

WHEN RECORDED RETURN TO:
TMM DEVELOPERS, L.C.
1196 East 1220 North
Orem, Utah 84097-5433

ENT 177457:2003:pg 1 of 11
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2003 Nov 06 11:01 am FEE 107.00 BY KH
RECORDED FOR TMM DEVELOPMENT

**SECOND SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM FOR WESTBURY AT PHEASANT POINTE**
an expandable Utah condominium project

This **SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR WESTBURY AT PHEASANT POINTE**, an expandable Utah condominium project, is made and executed by TMM DEVELOPERS, L.C., a Utah limited liability company, of 1196 East 1220 North, Orem, Utah 84097 (the "Declarant").

RECITALS

Whereas, the original Declaration of Condominium for **WESTBURY AT PHEASANT POINTE** was recorded in the office of the County Recorder of Utah County, Utah on the 9th day of October, 2002 as Entry No. 119306:2002 of the Official Records(the "Declaration").

Whereas, the related Plat Map(s) for Phase 1of the Project have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the First Supplement to the Declaration of Condominium for **WESTBURY AT PHEASANT POINTE** was recorded in the office of the County Recorder of Utah County, Utah on the 9th day of October, 2002 as Entry No. 119314:2002 of the Official Records (the "First Supplement").

Whereas, the related Plat Map(s) for Phases 2-8 of the Project have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, under Article III, Section 45 of the Declaration, Declarant reserved an option, until the seven (7) years from the date following the first conveyance of a Unit in Phase 1 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 Utah County, Utah and described with particularity on Exhibit "A 9-14" attached hereto and incorporated herein by this reference (collectively, "Phases 9-14 Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right, subject to the approval of the Department 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 Phases 9-14 Property a residential condominium development.

Whereas, Declarant now intends that the "Phases 9-14 Property" shall become subject to the Declaration.

A G R E E M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR WESTBURY AT PHEASANT POINTE.

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

A. **Second Supplement to the Declaration** shall mean and refer to this SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR WESTBURY AT PHEASANT POINTE.

B. **Second Supplemental Map(s) or Phases 9-14 Property Map(s)** shall mean and refer to the Supplemental Condominium Plat Map(s) for the additional phases of the Project described on Exhibits "A 9-14," prepared and certified to by Nathan H. Price, a duly registered Utah Land Surveyor holding Certificate No. 354378, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this First Supplement to the 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 Exhibits "A 9-14" 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 the Declaration, as supplemented.

3. **Annexation.** Declarant hereby declares that the "Phases 9-14 Property" shall be annexed to and become subject to the Declaration, which upon recordation of this First Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibits "A 9-14" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Map(s), each Phase will add one Building and twelve (12) Units. In all, six (6) additional Buildings and seventy-two (72) additional Units are or will be constructed and/or created in the Project on the Phases 9-14 Property. The additional Buildings and Units are located within a portion of the Additional Land. Upon the recordation of the Maps for the additional Phases and this Second Supplement to the Declaration, the total number of Units in the Project will be one hundred sixty-eight (168).


Second Supplement to the Declaration, the total number of Units in the Project will be one hundred sixty-eight (168). The additional Buildings and Units in each Phase are or will be substantially similar in construction, design, and quality to the Building and Units in the prior Phase(s).

5. **Percentage Interest Revised.** Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Revised Exhibit "C," attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. **Effective Date.** The effective date of this Second Supplement to the Declaration and the Phases 9-14 Map(s) shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

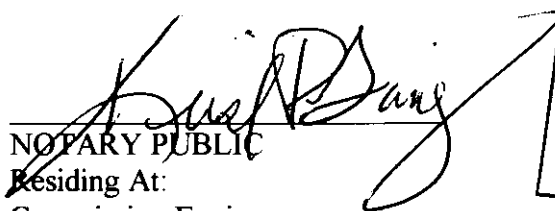
EXECUTED the 2 day of October, 2003.

TMM DEVELOPERS, L.C.,
a Utah limited liability company

By: 
Name: Don Mullen
Title: Manager

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 2 day of October, 2003 personally appeared before me DON MULLEN, who by me being duly sworn, did say that he is the Manager of TMM DEVELOPERS, 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, and said DON MULLEN duly acknowledged to me that said Company executed the same.


