

14
WHEN RECORDED RETURN TO:
PROMENADE AT PHEASANT POINTE DEVELOPMENT, L.C.
Wayne H. Corbridge
758 South 400 East
Orem, Utah 84097

ENT 114482:2002 PG 1 of 14
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2002 Sep 30 10:40 am FEE 141.00 BY SS
RECORDED FOR LEHI CITY

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

This FIRST SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR PROMENADE AT PHEASANT POINTE, an expandable Utah condominium project, is made and executed by PHEASANT POINTE DEVELOPMENT, 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 PROMENADE AT PHEASANT POINTE, was recorded in the office of the County Recorder of Utah County, Utah on the 30 day of September 2002 as Entry No. 114464 in Book 2002 at Page(s) 1 of 16 of the Official Records of the County Recorder of Utah County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase 1 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 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 Utah County, Utah and described with particularity on Exhibit "A-2" attached hereto and incorporated herein by this reference (collectively, "Phases 2-17 Properties").

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 2-17 Properties a residential condominium development.

Whereas, Declarant now intends that the Phases 2-17 Properties shall become subject to the Declaration.

AGREEMENT

ENT 114482:2002 PG 2 of 14

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 THE DECLARATION OF CONDOMINIUM FOR PROMENADE AT PHEASANT POINTE.

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 THE DECLARATION OF CONDOMINIUM FOR PROMENADE AT PHEASANT POINTE.

B. **First Supplemental Map(s) or Phases 2-17 Properties Map(s)** shall mean and refer to the Supplemental Plat Map(s) for the additional phases of the Project described on Exhibit "A-2," prepared and certified to by Dennis P. Carlisle, a duly registered Utah Land Surveyor holding Certificate No. 172675, 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 Exhibit A-2 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 Subsequent Phase 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 Exhibit "A-2" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Maps for each additional Phase, thirty (30) additional Buildings and ninety (90) additional Units are or will be constructed and/or created in the Project on the Subsequent Phase 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 ninety-six (96). 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).

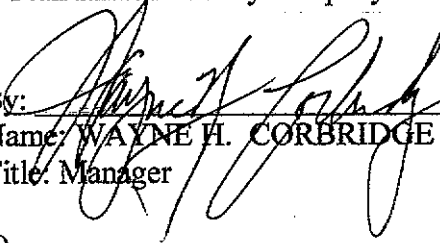
5. **Percentage Interest Revised.** Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Exhibit "C" (Percentages of Undivided Ownership

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 First Supplement to the Declaration and the Subsequent Phase 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 9 day of September, 2002.

PHEASANT POINTE DEVELOPMENT, L.C.,
a Utah limited liability company

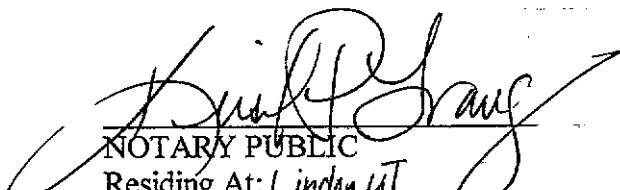
By: 
Name: WAYNE H. CORBRIDGE
Title: Manager

STATE OF UTAH)

)ss:

COUNTY OF UTAH)

On the 9 day of September, 2002 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of PHEASANT POINTE DEVELOPMENT, 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 WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.


NOTARY PUBLIC
Residing At: Lindon, UT
Commission Expires: 9-4-05

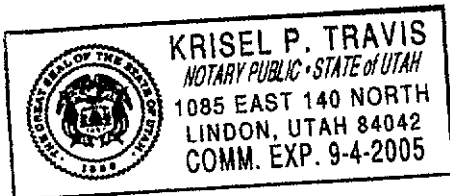


EXHIBIT "A-2"

PROMENADE AT PHEASANT POINTE
LEGAL DESCRIPTION OF PHASES 2-17 PROPERTIES

The land described in the foregoing document as the Phases 2-17 Properties is located in Utah County, Utah and is described more particularly as follows:

