

ENT 38047 BK 2650 PG 856
NINA B REID UTAH CO RECORDER BY MB
1989 DEC 14 11:00 AM FEE 40.50
RECORDED FOR ROWLEY LAND TITLE COMPANY

*SECOND SUPPLEMENTARY DECLARATION TO
THE AMENDED AND RESTATED DECLARATION OF
COVENANTS, EASEMENTS, CONDITIONS, AND RESTRICTIONS
ESTABLISHING A PLAN OF OWNERSHIP FOR
PEACHTREE ESTATES, A CONDOMINIUM DEVELOPMENT (EXPANDABLE).*

THIS SECOND SUPPLEMENTARY DECLARATION is made this
1st day of November, 1989 by R. SCOTT MCQUARRIE, President
of McQuarrie and Co. General Partner of McZKESON LIMITED
PARTNERSHIP

RECITALS

- A. Peach Tree Estates (the "Development") is a condominium project located in the City of Provo, County of Utah, State of Utah.
- B. On March 23, 1989, Declarant's predecessor in interest Bryce Nelson Construction, Inc., caused to be recorded the Amended and Restated Declaration of Covenants, Easements, Conditions and Restriction Establishing a Plan of Ownership For Peachtree Estates, A Condominium Development (Expandable) (The "Amended and Restated Declaration") in Book 3585 at Page 23 at suite, as Entry No. 7295 with the office of the Recorder, Utah County, State of Utah.
- C. Pursuant to the Utah Condominium Ownership Act and Article 13.5 of the Amended and Restated Declaration, Declarant is entitled to annex into the Development the real property referred to in the Amended and Restated Declaration as "Additional Land", in Exhibit "B", thereto.
- D. Declarant is the record owner of the Additional Land and desires to annex a portion of the same into the Development to become subject to the Amended and Restated Declaration and the Act.
- E. There currently exists in the Development Fifty Two (52) Units in Seventeen (17) buildings. This Second Supplementary Declaration and the Peachtree Estates Condominium Phase V Map to be recorded concurrently herewith, expands the Development to include six (6) additional Units in three (3) additional Buildings.

NOW THEREFORE, declarant hereby makes this Second Supplementary Declaration:

**ARTICLE I
DEFINITIONS**

Except as otherwise may be defined herein or as may be required by the context, all terms, phrases or expressions defined in Article I of the Amended and Restated Declaration shall have the same defined meanings when used in this Second Supplementary Declaration, including the Recitals.

**ARTICLE II
SUBMISSION**

Declarant hereby submits to the provision of the Act, as Additional Land associated with the Development, that certain parcel of real property situated in Utah County, State of Utah, described in Exhibit "A", attached hereto and made a part hereof, as the same is set forth in that certain Map entitled "PEACHTREE ESTATES CONDOMINIUMS PHASE "V" filed and recorded concurrently herewith in the Office of the Recorder, Utah County, State of Utah.

**ARTICLE III
PROPERTY RIGHTS**

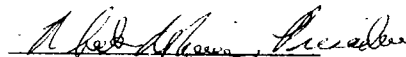
Exhibit "D" to the Amended and Restated Declaration is hereby amended as set forth in Revised Exhibit "D", attached hereto and made a part hereof, which Exhibit reallocates the undivided interests in the Common Areas of each Owner appurtenant to each such Owner's Unit, which interests are equal and in the percentages of fraction set forth in said Revised Exhibit "D" hereto.

**ARTICLE IV
GENERAL**

Except as modified and Amended by this Second Supplementary Declaration, all of the terms and provisions of the Amended and Restated Declaration are hereby expressly ratified and confirmed and shall remain in full force and effect and shall apply to the Development as expanded

IN WITNESS WHEREOF, Declarant has duly executed this Second Supplementary Declaration the day and Year First above written.

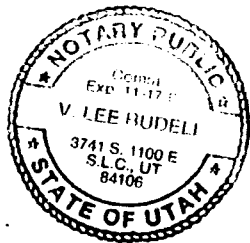
DECLARANT:



R. Scott McQuarrie, President
of McQuarrie and Co. General
Partner of McZKESON LIMITED
PARTNERSHIP

STATE OF UTAH
COUNTY OF UTAH

On November 30, 1989, personally appeared before me R. SCOTT MCQUARRIE, President of McQuarrie and Co. General Partner of McZKESON LIMITED PARTNERSHIP the signer of the within instrument, who duly acknowledge to me that he executed the same.