NOTARY PUBLIC
Residing At:
Commission Expires:

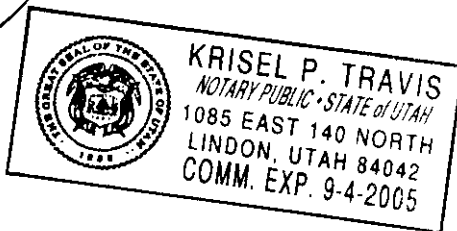


EXHIBIT "A-9"

**WESTBURY AT PHEASANT POINTE
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phase 9 Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED SOUTH 00°09'44" WEST ALONG THE SECTION LINE 888.30 FEET AND WEST 1,463.29 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 34°06'00" WEST 148.35 FEET; THENCE ALONG THE ARC OF A 5,630.00 FOOT RADIUS CURVE TO THE RIGHT 482.29 FEET (CHORD BEARS NORTH 55°07'36" WEST 482.14 FEET) THENCE NORTH 34°32'27" EAST 101.15 FEET; THENCE NORTH 33°09'32" EAST 78.32 FEET; THENCE NORTH 25°25'48" EAST 33.41 FEET; THENCE NORTH 35°51'24" EAST 107.84 FEET; THENCE SOUTH 55°04'45" EAST 184.90 FEET; THENCE NORTH 34°44'00" EAST 103.24 FEET; THENCE ALONG THE ARC OF A 283.00 FOOT RADIUS CURVE TO THE RIGHT 28.73 FEET (CHORD BEARS SOUTH 53°07'29" EAST 28.72 FEET); THENCE SOUTH 56°02'00" EAST 52.75 FEET; THENCE SOUTH 34°44'00" WEST 104.41 FEET; THENCE SOUTH 55°16'00" EAST 129.56 FEET; THENCE SOUTH 34°44'00" WEST 171.92 FEET; THENCE SOUTH 55°54'00" EAST 90.38 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A-10"

**WESTBURY AT PHEASANT POINTE
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phase 10 Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED SOUTH 00°09'44" WEST ALONG THE SECTION LINE 636.52 FEET AND WEST 1,366.67 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 34°10'03" WEST 3.45 FEET; THENCE NORTH 55°16'00" WEST 13.00 FEET; THENCE SOUTH 34°10'03" WEST 88.00 FEET; THENCE NORTH 55°16'04" WEST 144.38 FEET; THENCE NORTH 34°44'00" EAST 104.41 FEET; THENCE SOUTH 56°02'00" EAST 141.29 FEET; THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT 23.62 FEET (CHORD BEARS SOUTH 10°55'58" EAST 21.25 FEET) TO THE POINT OF BEGINNING.

EXHIBIT "A-11"

**WESTBURY AT PHEASANT POINTE
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phase 11 Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED SOUTH 00°09'44" WEST ALONG THE SECTION LINE 780.80 FEET AND WEST 1,595.17 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 34°44'00" WEST 81.80 FEET; THENCE NORTH 54°36'30" WEST 146.46 FEET; THENCE NORTH 33°44'51" EAST 78.52 FEET; THENCE SOUTH 55°53'26" EAST 147.81 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A-12"

**WESTBURY AT PHEASANT POINTE
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phase 12 Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED SOUTH 00°09'44" WEST ALONG THE SECTION LINE 715.01 FEET AND WEST 1,549.75 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 34°44'00" WEST 79.67 FEET; THENCE NORTH 55°53'26" WEST 147.81 FEET; THENCE NORTH 33°44'51" EAST 81.30 FEET; THENCE SOUTH 55°16'00" EAST 149.20 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A-13"

**WESTBURY AT PHEASANT POINTE
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phase 13 Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED SOUTH 00°09'44" WEST ALONG THE SECTION LINE 630.00 FEET AND WEST 1,672.60 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 33°45'51" WEST 159.82 FEET; THENCE NORTH 54°36'30" WEST 91.25 FEET; THENCE NORTH 34°32'27" EAST 158.74 FEET; THENCE SOUTH 55°16'00" EAST 89.03 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A-14"

**WESTBURY AT PHEASANT POINTE
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phase 14 Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED SOUTH 00°09'44" WEST ALONG THE SECTION LINE 490.00 FEET AND WEST 1,555.01 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 34°44'00" WEST 103.24 FEET; THENCE NORTH 55°04'45" WEST 184.90 FEET; THENCE NORTH 34°32'27" EAST 26.88 FEET; THENCE NORTH 70°57'58" EAST 132.71 FEET; THENCE ALONG THE ARC OF A 283.00 FOOT RADIUS CURVE TO THE LEFT 111.78 FEET (CHORD BEARS SOUTH 38°54'05" EAST 111.05 FEET) TO THE POINT OF BEGINNING.

REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
1	1	1-A	0.595238%
1	1	1-B	0.595238%
1	1	1-C	0.595238%
1	1	1-D	0.595238%
1	1	1-E	0.595238%
1	1	1-F	0.595238%
1	1	1-G	0.595238%
1	1	1-H	0.595238%
1	1	1-I	0.595238%
1	1	1-J	0.595238%
1	1	1-K	0.595238%
1	1	1-L	0.595238%
2	2	2-A	0.595238%
2	2	2-B	0.595238%
2	2	2-C	0.595238%
2	2	2-D	0.595238%
2	2	2-E	0.595238%
2	2	2-F	0.595238%
2	2	2-G	0.595238%
2	2	2-H	0.595238%
2	2	2-I	0.595238%
2	2	2-J	0.595238%
2	2	2-K	0.595238%
2	2	2-L	0.595238%
3	3	3-A	0.595238%
3	3	3-B	0.595238%
3	3	3-C	0.595238%
3	3	3-D	0.595238%
3	3	3-E	0.595238%
3	3	3-F	0.595238%
3	3	3-G	0.595238%
3	3	3-H	0.595238%
3	3	3-I	0.595238%
3	3	3-J	0.595238%
3	3	3-K	0.595238%
3	3	3-L	0.595238%