Promenade at Pheasant Pointe PHASE 2

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 1,175.59 FEET AND WEST 355.22 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S0°07'00"E	151.62	
N89°50'16"W	85.52	
N29°17'51"W	35.48	R=56.00 Δ=45°01'28" CH=N22°24'39"E 42.88
ALONG AN ARC	L=44.01	
N0°06'05"W	1.87	
N89°53'55"E	18.00	
N0°06'05"W	18.50	
S89°53'55"W	18.00	
N0°06'05"W	60.27	
N89°53'55"E	86.37	TO THE POINT OF BEGINNING
		CONTAINS: 0.30 ACRES
BASIS OF BEARING: ALONG SECTION LINE AS SHOWN		

Promenade at Pheasant Pointe Phase 3

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 1,296.03 FEET AND WEST 457.45 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S29°17'51"E	35.48	
S0°09'44"W	84.33	
WEST	145.67	
NORTH	98.82	
EAST	88.89	
ALONG AN ARC	L=44.06	R=56.00 Δ=45°04'37" CH=N67°27'42"E 42.93
		TO THE POINT OF BEGINNING
		CONTAINS: 0.34 ACRES
BASIS OF BEARING: ALONG SECTION LINE AS SHOWN		

**EXHIBIT "A-2"
(CONTINUED)**

Promenade at Pheasant Pointe PHASE 4

BEGINNING AT A POINT LOCATED $S0^{\circ}09'44''W$ ALONG THE SECTION LINE 1,312.49 FEET AND WEST 585.94 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	98.82	
WEST	143.58	
NORTH	98.82	
EAST	143.58	TO THE POINT OF BEGINNING
		CONTAINS: 0.33 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

Promenade at Pheasant Pointe Phase 5

BEGINNING AT A POINT LOCATED $S0^{\circ}09'44''W$ ALONG THE SECTION LINE 1,183.68 FEET AND WEST 477.55 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
$S0^{\circ}06'05''E$	72.77	
ALONG AN ARC	L=32.28	R=20.00 $\Delta=90^{\circ}06'05''$ CH= $S44^{\circ}56'58''W$ 28.31
NORTH	14.00	
WEST	83.50	
SOUTH	14.00	
WEST	62.83	
ALONG AN ARC	L=31.42	R=20.00 $\Delta=90^{\circ}00'00''$ CH= $N45^{\circ}00'00''W$ 28.28
NORTH	22.07	
EAST	18.00	
NORTH	50.74	
EAST	168.20	TO THE POINT OF BEGINNING
		CONTAINS: 0.35 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

**EXHIBIT "A-2"
(CONTINUED)**

Promenade at Pheasant Point PHASE 6

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 1,019.02 FEET AND WEST 496.31 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S0° 06'05"E	83.30	
EAST	18.00	
S0° 06'05"E	81.36	
WEST	93.80	
NORTH	77.00	
WEST	5.00	
NORTH	87.66	
EAST	80.51	TO THE POINT OF BEGINNING
		CONTAINS: 0.33 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

Promenade at Pheasant Point PHASE 7

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 872.48 FEET AND WEST 416.16 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S0° 08'04"E	49.09	
ALONG AN ARC	L-31.67	R-71.00 Δ-25° 33'12" CH-S12° 54'40"E 31.40
ALONG AN ARC	L-20.31	R-24.00 Δ-48° 29'11" CH-S57° 03'24"W 19.71
ALONG AN ARC	L-27.94	R-184.00 Δ-8° 42'01" CH-S85° 39'00"W 27.91
WEST	114.33	
NORTH	104.90	
EAST	83.49	
ALONG AN ARC	L-51.70	R-528.00 Δ-5° 36'36" CH-N87° 11'42"E 51.68
ALONG AN ARC	L-25.00	R-15.00 Δ-95° 28'32" CH-S47° 52'20"E 22.20
		TO THE POINT OF BEGINNING
		CONTAINS: 0.37 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

**EXHIBIT "A-2"
(CONTINUED)**

Promenade at Pheasant Point PHASE 8

BEGINNING AT A POINT LOCATED $S0^{\circ}09'44''W$ ALONG THE SECTION LINE 1,019.02 FEET AND WEST 576.82 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	87.66	
EAST	5.00	
SOUTH	77.00	
WEST	74.39	
NORTH	21.26	
WEST	18.00	
NORTH	58.62	
EAST	18.00	
NORTH	32.78	
ALONG AN ARC	L-19.61	R=52.00 $\Delta=21^{\circ}36'28''$ CH-N $10^{\circ}48'14''E$ 19.50
N $72^{\circ}34'13''W$	18.04	
ALONG AN ARC	L-84.87	R=70.00 $\Delta=69^{\circ}28'04''$ CH-N $55^{\circ}15'58''E$ 79.77
EAST	13.39	
SOUTH	18.00	
EAST	4.00	TO THE POINT OF BEGINNING

