

WHEN RECORDED RETURN TO:
 GATES AT KINGSPONTE, L.C.
 758 South 400 East
 Orem, Utah 84097
 (801) 227-0550

10052914
 04/02/2007 01:00 PM \$117.00
 Book - 9444 Pg - 158-168
 GARY W. OTT
 RECORDER, SALT LAKE COUNTY, UTAH
 WEST VALLEY CITY
 3600 CONSTITUTION BLVD
 WVC UT 84119-3720
 BY: KJE, DEPUTY - WI 11 P.

**FIRST SUPPLEMENT TO
 DECLARATION OF CONDOMINIUM
 FOR GATES AT KINGSPONTE CONDOMINIUM
 (an Expandable Utah Condominium Project)**

This First Supplement to Declaration of Condominium for Gates at Kingspointe Condominium is made and executed by GATES AT KINGSPONTE, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097 (the "Declarant").

RECITALS

Whereas, the original Declaration of Condominium for Gates at Kingspointe Condominium was recorded in the office of the County Recorder of Salt Lake County, Utah on the 22 day of February, 2007 as Entry No. 10010978:2007 Book: 9425 at Page(s) 5606-5682 of the Official Records (the "Declaration").

Whereas, the related Plat Maps for Phases 1-6, inclusive and phases 11 & 12, of the Project have also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 46 of the Declaration, Declarant reserved an option, until the five (5) years from the date following the first conveyance of a Unit in Phase I 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 Salt Lake County, Utah and described with particularity on Exhibits "A-7, A-8, A-9 and A-10" attached hereto and incorporated herein by this reference (collectively, "First Supplement Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right 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 First Supplement Property a residential condominium development.

Whereas, Declarant now intends that the First Supplement 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 First Supplement to Declaration of Condominium for Gates at Kingspointe Condominium.

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

A. **First Supplement to the Declaration** shall mean and refer to this First Supplement to Declaration of Condominium for Gates at Kingspointe Condominium.

B. **First Supplemental Map(s) or First Supplement Property Map(s)** shall mean and refer to the Supplemental Plat Map(s) for the additional phases of the Project described on Exhibits "A-7, A-8, A-9 and A-10" prepared and certified to by Gary W. Wier, a duly registered Utah Land Surveyor holding Certificate No. 333098, and filed for record in the Office of the County Recorder of Salt Lake 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 First Supplement Property described in Exhibits "A-7, A-8, A-9 and A-10" 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 First Supplement 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-7, A-8, A-9 and A-10" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Map(s), Phase 7 will add a Building and six (6) Units; Phase 8 will add a Building and four (4) Units; Phase 9 will add a Building and six (6) Units; and Phase 10 will add a Building and four (4) Units. In all, four (4) Buildings and twenty (20) additional Units are or will be constructed and/or created in the Project on the First Supplement 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 First Supplement to the Declaration, the total number of Units in the Project will be eighty-four (84). The additional Buildings and Units in each new Phase are or will be substantially similar in construction, design, and quality to the Building and Units in the prior Phases.

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 First Supplement to the Declaration and the Map(s) for Phases 7, 8, 9 and 10 shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

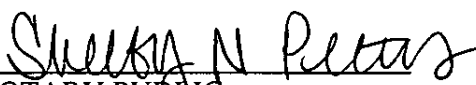
EXECUTED the 1 day of March, 2007.

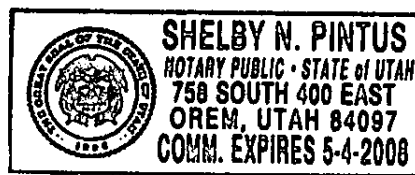
GATES AT KINGSPONTE, L.C.,
a Utah limited liability company

By: 
Name: William L. Montgomery
Title: Manager

STATE OF UTAH)
 ss:
COUNTY OF UTAH)

On the 1 day of March, 2007, personally appeared before me WILLIAM L MONTGOMERY, who by me being duly sworn, did say that he is the Manager of GATES AT KINGSPONTE, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of its Articles of Organization or a resolution of its Members, and said William L. Montgomery duly acknowledged to me that said Company executed the same.


