

After recordation, return to:

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ENT 9885:2001 PG 1 of 4  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2001 Feb 06 1:37 pm FEE 0.00 BY SB  
RECORDED FOR PROVO CITY

**FOURTH SUPPLEMENT TO  
DECLARATION OF EASEMENTS, COVENANTS,  
CONDITIONS AND RESTRICTIONS**

**OF**

**PARK RIDGE**

**An Expandable Planned Unit Development**

**Provo, Utah County, Utah**

**THIS FOURTH SUPPLEMENT TO DECLARATION** is made as of this 16 day of January, 2001, by **GEORGETOWN DEVELOPMENT PARK RIDGE, L.C.**, a Utah limited liability company ("Declarant"), pursuant to the following:

**RECITALS:**

A. Declarant is the developer of **Park Ridge**, an expandable residential planned unit development in Provo, Utah (the "Development").

B. On or about August 4, 1997, Declarant caused to be recorded as Entry 58606, Book 4336, Pages 276-301, inclusive, in the office of the Recorder of Utah County, Utah, that certain **Declaration of Easements, Covenants, Conditions and Restrictions, Park Ridge, An Expandable Planned Unit Development** (the "Declaration") relating to the Development.

C. On or about December 20, 2000, the Declaration was amended by consent of Lot Owners within the Development as set forth in that certain **First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions, Parkridge, An Expandable Planned Unit Development**, which amendment, among other things, permitted the expansion of the Development from a total of 113 Lots to 128 Lots by utilizing Additional Land which was originally intended to be used for commercial buildings to be used for residential Units. As used hereafter in this Fourth Supplement, the term "Declaration" shall be deemed to be the Declaration, as amended by such First Amendment thereto.

D. Pursuant to §3.03 of the Declaration, Declarant is permitted to annex into the Development additional real property ("Additional Land") as set forth and described in the Declaration (including any Exhibit thereto) for purposes of development into additional Lots and Common Areas, if any, consistent with the existing phases (Phase 1, Phase 2, Phase 3 and Phase 4) of the Development and with the Declaration.

E. Declarant desires to annex the balance of the Additional Land into the Development for development as Phase 5 of the Development.

**NOW, THEREFORE,** Declarant hereby declares as follows:

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

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

Commencing South 89°22'23" West along the Section Line 1067.947 feet and South 0.0086 feet from the North Quarter Corner of Section 2, Township 7 South, Range 2 East, Salt Lake Base & Meridian; thence as follows: South 04°25'52" West 275.48 feet; thence South 87°54'58" West 80.48 feet; thence along an arc length 30.32 feet (chord bears N 43°49'35" W 26.86 feet, R=18.00 feet); thence North 04°25'52" West 246.13 feet; thence along an arc length 11.81 feet (chord bears N 02°15'42" E 11.81 feet, R=156.00 feet); thence North 89°25'32" East 100.83 feet to the point of beginning. Area = 0.63 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, whether or not the same are reflected on the Plat.

**RESERVING UNTO DECLARANT,** however, such easements and rights of ingress and egress over, across, through, and under the said property and any improvements (including 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 the Declaration): (i) to construct and complete each of the buildings and Units and all of the other improvements described in the Declaration or in the 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 shall determine to build in its sole discretion (and whether or not the Additional 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 said 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 the 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 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 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 Development improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cable, wires, utility lines, and similar facilities; **AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE DECLARATION.**

3. The second sentence of Section 2.12 of the Declaration is amended in its entirety to read as follows:

**Townhouse Lot** shall mean any of Lots 1 through 79, inclusive, Lot 113, and Lots 118 through 128, as numbered on the Plats; and **Twinhome Lot** shall mean any of Lots 80 through 112, inclusive, and Lots 114 through 117, inclusive, as numbered on the Plats.

4. Section 3.02 of the Declaration is amended in its entirety to read as follows:

**3.02 Division into Lots.** The Development is hereby divided into a total of one hundred twenty-eight (128) Lots, as set forth and described in the Plats, each with appurtenant and equal rights and easements of use and enjoyment in and to any Common Areas, as well as appurtenant obligations, all as set forth in this Declaration.

5. Except as amended by the provisions of this Fourth Supplement to Declaration, the Declaration shall remain unchanged and, together with this Fourth Supplement to Declaration, shall constitute the Declaration of Easements, Covenants, Conditions and Restrictions, as amended, for the Development as expanded by the annexation of the Additional Land described herein.

6. This Fourth Supplement to Declaration shall be recorded concurrently with the Plat entitled **Phase 5, Park Ridge, A Planned Unit Development, Provo City, Utah County, Utah**, prepared and certified to by Roger D. Dudley (a duly registered Utah Land Surveyor holding Certificate No.147089), executed and acknowledged by Declarant, accepted by Provo City, to be filed for record in the office of the County Recorder of Utah County.

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

**DECLARANT:**

**GEORGETOWN DEVELOPMENT  
PARK RIDGE, L.C.**

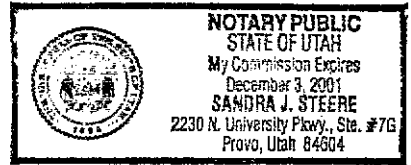
By: \_\_\_\_\_

John L. Dester, Manager

STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of January, 2001, by **John L. Dester** in the capacity indicated.

*Sandra J. Steere*  
\_\_\_\_\_  
NOTARY PUBLIC



**RECEIVED**  
JAN 16 2001  
Provo City  
Community Development