CONTAINS: 0.32 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

Promenade at Pheasant Point PHASE 9

BEGINNING AT A POINT LOCATED $S0^{\circ}09'44''W$ ALONG THE SECTION LINE 860.12 FEET AND WEST 567.77 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	104.90	
WEST	26.89	
ALONG AN ARC	L-89.29	R=106.00 $\Delta=48^{\circ}15'57''$ CH-S $65^{\circ}52'02''W$ 86.68
N $49^{\circ}56'19''W$	155.10	
NORTH	40.52	
EAST	224.70	TO THE POINT OF BEGINNING

CONTAINS: 0.52 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

**EXHIBIT "A-2"
(CONTINUED)**

Promenade at Pheasant Pointe PHASE 10

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 1,000.46 FEET AND WEST 673.37 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
ALONG AN ARC	L-77.21	R-106.00 Δ-41°44'03" CH-S20°52'02"W 75.51
SOUTH	35.97	
WEST	91.81	
NORTH	206.36	
S49°56'19"E	155.10	TO THE POINT OF BEGINNING
		CONTAINS: 0.37 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

Promenade at Pheasant Pointe PHASE 11

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 1,330.49 FEET AND WEST 729.48 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	80.82	
WEST	119.23	
N60°43'35"W	164.33	
N57°17'35"E	116.81	
ALONG AN ARC	L-43.20	R-110.00 Δ-22°30'01" CH-S47°41'42"E 42.92
ALONG AN ARC	L-24.73	R-24.00 Δ-59°02'48" CH-S29°25'19"E 23.65
S0°06'05"W	85.96	
S89°53'55"E	32.00	
N0°06'05"E	66.89	
ALONG AN ARC	L-37.12	R-24.00 Δ-88°36'45" CH-N44°24'27"E 33.53
SOUTH	17.99	
EAST	65.50	
		TO THE POINT OF BEGINNING
		CONTAINS: 0.42 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

**EXHIBIT "A-2"
(CONTINUED)**

ENT 114482:2002 PG 9 of 14

Promenade at Pheasant Pointe PHASE 12

BEGINNING AT A POINT LOCATED $S0^{\circ}09'44''W$ ALONG THE SECTION LINE 1,106.99 FEET AND WEST 699.96 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	67.19	
WEST	18.00	
SOUTH	64.00	
EAST	18.00	
SOUTH	18.31	
ALONG AN ARC	L=23.64	R=24.00 $\Delta=56^{\circ}26'34''$ CH=S28 $^{\circ}$ 13'17"W 22.70
WEST	81.07	
NORTH	169.49	
EAST	91.81	TO THE POINT OF BEGINNING
		CONTAINS: 0.33 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

Promenade at Pheasant Pointe PHASE 13

BEGINNING AT A POINT LOCATED $S0^{\circ}09'44''W$ ALONG THE SECTION LINE 1,116.71 FEET AND WEST 791.74 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	159.77	
WEST	14.14	
ALONG AN ARC	L=83.46	R=74.00 $\Delta=64^{\circ}37'13''$ CH=N57 $^{\circ}$ 41'23"W 79.11
N67 $^{\circ}$ 55'37"E	18.04	
ALONG AN ARC	L=25.84	R=56.00 $\Delta=26^{\circ}26'40''$ CH=N13 $^{\circ}$ 13'22"W 25.62
NORTH	17.17	
WEST	18.00	
NORTH	68.60	
EAST	88.14	TO THE POINT OF BEGINNING
		CONTAINS: 0.28 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

**EXHIBIT "A-2"
(CONTINUED)**

Promenade at Pheasant Pointe PHASE 14

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 1,011.18 FEET AND WEST 792.04 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	105.53	
WEST	88.14	
NORTH	73.53	
EAST	18.00	
NORTH	32.00	
EAST	70.14	TO THE POINT OF BEGINNING
		CONTAINS: 0.20 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

