

FIRST SUPPLEMENT TO

DECLARATION OF CONDOMINIUM

OF

GRANDVIEW GATEWAY CONDOMINIUMS

[An Expandable Condominium Project]  
Provo, Utah

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1994 AUG 24 10:01 AM FEE 25.00  
RECORDED FOR UTAH ARMADILLO

(M) 2230 N. Univ Parkway-76  
PROVO, UT 84604

THIS FIRST SUPPLEMENT TO DECLARATION is made as of this 22 day of August, 1994, by UTAH ARMADILLO LIMITED COMPANY, a Utah limited liability company ("Declarant"), pursuant to the following:

RECITALS:

A. Declarant is the developer of Grandview Gateway Condominiums, an expandable condominium project in Provo, Utah (the "Project").

B. On or about July 28, 1994, Declarant caused to be recorded as Entry No. 60685, Book 3497, Page 402, in the office of the Recorder of Utah County, Utah, that certain "Declaration of Condominium of Grandview Gateway Condominiums (An Expandable Condominium Project) Provo, Utah" (the "Declaration") relating to the Project.

C. Pursuant to §2.03 of the Declaration, Declarant is permitted to annex into the Project additional real property ("Expansion Land") as set forth and described in the Declaration (including any Exhibit thereto) for purposes of development into additional Condominium Units and Common Areas consistent with the existing phase(s) of the Project and with the Declaration.

D. Declarant desires to annex a portion of the Expansion Land into the Project for development as Phase II of the Project.

NOW, THEREFORE, Declarant hereby declares as follows:

1. All defined terms as used in this First Supplement to Declaration shall have the same meanings as those set forth and defined in the Declaration.

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

Commencing at a point located North 190.37 feet and East 361.02 feet from the West quarter corner of Section 36, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 42°30'41" East 194.35 feet; thence North 88°19'18" East 33.01 feet; thence South 48°03'52" East 23.00 feet; thence North 41°56'08" East 7.24 feet; thence South 19°21'09" East 91.90 feet; thence South 0°44'00" West 17.63 feet; thence North 88°49'00" West 77.61 feet; thence North 0°18'00" East 20.00 feet; thence North 01°11'00" East 65.00 feet; thence North 88°49'00" West 106.24 feet; thence North 54°22'06" West 131.87 feet; thence North 38°44'50" East along the Easterly boundary of Grandview Lane 116.69 feet to the point of beginning. Area = 0.57 acre

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.

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RESERVING UNTO DECLARANT, however such easements and rights of ingress and egress over, across, through, and under the above-described Tract and any improvements (other than Buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant: (i) to construct and complete each of the Buildings and all of the other improvements described in this Declaration or in the Survey Map recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; (ii) to construct and complete on the Expansion Land or any portion thereof such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Expansion Land or any portion thereof has been or hereafter will be added to the Development); and (iii) 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 Tract 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 twenty (20) years after the date on which this Declaration is filed for record in the office of the County Recorder of Utah County, Utah.

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 Tract 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 Survey Map 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 Tract 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 THIS 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 into Condominium Units, Minimum and Maximum Ownership Interests. The Project is hereby divided into twenty-four (24) Condominium Units as set forth on the Map, each such Condominium Unit consisting of a Unit and an appurtenant undivided but equal interest in and to the Common Areas and Facilities. Such Units comprise the minimum number of Units in the Project and give each Owner a maximum of 4.166% undivided interest in the Common Areas and Facilities. If all of the Expansion Land is annexed into the Project pursuant Sections 2.03 and 2.04, the maximum number of Units in the Project will be thirty-six (36) and each Unit Owner will have a minimum of 2.777% undivided interest in the Common Areas and Facilities.

(b) The first sentence of Section 3.02 of the Declaration is amended in its entirety to read as follows:

There are two (2) Buildings each containing twelve (12) Units, four (4) on each of three (3) Building levels.

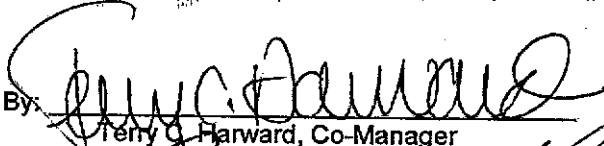
4. Except as amended by the provisions of this First Supplement to Declaration, the Declaration shall remain unchanged and, together with this First Supplement to Declaration shall constitute the Declaration of Condominium for the Project as expanded by the addition of the Expansion Property described herein.

5. This First Supplement to Declaration shall be filed concurrently with the Map entitled "Grandview Gateway Condominiums, Phase II, Provo City, Utah County, Utah", executed and acknowledged by Declarant, consisting of one (1) sheet prepared by Roger D. Dudley, a duly registered Utah Land Surveyor holding Certificate No. 147089.

IN WITNESS WHEREOF, the Declarant has executed this instrument the day and year first above set forth.

DECLARANT:

UTAH ARMADILLO LIMITED COMPANY

By:   
Terry C. Harward, Co-Manager

By:   
David K. Gardner, Co-Manager

STATE OF UTAH        )  
                              : ss.  
COUNTY OF UTAH    )

On this 22 day of August, 1994, personally appeared before me, Terry C. Harward and David K. Gardner, who being by me duly sworn, did say that they are Co-Managers of UTAH ARMADILLO LIMITED COMPANY, a Utah limited liability company; that said instrument was signed in behalf of said limited liability company by authority of its Articles of Organization and pursuant to its operating agreement; and they did further acknowledge to me that said limited liability company executed the same.

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NOTARY PUBLIC

