; thence South 00°00'00" East 18.00 feet; thence South 89°30'23" West 5.03 feet more or less to the point of beginning. *thence South 99.53,*

NOW, THEREFORE, Declarant hereby makes this Fifth Amendment to Declaration as follows:

- 1 The Declaration is hereby amended in the following particulars as a result of, and pursuant to, the conversion of a portion of the Expandable Condominium:
 - (a) Section 2.02 of the Declaration is amended in its entirety to read as follows:

2.02 Addition of Project Condominium Units and Ownership Interests.
The project is hereby divided into 115 Condominium Units as set forth on the Map. In addition to fee title to a Unit, each Unit's Owner shall have an appurtenant, undivided ownership interest in and to the Common Areas and Facilities to the extent set Fifth in **Amended Exhibit B**, attached hereto and incorporated herein by this reference.
 - (b) **Exhibit B** to the Declaration is amended in its entirety to read as set forth in **Amended Exhibit B**, attached hereto and made a part hereof.

- 2 Except as amended by the provisions of this Fifth Amendment to Declaration, the Declaration shall remain unchanged and shall constitute the entire Declaration of Condominium for the Project, reflecting the conversion of portions of the Expandable Space as described on the First Supplemental Record of Survey Map and the attached **Amended Exhibit B**.

- 3 This Fifth Amendment to Declaration shall be recorded in the Public Records simultaneously with the Project's Fifth Supplemental Record of Survey Map, 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.

**DECLARATION OF CONDOMINIUM
(Including Owner Association Bylaws)**

OF

VILLA D' ESTE RESIDENTIAL CONDOMINIUMS

**(An Expandable Condominium Project)
Orem, Utah**

<u>Unit No.</u>		<u>Interest in Common Area (Percentage)</u>	<u>Votes</u>
Bld. 1			
1		.87	1
2		.87	1
3		.87	1
4		.87	1
5		.87	1
6		.87	1
7		.87	1
8		.87	1
9		.87	1
10		.87	1
11		.87	1
12		.87	1
13		.87	1
14		.87	1
15		.87	1
16		.87	1
17		.87	1
18		.87	1
19		.87	1
20		.87	1

Bld. 2			
21		.87	1
22		.87	1
23		.87	1
24		.87	1
25		.86	1
26		.86	1
27		.86	1
28		.86	1
29		.86	1
30		.86	1
31		.86	1
32		.86	1
33		.86	1
34		.86	1
35		.86	1
36		.86	1
37		.86	1
38		.86	1
39		.86	1
40		.86	1
Bld. 3			
41		.86	1
42		.86	1
43		.86	1
44		.86	1
45		.86	1
46		.86	1
47		.86	1
48		.86	1
49		.86	1
50		.86	1

51		.86	1
52		.86	1
53		.86	1
54		.86	1
55		.86	1
56		.86	1
57		.86	1
58		.86	1
59		.86	1
60		.86	1
Bld. 4			
61		.86	1
62		.86	1
63		.86	1
64		.86	1
65		.86	1
66		.86	1
67		.86	1
68		.86	1
69		.86	1
70		.86	1
71		.86	1
72		.86	1
73		.86	1
74		.86	1
75		.86	1
76		.86	1
Bld.5			
77		.86	1
78		.86	1
79		.86	1
80		.86	1
81		.86	1

82		.86	1
83		.86	1
84		.86	1
85		.86	1
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87		.86	1
88		.86	1
89		.86	1
90		.86	1
91		.86	1
92		.86	1
93		.86	1
94		.86	1
95		.86	1
96		.86	1
Bld 5			
97		.86	1
98		.86	1
99		.86	1
100		.86	1
101		.86	1
102		.86	1
103		.86	1
104		.86	1
105		.86	1
106		.86	1
107		.86	1
108		.86	1
109		.86	1
110		.86	1
111		.86	1
112		.86	1
113		.86	1

114		.86	1
115		.86	1
116		.86	1
Totals		100%	116

- (1) Percentages may be adjusted by one one-thousandth of a percentage point in order to provide for a total of one hundred percent (100%).