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
4	4	4-A	0.595238%
4	4	4-B	0.595238%
4	4	4-C	0.595238%
4	4	4-D	0.595238%
4	4	4-E	0.595238%
4	4	4-F	0.595238%
4	4	4-G	0.595238%
4	4	4-H	0.595238%
4	4	4-I	0.595238%
4	4	4-J	0.595238%
4	4	4-K	0.595238%
4	4	4-L	0.595238%
5	5	5-A	0.595238%
5	5	5-B	0.595238%
5	5	5-C	0.595238%
5	5	5-D	0.595238%
5	5	5-E	0.595238%
5	5	5-F	0.595238%
5	5	5-G	0.595238%
5	5	5-H	0.595238%
5	5	5-I	0.595238%
5	5	5-J	0.595238%
5	5	5-K	0.595238%
5	5	5-L	0.595238%
6	6	6-A	0.595238%
6	6	6-B	0.595238%
6	6	6-C	0.595238%
6	6	6-D	0.595238%
6	6	6-E	0.595238%
6	6	6-F	0.595238%
6	6	6-G	0.595238%
6	6	6-H	0.595238%
6	6	6-I	0.595238%
6	6	6-J	0.595238%
6	6	6-K	0.595238%
6	6	6-L	0.595238%

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
7	7	7-A	0.595238%
7	7	7-B	0.595238%
7	7	7-C	0.595238%
7	7	7-D	0.595238%
7	7	7-E	0.595238%
7	7	7-F	0.595238%
7	7	7-G	0.595238%
7	7	7-H	0.595238%
7	7	7-I	0.595238%
7	7	7-J	0.595238%
7	7	7-K	0.595238%
7	7	7-L	0.595238%
8	8	8-A	0.595238%
8	8	8-B	0.595238%
8	8	8-C	0.595238%
8	8	8-D	0.595238%
8	8	8-E	0.595238%
8	8	8-F	0.595238%
8	8	8-G	0.595238%
8	8	8-H	0.595238%
8	8	8-I	0.595238%
8	8	8-J	0.595238%
8	8	8-K	0.595238%
8	8	8-L	0.595238%
9	9	1-A	0.595238%
9	9	1-B	0.595238%
9	9	1-C	0.595238%
9	9	1-D	0.595238%
9	9	1-E	0.595238%
9	9	1-F	0.595238%
9	9	1-G	0.595238%
9	9	1-H	0.595238%
9	9	1-I	0.595238%
9	9	1-J	0.595238%
9	9	1-K	0.595238%
9	9	1-L	0.595238%

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
10	10	1-A	0.595238%
10	10	1-B	0.595238%
10	10	1-C	0.595238%
10	10	1-D	0.595238%
10	10	1-E	0.595238%
10	10	1-F	0.595238%
10	10	1-G	0.595238%
10	10	1-H	0.595238%
10	10	1-I	0.595238%
10	10	1-J	0.595238%
10	10	1-K	0.595238%
10	10	1-L	0.595238%
11	11	1-A	0.595238%
11	11	1-B	0.595238%
11	11	1-C	0.595238%
11	11	1-D	0.595238%
11	11	1-E	0.595238%
11	11	1-F	0.595238%
11	11	1-G	0.595238%
11	11	1-H	0.595238%
11	11	1-I	0.595238%
11	11	1-J	0.595238%
11	11	1-K	0.595238%
11	11	1-L	0.595238%
12	12	1-A	0.595238%
12	12	1-B	0.595238%
12	12	1-C	0.595238%
12	12	1-D	0.595238%
12	12	1-E	0.595238%
12	12	1-F	0.595238%
12	12	1-G	0.595238%
12	12	1-H	0.595238%
12	12	1-I	0.595238%
12	12	1-J	0.595238%
12	12	1-K	0.595238%
12	12	1-L	0.595238%

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
13	13	1-A	0.595238%
13	13	1-B	0.595238%
13	13	1-C	0.595238%
13	13	1-D	0.595238%
13	13	1-E	0.595238%
13	13	1-F	0.595238%
13	13	1-G	0.595238%
13	13	1-H	0.595238%
13	13	1-I	0.595238%
13	13	1-J	0.595238%
13	13	1-K	0.595238%
13	13	1-L	0.595238%
14	14	1-A	0.595238%
14	14	1-B	0.595238%
14	14	1-C	0.595238%
14	14	1-D	0.595238%
14	14	1-E	0.595238%
14	14	1-F	0.595238%
14	14	1-G	0.595238%
14	14	1-H	0.595238%
14	14	1-I	0.595238%
14	14	1-J	0.595238%
14	14	1-K	0.595238%
14	14	1-L	0.595238%