

FIFTH SUPPLEMENT TO  
DECLARATION OF CONDOMINIUM  
OF  
SUNRISE VILLAGE CONDOMINIUMS  
[An Expandable Condominium Project]  
Provo, Utah

*Rowley*

THIS FIFTH SUPPLEMENT TO DECLARATION is made as of this 8<sup>th</sup> day of April, 1994, by COURTYARD DEVELOPMENT, LLC, a Utah limited liability company ("Declarant"), pursuant to the following:

**RECITALS:**

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

B. On or about July 14, 1993, Declarant caused to be recorded as Entry No. 47305, Book 3197, Page 31, in the office of the Recorder of Utah County, Utah, that certain "Declaration of Condominium of Sunrise Village Condominiums (An Expandable Condominium Project) (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 VI of the Project.

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

1. All defined terms as used in this Fifth 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 which is North 89° 46' 54" East 604.72 feet along Section line and North 904.14 feet from the South quarter corner, Section 12, Township 7 South, Range 2 East, Salt Lake Base & Meridian; thence as follows: North 00° 25' 50" East 145.35 feet; thence South 89° 34' 10" East 68.50 feet; thence along the arc of a curve to the right 22.30 feet (said curve having a central angle of 10° 28' 16" and a radius of 122.00 feet and a chord bearing South 84° 20' 02" East 22.26 feet); thence South 00° 25' 50" West 143.14 feet; thence North 89° 41' 05" West 90.67 feet; to the point of beginning. Contains 0.3020 Acres

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.

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, 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 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 thirty-nine (39) Condominium Units as set forth on the Map, each such Condominium Unit consisting of a Unit and an appurtenant undivided percentage interest in and to the Common Areas and Facilities as set forth in Exhibit B, attached hereto and made a part hereof. Such Units comprise the minimum number of Units in the Project and give each Owner a maximum undivided percentage interest in Common Areas and Facilities ranging from 2.265% to 2.778%. 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 ninety-three (93) and each Unit Owner will have a minimum undivided percentage interest in the Common Areas and Facilities ranging from 0.949% to 1.164%.

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

3.02 Description of Buildings and Units. There are six (6) Buildings containing six (6) Units each, all of which have single levels of living area, four (4) on the ground floor levels and two (2) on the second floor levels. In addition, there is one (1) Building containing only three (3) Units, all of which have single levels of living area, two (2) on the ground floor level and one (1) on the second floor level. Each Unit has a single car garage as Limited Common Area. Each of the ground floor Units has Limited Common Area patios and yard area on the ground level to the rear of the Unit and each of the second level Units has a Limited Common Area stairway. The Buildings will be stick-built with exteriors of stucco or siding and brick. A small interior entry court in each Building will separate three Units from their "mirror image" Units on the other side (except for the single Building with only three (3) Units). Square footage areas for all Units are set forth in Exhibit B.

(c) Exhibit B is amended in its entirety to read as set forth in the attachment hereto entitled Exhibit B.

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

5. This Fifth Supplement to Declaration shall be filed concurrently with the Map entitled "Sunrise Village Condominiums, Phase VI, Provo City, Utah County, Utah", executed and acknowledged by Declarant, consisting of two (2) sheets prepared by David V. Thomas, a duly registered Utah Land Surveyor holding Certificate No. 6167.

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

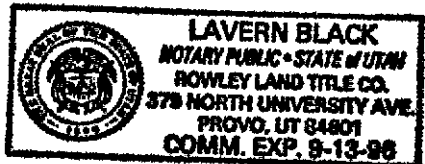
DECLARANT:

COURTYARD DEVELOPMENT, LLC

By: Brent McQuarrie  
Brent McQuarrie, Manager

STATE OF UTAH            )  
                                  : ss.  
COUNTY OF UTAH        )

On this 5<sup>th</sup> day of April, 1994, personally appeared before me, Brent McQuarrie, who, being by me duly sworn, did say that he is the Manager of Courtyard Development, LLC; that said instrument was signed in behalf of said Courtyard Development, LLC by authority of its Articles of Organization and pursuant to its Operating Agreement; and he did further acknowledge to me that said Courtyard Development, LLC executed the same.



Lavern Black  
NOTARY PUBLIC

## EXHIBIT B

to

## DECLARATION OF CONDOMINIUM

of

## SUNRISE VILLAGE CONDOMINIUMS

Provo, Utah

## ADDRESS, UNITS, SIZE, UNDIVIDED PERCENTAGE OWNERSHIP INTERESTS, AND VOTES

<u>Address</u>	<u>Unit No.</u>	<u>Size (Sq. Ft.)*</u>	<u>Percentage**</u>	<u>Votes</u>
1001 So. 250 West: (Phase I)	A	1,300	2.777	27.77
	B (2nd Flr)	1,060	2.265	22.65
	C	1,240	2.645	26.45
	D	1,240	2.645	26.45
	E (2nd Flr)	1,060	2.265	22.65
	F	1,300	2.777	27.77
975 So. 250 West: (Phase II)	A	1,300	2.777	27.77
	B (2nd Flr)	1,060	2.265	22.65
	C	1,240	2.645	26.45
	D	1,240	2.645	26.45
	E (2nd Flr)	1,060	2.265	22.65
	F	1,300	2.777	27.77
953 So. 250 West: (Phase III)	A	1,300	2.777	27.77
	B (2nd Flr)	1,060	2.265	22.65
	C	1,240	2.645	26.45
	D	1,240	2.645	26.45
	E (2nd Flr)	1,060	2.265	22.65
	F	1,300	2.777	27.77
937 So. 250 West: (Phase IV)	A	1,300	2.777	27.77
	B (2nd Flr)	1,060	2.265	22.65
	C	1,240	2.645	26.45
	D	1,240	2.645	26.45
	E (2nd Flr)	1,060	2.265	22.65
	F	1,300	2.777	27.77
1059 So. 250 West: (Phase V)	A	1,300	2.777	27.77
	B (2nd Flr)	1,060	2.265	22.65
	C	1,240	2.645	26.45
	D	1,240	2.645	26.45
	E (2nd Flr)	1,060	2.265	22.65
	F	1,300	2.777	27.77
1035 So. 250 West: (Phase V)	DD	1,240	2.645	26.45
	EE (2nd Flr)	1,060	2.265	22.65
	FF	1,300	2.777	27.77

<u>Address</u>	<u>Unit No.</u>	<u>Size (Sq. Ft.)*</u>	<u>Percentage**</u>	<u>Votes</u>
1038 So. 250 West: (Phase VI)	A	1,300	2.777	27.77
	B (2nd Flr)	1,060	2.265	22.65
	C	1,240	2.646	26.46
	D	1,240	2.646	26.46
	E (2nd Flr)	1,060	2.266	22.66
	F	<u>1,300</u>	<u>2.778</u>	<u>27.78</u>
		46,800	100.000%	1,000.00

\* Size has been determined on the basis of the approximate number of square feet of floor space within each respective Unit as shown on the Map and rounded off.

\*\* Percentages may be adjusted by one one-thousandth of a percentage point in order to provide for a total of one hundred percent (100%).