Promenade at Pheasant Pointe PHASE 15

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 860.12 FEET AND WEST 792.47 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	151.06	
WEST	70.14	
NORTH	4.00	
WEST	18.00	
NORTH	131.55	
ALONG AN ARC	L-20.99	R=20.50 Δ=58°39'59" CH=N29°19'59"E 20.09
ALONG AN ARC	L-49.35	R=608.00 Δ=4°39'01" CH=S87°40'30"E 49.33
EAST	29.01	TO THE POINT OF BEGINNING
		CONTAINS: 0.30 ACRES

**EXHIBIT "A-2"
(CONTINUED)**

Promenade at Pheasant Pointe PHASE 16

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 1,158.26 FEET AND WEST 915.77 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	44.22	
ALONG AN ARC	L-69.97	R-110.00 Δ-36°26'43" CH-S18°13'22"E 68.80
S57°17'35"W	116.81	
N60°43'35"W	9.72	
N6°42'29"E	89.09	
N26°17'18"W	25.74	
NORTH	56.37	
EAST	86.25	TO THE POINT OF BEGINNING
		CONTAINS: 0.30 ACRES

Promenade at Pheasant Pointe PHASE 17

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 1,012.76 FEET AND WEST 916.18 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	145.50	
WEST	86.25	
NORTH	145.50	
EAST	86.25	TO THE POINT OF BEGINNING
		CONTAINS: 0.29 ACRES

REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

Phase	Bldg. No.	Unit No.	Parcel No.	Percentage of Ownership Interest
1	A	1		33.3%
1	A	2		33.3%
1	A	3		33.3%
1	B	1		33.3%
1	B	2		33.3%
1	B	3		33.3%
2	C	1		33.3%
2	C	2		33.3%
2	C	3		33.3%
2	D	1		33.3%
2	D	2		33.3%
2	D	3		33.3%
3	E	1		33.3%
3	E	2		33.3%
3	E	3		33.3%
3	F	1		33.3%
3	F	2		33.3%
3	F	3		33.3%
4	G	1		33.3%
4	G	2		33.3%
4	G	3		33.3%
4	H	1		33.3%
4	H	2		33.3%
4	H	3		33.3%
11	I	1		33.3%
11	I	2		33.3%
11	I	3		33.3%
11	J	1		33.3%
11	J	2		33.3%
11	J	3		33.3%
16	K	1		33.3%
16	K	2		33.3%
16	K	3		33.3%

Phase	Bldg. No.	Unit No.	Parcel No.	Percentage of Ownership Interest
16	L	1		33.3%
16	L	2		33.3%
16	L	3		33.3%
17	M	1		33.3%
17	M	2		33.3%
17	M	3		33.3%
17	N	1		33.3%
17	N	2		33.3%
17	N	3		33.3%
15	O	1		33.3%
15	O	2		33.3%
15	O	3		3.3%
15	P	1		33.3%
15	P	2		33.3%
15	P	3		33.3%
14	Q	1		33.3%
14	Q	2		33.3%
14	Q	3		33.3%
13	R	1		33.3%
13	R	2		33.3%
13	R	3		33.3%
13	S	1		33.3%
13	S	2		33.3%
13	S	3		33.3%
12	T	1		33.3%
12	T	2		33.3%
12	T	3		33.3%
12	U	1		33.3%
12	U	2		33.3%
12	U	3		33.3%
10	V	1		33.3%
10	V	2		33.3%
10	V	3		33.3%

Phase	Bldg. No.	Unit No.	Parcel No.	Percentage of Ownership Interest
10	W	1		33.3%
10	W	2		33.3%
10	W	3		33.3%
9	X	1		33.3%
9	X	2		33.3%
9	X	3		33.3%
9	Y	1		33.3%
9	Y	2		33.3%
9	Y	3		33.3%
7	Z	1		33.3%
7	Z	2		33.3%
7	Z	3		33.3%
7	AA	1		33.3%
7	AA	2		33.3%
7	AA	3		33.3%
6	CC	1		33.3%
6	CC	2		33.3%
6	CC	3		33.3%
5	DD	1		33.3%
5	DD	2		33.3%
5	DD	3		33.3%
5	EE	1		33.3%
5	EE	2		33.3%
5	EE	3		33.3%
8	FF	1		33.3%
8	FF	2		33.3%
8	FF	3		33.3%
8	GG	1		33.3%
8	GG	2		33.3%
8	GG	3		33.3%
TOTAL				100%