

WHEN RECORDED RETURN TO:
COUNTRY WOODS, L.C.
Wayne H. Corbridge
758 South 400 East
Suite 203
Orem, Utah 84058

7010842
06/29/98 1:34 PM 83.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
CITY OF DRAPER
PO BOX 1020
DRAPER, UT 84020
REC BY: R JORDAN , DEPUTY - WI

FIFTH SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM
FOR
SOUTH WILLOW CREEK, A Condominium Project

This FIFTH SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR SOUTH WILLOW CREEK is made and executed this 12th day of May, 1998, by SOUTH WILLOW, L.C., a Utah Limited Partnership of 758 South 400 East, Suite 203, Orem, Utah 84058 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Original Declaration was recorded in the office of the County Recorder of Salt Lake County, Utah on the 25th day of August, 1997 as Entry No. 6722899, in Book 7741, at Pages 2091-2155 of the Official Records;

Whereas, the related Plat Map for Phase I of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement was recorded on August 25, 1997 as Entry No. 6722900, in Book 7741, at Page 2156 of the official records of the County Recorder of Salt Lake County, Utah.

Whereas, the related Plat Map for Phase II of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration was re-recorded in the office of the County Recorder of Salt Lake County, Utah on the 9th day of October, 1997 as Entry No. 6760214, in Book 7778, at Page 1777 of the Official Records;

Whereas, the Second Supplement was recorded on August 25, 1997 as Entry No. 6722901, in Book 7741, at Page 2161 in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the related Plat Map for Phase III of the Project

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has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Second Supplement to the Declaration was re-recorded in the office of the County Recorder of Salt Lake County, Utah on the 9th day of October, 1997 as Entry No. 6760215, in Book 7778, at Page 1782 of the Official Records;

Whereas, the Third Supplement to the Declaration was recorded in the office of the County Recorder of Salt Lake County, Utah on the 25th day of August, 1997 as Entry No. 6722902, in Book 7741, at Page 2167;

Whereas, the Third Supplement was re-recorded in the office of the County Recorder of Salt Lake County, Utah on the 9th day of October, 1997, as Entry No. 6760216, in Book 7778, at Page 1789.

Whereas, the related Plat Map for Phase IV of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fourth Supplement was recorded in the office of the County Recorder of Salt Lake County, Utah on the 29 day of June, 1998, as Entry No. 7010840, in Book _____, at Page _____.

Whereas, the related Plat Map for Phase V of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 44 of the Declaration, Declarant reserved an option until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser to expand the Project in accordance with the Act.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-5" attached hereto and incorporated herein by this reference (the "Phase VI Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right, subject to the approval of the Office of Veterans Affairs, to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the Phase VI Property a residential condominium development.

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Whereas, Declarant now intends that the Phase VI Property shall become subject to the Declaration and the Act.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this FIFTH SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR SOUTH WILLOW CREEK, a Condominium Project.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. Fifth Supplemental Declaration shall mean and refer to this Fifth Supplement to the DECLARATION OF CONDOMINIUM FOR SOUTH WILLOW CREEK, a Condominium Project.

B. Fifth Supplemental Phase VI Map shall mean and refer to the Supplemental Plat Map of Phase VI of the Project, prepared and certified to by Matthew B. Judd, a duly registered Utah Land Surveyor holding Certificate No. 6913 and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Fifth Supplemental Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. Legal Description. The real property described in Exhibit A-5 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of this Fifth Supplemental Declaration.

3. Annexation. Declarant hereby declares that the Phase VI Property shall be annexed to and become subject to the Declaration, which upon recordation of this Fifth Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-5 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Units Revised. As shown on the Phase VI Map, seven (7) additional Units are created in the Project on the Phase VI Property. Said additional Units are contained in one 4-Inline structure and another 3-Inline structure, which are located within a portion of the Additional Land. Upon the recordation of the Phase VI Map and this Fifth Supplemental Declaration, the total number of Units in the Project will be sixty-two (62). The said additional Units are substantially similar in construction, design and quality to the Units in the

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prior Phases.

5. Percentage Interest Revised. Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the Percentage Interest. Fourth Revised Exhibit "C" to the Declaration is deleted in its entirety and "Fifth Revised Exhibit 'C'" attached hereto is substituted in lieu thereof and incorporated herein by this reference. The Percentage Interests set forth in Fifth Revised Exhibit "C" have been computed on the basis of par value.

6. Effective Date. The effective date of this Fifth Supplemental Declaration and the Phase VI Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

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

SOUTH WILLOW, L.C.

BY: *Wayne H. Corbridge*
TITLE: Wayne H. Corbridge, Manager

STATE OF UTAH)
) SS:
COUNTY OF UTAH)

On the 10TH day of June, 1998, personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of SOUTH WILLOW, L.C., a Utah Limited Liability Company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members or its Articles of Organization, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.