V. Lee Rudeli
NOTARY PUBLIC

EXHIBIT "A"
SECOND SUPPLEMENTARY DECLARATION TO
AMENDED AND RESTATED DECLARATION OF
COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS
ESTABLISHING A PLAN OF OWNERSHIP FOR
PEACHTREE ESTATES, A CONDOMINIUM DEVELOPMENT (EXPANDABLE)

PEACHTREE PHASE V
PROVO, UTAH
11-1-89

Commencing at a point located North 89 deg 46' 21" East along the Section line 1053.55 feet and North 1217.32 feet from the South one-quarter corner of Section 12, Township 7 South, Range 2 East, Salt Lake Base and Meridian; thence North 0 deg 15' 48" West 8.69 feet along 200 West Street; thence along the arc of a 333.00 foot radius curve to the left 61.71 feet (chord bears North 5 deg. 34' 18" West 61.62 feet); thence South 89 deg. 49' 57" East 232.66 feet along the Southerly line of Phase I, PEACHTREE ESTATES CONDOMINIUMS; thence South 0 deg. 10' 03" West 125.08 feet; thence North 89 deg 49' 57" West 75.00 feet; thence North 0 deg 10' 03" East 30.08 feet along the Easterly line of Phase IV, PEACHTREE ESTATES CONDOMINIUMS; thence along the arc of a 25.00 foot radius curve to the left 39.27 feet (chord bears North 44 deg 49' 57" West 35.35 feet); thence continuing along the Northerly line of said Phase IV, North 89 deg 49' 57" West 126.44 feet to the point of Beginning.

AREA= 0.465 acres

REVISED
EXHIBIT "D"
TO
AMENDED AND RESTATED DECLARATION OF
COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTION
ESTABLISHING A PLAN OF OWNERSHIP FOR
PEACHTREE ESTATES, A CONDOMINIUM DEVELOPMENT (EXPANDABLE)

ALLOCATION OF UNDIVIDED OWNERSHIP INTEREST

<u>Building and Unit Designation</u>	<u>Phase</u>	<u>Unit Description</u>	<u>Percentage Interest</u>
927 South 200 West #1	I	A	1.724
927 South 200 West #2	I	C	1.724
927 South 200 West #3	I	B	1.724
927 South 200 West #4	I	C	1.724
927 South 200 West #5	I	B	1.724
927 South 200 West #6	I	A	1.724
933 South 200 West #7	I	A	1.724
933 South 200 West #8	I	C	1.724
933 South 200 West #9	I	B	1.724
933 South 200 West #10	I	A	1.724
939 South 200 West #11	I	A	1.724
939 South 200 West #12	I	C	1.724
939 South 200 West #13	I	B	1.724
939 South 200 West #14	I	C	1.724
939 South 200 West #15	I	B	1.724
939 South 200 West #16	I	A	1.724
945 South 200 West #17	I	C	1.724
945 South 200 West #18	I	B	1.724
945 South 200 West #19	I	C	1.724
945 South 200 West #20	I	A	1.724
936 South 200 West #21	I	A	1.724
936 South 200 West #22	I	C	1.724
936 South 200 West #23	I	A	1.724
936 South 200 West #24	I	B	1.724
936 South 200 West #25	I	C	1.724
936 South 200 West #26	I	A	1.724

CONTINUED OVER....

<u>Building and Unit designation</u>	<u>Phase</u>	<u>Unit Description</u>	<u>Percentage Interest</u>
966 South 200 West #1	II	A	1.724
968 South 200 West #2	II	A	1.724
974 South 200 West #3	II	A	1.724
976 South 200 West #4	II	A	1.724
986 South 200 West #5	II	A	1.724
988 South 200 West #6	II	A	1.724
238 West 1020 South #7	II	A	1.724
236 West 1020 South #8	II	A	1.724
224 West 1020 South #9	II	A	1.724
222 West 1020 South #10	II	A	1.724
994 South 200 West #11	II	A	1.724
992 South 200 West #12	II	A	1.724
237 West 1020 South #1	III	D	1.724
237 West 1020 South #2	III	D	1.724
237 West 1020 South #3	III	D	1.724
237 West 1020 South #4	III	D	1.724
1072 South 200 West #5	III	D	1.724
1072 South 200 West #6	III	D	1.724
1072 South 200 West #7	III	D	1.724
1048 South 200 West #8	III	D	1.724
1048 South 200 West #9	III	D	1.724
1048 South 200 West #10	III	D	1.724
1003 South Freedom Blvd.#1	IV	E	1.724
1005 South Freedom Blvd.#2	IV	E	1.724
1017 South Freedom Blvd.#3	IV	E	1.724
1019 South Freedom Blvd.#4	IV	E	1.724
967 South Freedom Blvd. #5	V	E	1.724
969 South Freedom Blvd. #6	V	E	1.724
981 South Freedom Blvd. #7	V	E	1.724
983 South Freedom Blvd. #8	V	E	1.724
995 South Freedom Blvd. #9	V	E	1.724
997 South Freedom Blvd. #10	V	E	1.724