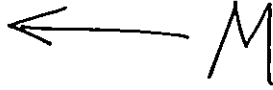


AFTER RECORDING PLEASE RETURN TO:

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



ENT 127208:2004 PG 1 of 4  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2004 Nov 10 11:14 am FEE 19.00 BY AB  
RECORDED FOR OREM CITY CORPORATION

**AMENDED**  
**SECOND AMENDMENT TO**  
**DECLARATION OF CONDOMINIUM**  
**(Including Owner Association Bylaws)**  
  
**OF**  
  
**PINEHURST PLAZA RETAIL CONDOMINIUMS**  
  
**(A Convertible Space Condominium Project)**  
**Orem, Utah**

**THIS AMENDED SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM** (the "Amended Second Amendment to Declaration") is made this 5<sup>th</sup> day of NOVEMBER, 2004, by **PINEHURST AT 800 NORTH, L.L.C.**, a Utah limited liability company ("Declarant") pursuant to the provisions of Title 57, Chapter 8 of the *Utah Code*, as amended, known as the Condominium Ownership Act (the "Act").

**RECITALS:**

- A. Declarant is the developer of the Project and recorded a Record of Survey Map therefor in the Public Records as Entry 25148:2002 Map #9430 on March 5, 2002, concurrently with the Project's Declaration of Condominium as Entry 25149:2002 pages 1-28, inclusive (the "Declaration").
- B. Pursuant to ARTICLE III of the Declaration, and Sections 57-8-13 (3) and 57-8-13.4 of the Act, Declarant caused: (1) a First Supplemental Record of Survey Map and a First Amendment to Declaration to be prepared and simultaneously recorded on June 13, 2002; and (2) a Second Supplemental Record of Survey Map and a Second Amendment to Declaration to be prepared and simultaneously recorded on November 18, 2003.
- C. The effect of Declarant's actions set forth in Recital B, above, was: (1) to create nine additional Condominium Units from previously existing Convertible Space; (2) to create additional second-story Convertible Space (as reflected on sheet 2 of said Second Supplemental Record of Survey Map) resulting from space originally intended for a single Unit but two-level theater which failed to materialize; and (3) a reduction and conversion of a portion of previously designated Convertible Space to Common Area parking, also resulting from the failure of the above-referenced theater to materialize.

D. In connection with Declarant's above referenced activities with respect to the Second Supplemental Record of Survey Map and Second Amendment to Declaration, Declarant inadvertently failed to account in **Amended Exhibit "B"** thereto for the increase in net Convertible Space which resulted from the actions set forth in Recital C (2) and (3), above, making necessary this Amended Second Amendment to Declaration.

E. The increase in net Convertible Space resulting from the actions set forth above in Recital C (2) and (3) do not change the sizes of the original Units or any subsequent Units created from previously existing Convertible Space, nor the Annual Assessments pertaining to said Units, but will reflect a difference in ownership interest percentages and votes to be reflected on **Amended Exhibit "B"**.

F. The real property to which this Amended Second Amendment to Declaration is applicable is located in Orem, Utah County, Utah, and is described as follows:

Commencing at a point located North 00°39'38" West along the Section line 383.82 feet and East 1989.03 feet from the West quarter corner of Section 10, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 00°40'37" West 304.43 feet; thence North 89°35'44" East 499.53 feet; thence South 43°45'59" East 211.41 feet; thence along the arc of a 119.00 foot radius curve to the left 46.20 feet (chord bears South 11°07'18" West 45.91 feet); thence South 00°34'22" East 156.29 feet; thence West 158.60 feet; thence along the arc of a 115.00 foot radius curve to the right 79.34 feet (chord bears North 70°14'04" West 77.78 feet); thence along the arc of an 85.00 foot radius curve to the left 58.57 feet (chord bears North 70°12'29" West 57.42 feet); thence North 89°56'50" West 349.05 feet to the point of beginning. AREA = 4.49 acres (Pinehurst Plaza Retail Condominiums, A Convertible Space Condominium, according to official Record of Survey Map recorded with the Utah County Recorder as Entry 25149:2002 Map #9430 on March 5, 2002, as modified and amended by Second Supplemental Record of Survey Map recorded as Entry 18788:2003 Map #10268 with said Recorder on November 18, 2003.)

**NOW, THEREFORE**, Declarant hereby makes this Amended Second Amendment to Declaration as follows:

1. All defined terms as used in this Amended Second Amendment to Declaration shall have the meanings ascribed to them herein or, as the case may be, in the Declaration.
2. As a result of amendments to the Utah Condominium Ownership Act enacted in 2003, the terms "Record of Survey Map" or "Maps" as they appear in the Declaration, are hereby amended to read "Condominium Plat", "Plat", or "Plats", if referring to multiple Plats.
3. **Amended Exhibit "B"** to the Declaration, as amended, is further amended in its entirety to read as set forth in **Amended Exhibit "B"**, attached hereto and made a part hereof.
4. Except as amended by the provisions of this Amended Second Amendment to Declaration, the Declaration shall remain unchanged and, together with this Amended Second Amendment to Declaration, shall constitute the entire Declaration of Condominium for the Project.

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

DECLARANT:

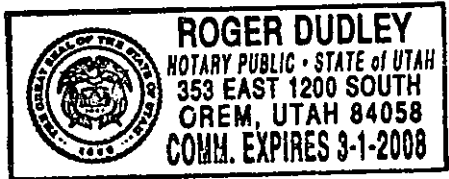
PINEHURST AT 800 NORTH, L.L.C.

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

STATE OF UTAH     )  
                              : ss.  
COUNTY OF UTAH    )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of NOV, 2004 by **Bruce R. Dickerson** in the capacity indicated.

*Roger Dudley*  
NOTARY PUBLIC



DECLARATION OF CONDOMINIUM

PINEHURST PLAZA RETAIL CONDOMINIUMS

(A Convertible Space Condominium Project)  
Orem, Utah

<u>Unit No.</u>	<u>Convertible Space (1)</u>	<u>Size (Sq. Ft.) (1)</u>	<u>Total (1)</u>	<u>Ownership Interest Percentage (2)</u>	<u>Votes</u>
A		3,200	3,200	5.084	508.4
B		2,319	2,319	3.685	368.5
C		1,823	1,823	2.897	289.7
D		1,872	1,872	2.974	297.4
E		4,959	4,959	7.879	787.9
F		1,872	1,872	2.974	297.4
G		2,704	2,704	4.296	429.6
H		4,016	4,016	6.381	638.1
J		4,016	4,016	6.381	638.1
K		2,704	2,704	4.296	429.6
L		1,872	1,872	2.974	297.4
M		3,352	3,352	5.326	532.6
N		3,853	3,853	6.122	612.2
	<u>30,220 (3)</u>		<u>30,220 (3)</u>	<u>51.984</u>	<u>5,198.4</u>
Totals	30,220 (3)	38,562	62,937	100.000	10,000.0

- (1). Size based on the approximate number of square feet of floor space within each respective Unit of Convertible Space as shown on the Map 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%).
- (3). Includes net increase of 8,459 sq. ft. of Convertible Space per Amended Second Amendment to Declaration to which this Amended Exhibit is attached.