NOTARY PUBLIC
Residing At: Orem, UT
Commission Expires: 5-4-2008



Titera Family trust dated October 3, 1996

William R. Titera

William R. Titera, Trustee

STATE OF *OHIO*)
) SS.
COUNTY OF *CRAWFORD*)

On this 6 day of MARCH, 200~~6~~⁷, personally appeared before me, **William R. Titera**, known to me to be the Trustees of the **Titera Family Trust dated October 3, 1996** and the Trustees who subscribed the said Trust name to the foregoing instrument, acknowledged to me that they executed the same in said Trust name, and that said Trust executed the same..

Holly M. Aussem

NOTARY PUBLIC

Residing At: *39516 Parsons Road, Grafton, Oh 44044*



Holly M. Aussem
Notary Public
State of Ohio
My Commission Expires 10/24/2008

EXHIBIT "A-7"

**GATES AT KINGSPONTE CONDOMINIUM
LEGAL DESCRIPTION**

The land described in the foregoing document as Phase 7 of the First Supplement Property is located in Salt Lake County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A POINT THAT LIES S00°01'15"E 549.99 FEET AND EAST 1251.29 FEET FROM THE CENTER OF SAID SECTION 34;

THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 6 N24°08'17"W 89.95 FEET TO THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 4; THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 4 THE FOLLOWING FIVE CALLS: THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT AT A DISTANCE OF 57.48 FEET, THE CHORD BEARS N32°55'38"E 54.37 FEET; THENCE N00°00'26"W 69.33 FEET; THENCE ALONG THE ARC OF A 3.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 4.71 FEET, THE CHORD BEARS N44°59'34"E 4.24 FEET; THENCE N89°59'34"E 16.00 FEET; THENCE N00°00'26"W 14.50 FEET; THENCE N89°59'34"E 58.71 FEET TO THE BOUNDARY OF KINGSPONTE PHASE 5 SUBDIVISION; THENCE ALONG THE BOUNDARY OF KINGSPONTE PHASE 5 SUBDIVISION S00°00'26"E 214.56; THENCE S89°59'58"W 70.50 FEET TO THE POINT OF BEGINNING. CONTAINING 0.41 ACRES, 6 UNITS.

EXHIBIT "A-8"

**GATES AT KINGSPONTE CONDOMINIUM
LEGAL DESCRIPTION**

The land described in the foregoing document as Phase 8 of the First Supplement Property is located in Salt Lake County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A POINT THAT LIES S00°01'15"E 200.89 FEET AND EAST 1263.15 FEET FROM THE CENTER OF SAID SECTION 34;

THENCE N89°59'05"E 58.71 FEET TO THE BOUNDARY OF KINGSPONTE PHASE 5 SUBDIVISION; THENCE ALONG THE BOUDNARY OF KINGSPONTE PHASE 5 SUBDIVISION S00°00'26"E 134.57 FEET TO THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 7; THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 7 S89°59'34"W 58.71 FEET TO THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 4; THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 4 THE FOLLOWING THREE CALLS: N00°00'26"W 14.50 FEET; THENCE S89°59'34"W 16.00 FEET; THENCE ALONG THE ARC OF A 3.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 4.71 FEET, THE CHORD BEARS N45°00'26"W 4.24 FEET; THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPONTE PHASES 3 AND 4 N00°00'26"W 106.93 FEET; THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 3 THE FOLLOWING THREE CALLS: THE ARC OF A 3.00 FOOT RADIUS CURVE TO THE RIGHT 4.71 FEET, THE CHORD BEARS N44°59'34"E 4.24 FEET; THENCE N89°59'34"E 16.00 FEET; THENCE N00°00'26"W 7.13 FEET TO THE POINT OF BEGINNING. CONTAINING 0.23 ACRES, 4 UNITS.