Marilyn E. Simmons
NOTARY PUBLIC
Residing At:
Commission Expires:

NO NOTARY SEAL
CO. RECORDER

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Exhibit "A-5"
SOUTH WILLOW CREEK PHASE VI
BOUNDARY DESCRIPTION

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

Commencing North 89d 48' 40" West along the section line 772.73 feet and North 3545.20 feet from the South Quarter Corner of Section 30, Township 3 South, Range 1 East, Salt Lake Base & Meridian; thence as follows: thence North 23.28 feet; thence along the arc of a 10 foot radius curve for a distance of 15.71 feet (chord bearing North 45d 00' 00" West 14.14 feet); thence West 2.60 feet; thence North 48.80 feet; thence West 5.42 feet; thence North 59.27 feet; thence North 33d 09' 52" West 67.55 feet; thence North 69d 37' 46" East 39.06 feet; thence North 36d 24' 52" East 38.68 feet; thence East 36.55 feet; thence South 39d 47' 37" East 15.04 feet, thence East 56.92 feet; thence South 00d 11' 11" East 247.57 feet; thence North 79d 21' 12" West 67.66 feet; thence North 4.00 feet; the West 42.01 feet to the point of beginning.

Contains .70 Acres

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FIFTH REVISED EXHIBIT "C"
 PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase/Bldg No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>	<u>Par Value</u>	
I	A	1	1/62 (1.6129%)	100
I	A	2	1/62 (1.6129%)	100
I	A	3	1/62 (1.6129%)	100
I	A	4	1/62 (1.6129%)	100
I	B	5	1/62 (1.6129%)	100
I	B	6	1/62 (1.6129%)	100
I	B	7	1/62 (1.6129%)	100
I	B	8	1/62 (1.6129%)	100
I	B	9	1/62 (1.6129%)	100
I	B	10	1/62 (1.6129%)	100
I	C	119	1/62 (1.6129%)	100
I	C	120	1/62 (1.6129%)	100
I	C	121	1/62 (1.6129%)	100
I	C	122	1/62 (1.6129%)	100
I	D	123	1/62 (1.6129%)	100
I	D	124	1/62 (1.6129%)	100
I	D	125	1/62 (1.6129%)	100
I	D	126	1/62 (1.6129%)	100
II	E	11	1/62 (1.6129%)	100
II	E	12	1/62 (1.6129%)	100
II	E	13	1/62 (1.6129%)	100
II	E	14	1/62 (1.6129%)	100
II	E	15	1/62 (1.6129%)	100
II	E	16	1/62 (1.6129%)	100
II	F	69	1/62 (1.6129%)	100
II	F	70	1/62 (1.6129%)	100
II	F	71	1/62 (1.6129%)	100
II	F	72	1/62 (1.6129%)	100
III	G	103	1/62 (1.6129%)	100
III	G	104	1/62 (1.6129%)	100
III	G	105	1/62 (1.6129%)	100
III	G	106	1/62 (1.6129%)	100

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<u>Phase/Bldg No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>	<u>Par Value</u>	
III	H	99	1/62 (1.6129%)	100
III	H	100	1/62 (1.6129%)	100
III	H	101	1/62 (1.6129%)	100
III	H	102	1/62 (1.6129%)	100
IV	I	115	1/62 (1.6129%)	100
IV	I	116	1/62 (1.6129%)	100
IV	I	117	1/62 (1.6129%)	100
IV	I	118	1/62 (1.6129%)	100
IV	J	73	1/62 (1.6129%)	100
IV	J	74	1/62 (1.6129%)	100
IV	J	74	1/62 (1.6129%)	100
IV	J	76	1/62 (1.6129%)	100
V	K	17	1/62 (1.6129%)	100
V	K	18	1/62 (1.6129%)	100
V	K	19	1/62 (1.6129%)	100
V	K	20	1/62 (1.6129%)	100
V	K	21	1/62 (1.6129%)	100
V	K	22	1/62 (1.6129%)	100
V	L	64	1/62 (1.6129%)	100
V	L	65	1/62 (1.6129%)	100
V	L	66	1/62 (1.6129%)	100
V	L	67	1/62 (1.6129%)	100
V	L	68	1/62 (1.6129%)	100
VI	M	96	1/62 (1.6129%)	100
VI	M	97	1/62 (1.6129%)	100
VI	M	98	1/62 (1.6129%)	100
VI	N	92	1/62 (1.6129%)	100
VI	N	93	1/62 (1.6129%)	100
VI	N	94	1/62 (1.6129%)	100
VI	N	95	1/62 (1.6129%)	100

TOTAL: 100%

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