

67/24

AFTER RECORDING PLEASE RETURN TO:

Haymaker Retreat, L.L.C.  
c/o Bruce R. Dickerson  
1013 South Orem Blvd.  
Orem, UT 84058

ENT 21503:2006 PG 1 of 4  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2006 Feb 23 1:47 pm FEE 67.00 BY SW  
RECORDED FOR L & T CONSTRUCTION

FIRST SUPPLEMENT TO  
AMENDED DECLARATION OF CONDOMINIUM  
(Including Owner Association Bylaws)  
HAYMAKER RETREAT CONDOMINIUMS  
An Expandable Condominium Project  
American Fork, Utah County, Utah

*February 2006*  
THIS FIRST SUPPLEMENT TO AMENDED DECLARATION OF CONDOMINIUM (the "First Supplement to Amended Declaration") is made this *23rd* day of ~~September, 2005~~, by HAYMAKER RETREAT, 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 Haymaker Retreat Condominiums, an expandable residential condominium project in American Fork, Utah (the "Project").
- B. On or about December 30, 2004, Declarant caused to be recorded in the Public Records as Entry 145867:2004 Pages 1-29, inclusive, that certain "Declaration of Condominium (Including Owner Association Bylaws), Haymaker Retreat Condominiums" (the "Declaration"), relating to the Project.
- C. On or about June 7, 2005, Declarant caused to be recorded in the Public Records as Entry 61225:2005 Pages 1-3, inclusive, that certain "First Amendment to Declaration of Condominium" making certain minor corrections to the Project's recorded Declaration.
- D. Pursuant to Sections 2.03 and 2.04 of the Declaration, as amended, (hereinafter the "Amended Declaration") Declarant is permitted to expand the Project by annexing additional real property ("Additional Land"), as set forth and described in Exhibit ~~B~~<sup>A</sup> to the Amended Declaration for purposes of development into additional Condominium Units and Common Areas consistent with the existing Phase 1 of the Project and with the Amended Declaration.
- E. Declarant desires to annex the balance of the Additional Land into the Project as Phase 2 and Phase 3 of the Project.

NOW, THEREFORE, in consideration of the foregoing, Declarant hereby makes this First Supplement to Amended Declaration as follows:

- 1. All defined terms as used in this First Supplement to Amended Declaration shall have the meanings ascribed to them herein or, as the case may be, in the Condominium Project's Amended Declaration.
- 2. The following described real property situated in the City of American Fork, Utah County, Utah, is hereby submitted to the provisions of the Act and the Amended Declaration and is hereby annexed into the Project to be held, transferred, sold, conveyed and occupied as a part thereof:

See Exhibit A attached hereto and made a part hereof.

**TOGETHER WITH** all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the said real property, whether or not the same are reflected on the Condominium Plats.

**RESERVING UNTO DECLARANT**, however such easements and rights of ingress and egress over, across, through, and under said real property, and any improvements (excluding Buildings) now or hereafter constructed thereon, as may be reasonably necessary for Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Amended Declaration): (i) to construct and complete the Building and Units and all of the other improvements described in this Amended Declaration or in the Condominium Plat recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; (ii) to construct and complete on the Additional Land, or any portion thereof, such improvements as Declarant in its sole discretion shall determine to build; and (iii) to improve portions of such 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, such real property 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 ten (10) years after the date on which this First Supplement to Amended Declaration is recorded in the Public Records.

**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 real property, or any portion thereof, including, without limitation, 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 Condominium Plat or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the said real property 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 THE AMENDED DECLARATION.**

3. The Amended Declaration is hereby further amended in the following particulars as a result of, and pursuant to, the annexation of Additional Land as set forth above:

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 88 Condominium Units as set forth as set forth on the Plats, 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 maximum number of Units in the Project and give each Owner a 1/88th (or approximately 1.1363%) undivided interest in the Common Areas and Facilities of the Project.

4. Except as amended by the provisions of this First Supplement to Amended Declaration, the Amended Declaration shall remain unchanged and, together with this First Supplement to Amended Declaration, shall constitute the Amended Declaration of Condominium for the Project as expanded by the Additional Land described herein.
5. This First Supplement to Amended Declaration shall be recorded in the Public Records concurrently with the Condominium Plats entitled "Phase 2, Haymaker Retreat Condominiums, American Fork City, Utah County, Utah" and "Phase 3, Haymaker Retreat Condominiums,

American Fork City, Utah County, Utah" consisting of two sheets each prepared by Roger D. Dudley, a Utah registered land surveyor holding Certificate No. 147089. Both such instruments shall be effective upon recordation.

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

DECLARANT:

HAYMAKER RETREAT, L.L.C.

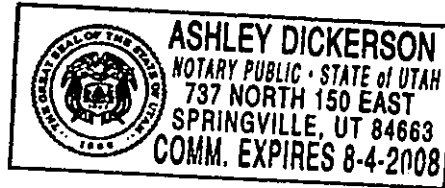
By: *Bruce R. Dickerson*

Bruce R. Dickerson, Manager

STATE OF UTAH) : ss.  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 23rd <sup>February 2006</sup> day of ~~September, 2005~~, by Bruce R. Dickerson in the capacity indicated.

*Ashley Dickerson*  
NOTARY PUBLIC



JKMOdocuments/FirstSuppAmenDec/HaymakerRetreatCondo

**EXHIBIT A****AMENDED  
DECLARATION OF CONDOMINIUM  
(Including Owner Association Bylaws)****HAYMAKER RETREAT CONDOMINIUMS****An Expandable Condominium Project****American Fork, Utah County, Utah**

Real property located in American Fork, Utah County, Utah, described as follows:

**Phase 2 Parcel**

Commencing at a point located South 00°24'13" East along the Section line 1125.94 feet and West 9.66 feet from the Northeast corner of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along the Southerly boundary line of Phase 1, Haymaker Retreat Condominiums as follows: South 87°36'31" East 112.42 feet, along the arc of a 1500.72 foot radius curve to the left 101.17 feet (chord bears South 00°27'29" West 101.15 feet), East 132.03 feet; thence South 01°48'52" East 10.64 feet; thence South 01°44'06" East 147.60 feet; thence South 01°11'33" East 181.45 feet; thence South 00°30'38" East 177.16 feet; thence North 70°14'09" West along the Northerly boundary line of Bamburger Street 309.20 feet; thence North 19°45'51" East 110.24 feet; thence North 414.27 feet to the point of beginning.

Area: 130,852 S.F. 3.00 acres

**Phase 3 Parcel**

Commencing at a point located South 00°24'13" East along the Section line 1158.13 feet and West 9.89 feet from the Northeast corner of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along the Westerly boundary line of Phase 2, Haymaker Retreat Condominiums as follows: South 382.09 feet, South 19°45'51" West 110.24 feet; thence North 70°14'09" West along the Northerly boundary line of Bamburger Street 230.68 feet; thence North 00°36'09" East 476.27 feet; thence North 01°41'20" East 25.79 feet; thence along the Southerly boundary line of Phase 1, Haymaker Retreat Condominiums as follows: South 70°56'15" East 115.22 feet; thence along the arc of a 200.00 foot radius curve to the left 57.72 feet (chord bears South 10°42'18" West 57.52 feet), East 150.33 to the point of beginning.

Area: 120,223 S.F. 2.76 acres