EXHIBIT "A-9"

**GATES AT KINGSPONTE CONDOMINIUM
LEGAL DESCRIPTION**

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

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A POINT THAT LIES S00°01'15"E 81.27 FEET AND EAST 1212.74 FEET FROM THE CENTER OF SAID SECTION 34;

THENCE N21°46'53"E 87.53 FEET; THENCE N89°59'58"E 76.66 FEET TO THE BOUNDARY OF KINGSPONTE PHASE 5 SUBDIVISION; THENCE ALONG THE BOUNDARY OF KINGSPONTE PHASE 5 SUBDIVISION S00°00'26"E 200.88 FEET TO THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 8; THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 8 S89°59'05"W 58.71 FEET TO THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 3; THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPONTE PHASE 3 THE FOLLOWING 5 CALLS: N00°00'26"W 12.87 FEET; THENCE S89°59'34"W 16.00 FEET; THENCE ALONG THE ARC OF A 3.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 4.71 FEET, THE CHORD BEARS N45°00'26"W 4.24 FEET; THENCE N00°00'26"W 57.72 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE 59.13 FEET, THE CHORD BEARS N34°20'32"W 55.74 FEET TO THE POINT OF BEGINNING. CONTAINING 0.39 ACRES, 6 UNITS.

EXHIBIT "A-10"

**GATES AT KINGSPORTE CONDOMINIUM
LEGAL DESCRIPTION**

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

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A POINT THAT LIES S00°01'15"E 77.70 FEET AND EAST 1116.90 FEET FROM THE CENTER OF SAID SECTION 34;

THENCE N00°00'03"W 77.71 FEET; THENCE EAST 128.32 FEET TO THE BOUNDARY OF THE GATES AT KINGSPORTE PHASE 9; THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPORTE PHASE 9 S21°46'53"W 87.53 FEET TO THE BOUNDARY OF THE GATES AT KINGSPORTE PHASE 3; THENCE ALONG THE BOUNDARY OF THE GATES AT KINGSPORTE PHASE 3 THE FOLLOWING TWO CALLS: THE ARC OF A 50 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 19.01 FEET, THE CHORD BEARS N79°06'34"W 18.89 FEET; THENCE S89°59'58"W 77.29 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.20 ACRES, 4 UNITS.

REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

Phase	Building No.	Unit No.	Percentage of Ownership Interest
1	A	1	1.191%
1	A	2	1.191%
1	A	3	1.191%
1	A	4	1.191%
1	A	5	1.191%
1	A	6	1.191%
1	A	7	1.191%
1	A	8	1.191%
1	A	9	1.191%
1	A	10	1.191%
1	A	11	1.191%
1	A	12	1.191%
2	B	1	1.191%
2	B	2	1.191%
2	B	3	1.191%
2	B	4	1.191%
2	B	5	1.191%
2	B	6	1.191%
2	B	7	1.191%
2	B	8	1.191%
2	B	9	1.191%
2	B	10	1.191%
2	B	11	1.191%
2	B	12	1.191%
3	C	1	1.191%
3	C	2	1.191%
3	C	3	1.191%
3	C	4	1.191%
3	C	5	1.191%
3	C	6	1.191%
3	C	7	1.191%
3	C	8	1.191%
3	C	9	1.191%
3	C	10	1.191%
3	C	11	1.191%
3	C	12	1.191%

4	D	1	1.191%
4	D	2	1.191%
4	D	3	1.191%
4	D	4	1.191%
4	D	5	1.191%
4	D	6	1.191%
4	D	7	1.191%
4	D	8	1.191%
4	D	9	1.191%
4	D	10	1.191%
4	D	11	1.191%
4	D	12	1.191%
5	1	1	1.191%
5	1	2	1.191%
5	1	3	1.191%
5	1	4	1.191%
6	2	1	1.191%
6	2	2	1.191%
6	2	3	1.191%
6	2	4	1.191%
7	3	1	1.191%
7	3	2	1.191%
7	3	3	1.191%
7	3	4	1.191%
7	3	5	1.191%
7	3	6	1.191%
8	4	1	1.191%
8	4	2	1.191%
8	4	3	1.191%
8	4	4	1.191%
9	5	1	1.191%
9	5	2	1.191%
9	5	3	1.191%
9	5	4	1.191%
9	5	5	1.191%
9	5	6	1.191%

10	6	1	1.191%
10	6	2	1.191%
10	6	3	1.191%
10	6	4	1.191%
11	7	1	1.191%
11	7	2	1.191%
11	7	3	1.191%
11	7	4	1.191%
12	8	1	1.191%
12	8	2	1.191%
12	8	3	1.191%
12	8	4	1.191%
TOTAL:	84		100.0%