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WHEN RECORDED RETURN TO:  
PROVENCE DEVELOPMENT, L.C.  
Wayne H. Corbridge  
758 South 400 East  
Orem, Utah 84058  
(801) 277-0550

ENT 157830:2003 PG 1 of 9  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2003 Sep 29 1:55 pm FEE 76.00 BY SFS  
RECORDED FOR PROVENCE DEVELOPMENT

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

This SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR PROVENCE AT PHEASANT POINTE, an expandable Utah condominium project, is made and executed by PROVENCE 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 PROVENCE AT PHEASANT POINTE was recorded in the office of the County Recorder of Utah County, Utah on November 8, 2002 as Entry No: 134097:2002 on Pages 1-69 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, the First Supplement to the Declaration of Condominium for PROVENCE AT PHEASANT POINTE was recorded in the office of the County Recorder of Utah County, Utah on the 8<sup>th</sup> day of November, 2002 as Entry No. 1314101:2002 on Page(s) 1 of 6 of the Official Records of the County Recorder of Utah County, Utah (the "First Supplement").

Whereas, the related Plat Map(s) for Phases 2, 3 and 4 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-5, 6, 7, 8, 9, 10, and 11" attached hereto and incorporated herein by this reference (the, "Phase 5 -11 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 Phase 5-11 Property a residential condominium development.

Whereas, Declarant now intends that the Phase 5-11 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 PROVENCE 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 PROVENCE AT PHEASANT POINTE.

B. **Second Supplemental Map(s) or Phase 5 Property Map(s)** shall mean and refer to the Supplemental Plat Map(s) for the additional phase of the Project described on Exhibit "A-5, 6, 7, 8, 9, 10, and 11" 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 Second 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-5, 6, 7, 8, 9, 10, and 11" 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 5-11 Property shall be annexed to and become subject to the Declaration, which upon recordation of this Second Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A-5, 6, 7, 8, 9, 10, and 11" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Map(s), the Units and Buildings to be added are:

Phase 5	Building F	8 Units
Phase 6	Building C	6 Units
Phase 7	Building D	6 Units

Phase 8	Building E	6 Units
Phase 9	Building K	8 Units
Phase 10	Building I	4 Units
Phase 11	Building J	6 Units

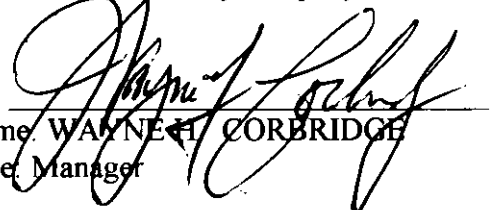
In all, Forty-four (44) additional Units are or will be constructed and/or created in the Project on the Phases 5-11 Property. The additional Buildings and Units are located within a portion of the Additional Land. Upon the recordation of the Map(s) for the additional Phase and this Second Supplement to the Declaration, the total number of Units in the Project will be seventy (70). 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 Phase 5 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.

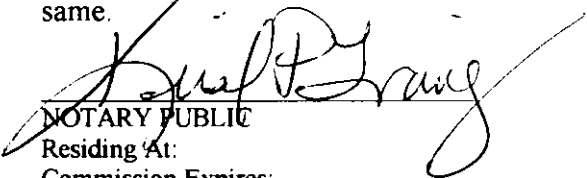
EXECUTED the 18 day of September, 2003.

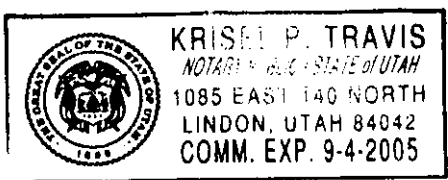
PROVENCE DEVELOPMENT, L.C.,  
a Utah limited liability company

By:   
Name: WAYNE H. CORBRIDGE  
Title: Manager

STATE OF UTAH     )  
                              )ss:  
COUNTY OF UTAH    )

On the 18 day of September, 2003 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of PROVENCE 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:  
Commission Expires:



## EXHIBIT "A-5"

**PROVENCE AT PHEASANT POINTE  
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phase 5 Property is located in Utah County, Utah and is described more particularly as follows:

Beginning at a point located South  $0^{\circ}09'44''$  West along the section line 513.29 feet and West 785.93 feet from the East quarter corner of Section 31, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence South  $31^{\circ}55'09''$  West 32.00 feet; thence North  $58^{\circ}46'55''$  West 32.40 feet; thence along the arc of a 24 foot radius curve to the left 36.73 feet through a central angle of  $87^{\circ}41'23''$ , chord bears South  $77^{\circ}22'26''$  West 33.25 feet; thence South  $33^{\circ}31'46''$  West 69.50 feet; thence North  $58^{\circ}25'43''$  West 301.81 feet; thence North  $33^{\circ}31'46''$  East 10.09 feet; thence along the arc of a 96 foot radius curve to the left 43.58 feet through a central angle of  $26^{\circ}00'45''$ , chord bears North  $20^{\circ}31'24''$  East 43.21 feet; thence North  $72^{\circ}11'16''$  West 41.15 feet; thence North  $0^{\circ}01'47''$  West 308.89 feet; thence along the arc of a 27 foot radius curve to the left 35.35 feet through a central angle of  $75^{\circ}01'06''$ , chord bears North  $36^{\circ}49'04''$  West 32.88 feet; thence North  $89^{\circ}57'35''$  West 375.29 feet; thence along the arc of a 26.00 foot radius curve to the left 36.62 feet through a central angle of  $80^{\circ}41'13''$ , chord bears South  $49^{\circ}30'48''$  West 33.66 feet, thence along the arc of a 247.00 foot radius curve to the left 39.27 feet through a central angle of  $09^{\circ}06'35''$ , chord bears South  $04^{\circ}33'17''$  West 39.23 feet, thence South 177.67 feet; thence along the arc of a 227.00 foot radius curve to the left 145 feet through a central angle of  $36^{\circ}35'45''$ , chord bears South  $18^{\circ}17'52''$  East 142.54 feet; thence South  $53^{\circ}23'54''$  West 56.00 feet; thence along the arc of a 283.00 foot radius curve to the right 180.76 feet through a central angle of  $36^{\circ}35'45''$ , chord bears North  $18^{\circ}17'52''$  West 177.70 feet; thence North 130.99 feet; thence along the arc of a 15.00 foot radius curve to the left 23.56 feet through a central angle of  $90^{\circ}00'00''$ , chord bears North  $45^{\circ}00'00''$  West 21.21 feet; thence North  $02^{\circ}00'15''$  East 50.03 feet; thence along the arc of a 15.00 foot radius curve to the left 21.986 feet through a central angle of  $83^{\circ}58'48''$ , chord bears North  $48^{\circ}00'24''$  East 20.07 feet; thence along the arc of a 303.00 foot radius curve to the left 20.56 feet through a central angle  $03^{\circ}53'13''$ , chord bears North  $07^{\circ}56'42''$  East 20.55 feet ; thence along the arc of a 26.00 foot radius curve to the left 37.92 feet through a central angle of  $83^{\circ}34'17''$ , chord bears North  $31^{\circ}53'12''$  West 34.65 feet; thence along the arc of a 510.00 foot radius curve to the left 26.62 through a central angle of  $02^{\circ}59'27''$ , chord bears North  $72^{\circ}10'41''$  West 26.62 feet; thence South  $89^{\circ}41'00''$  East 368.85 feet; thence North 8.16 feet; thence South  $89^{\circ}57'35''$  East 268.11 feet; thence South 35.00 feet; thence North  $89^{\circ}57'35''$  West 70.70 feet; thence along the arc of a 35.00 foot radius curve to the left 29.10 through a central angle of  $47^{\circ}38'29''$ , chord bears South  $23^{\circ}47'02''$  West 28.27 feet; thence South  $00^{\circ}01'47''$  East 244.38 feet; thence along the arc of a 24.00 foot radius curve to the left 36.58 feet through a central angle of  $87^{\circ}19'45''$ , chord bears South  $43^{\circ}37'45''$  East 33.14 feet; thence along the arc of a 116.00 foot radius curve to the right 58.36 feet through a central angle  $28^{\circ}49'30''$ , chord bears South  $72^{\circ}55'44''$  East 57.75 feet; thence South  $58^{\circ}46'55''$  East 323.93 feet to the point of beginning.

Being Proposed Phase 5 Provence at Pheasant Pointe

**EXHIBIT "A-6"****PROVENCE AT PHEASANT POINTE  
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phase 6 Property is located in Utah County, Utah and is described more particularly as follows:

Beginning at a point located South  $0^{\circ}09'44''$  West along the section line 516.34 feet and West 780.88 feet from the East quarter corner of Section 31, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence South  $12^{\circ}31'43''$  West 228.15 feet; thence North  $51^{\circ}21'46''$  West 143.78 feet; thence along a 66 foot radius curve 11.82 feet, through a central angle of  $10^{\circ}15'26''$ , chord bears North  $38^{\circ}39'30''$  East 11.80 feet; thence North  $33^{\circ}31'46''$  East 130.93 feet; thence along a 24 foot radius curve 36.73 feet, through a central angle of  $87^{\circ}41'23''$ , chord bears North  $77^{\circ}22'26''$  East 33.25 feet; thence South  $58^{\circ}46'55''$  East 32.40 feet; thence North  $31^{\circ}55'09''$  East 32.00 feet; thence South  $58^{\circ}46'55''$  East 5.89 feet to the point of beginning.

**EXHIBIT "A-7"****PROVENCE AT PHEASANT POINTE  
LEGAL DESCRIPTION**

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

Beginning at a point located South  $0^{\circ}09'44''$  West along the section line 434.68 feet and West 762.95 feet from the East quarter corner of Section 31, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence South  $12^{\circ}31'44''$  West 83.66 feet; thence North  $58^{\circ}46'55''$  West 189.67 feet; thence North  $31^{\circ}28'18''$  East 79.24 feet; thence South  $58^{\circ}46'55''$  East 162.51 feet to the point of beginning.

**EXHIBIT "A-8"**

**PROVENCE AT PHEASANT POINTE  
LEGAL DESCRIPTION**

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

Beginning at a point located South 0°09'44" West along the section line 350.45 feet and West 902.18 feet from the East quarter corner of Section 31, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence South 31°28'18" West 79.24 feet; thence North 58°46'55" West 140.15 feet; thence along a 116 foot radius curve 58.36 feet, through a central angle of 28°49'30", chord bears North 72°55'44" West 57.75 feet; thence North 52°58'35" East 76.38 feet; thence North 0°06'27" West 26.24 feet; thence South 58°46'55" East 181.82 feet to the point of beginning.

**EXHIBIT "A-9"**

**PROVENCE 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 0°09'44" West along the section line 34.25 feet and West 1,060.40 feet from the East quarter corner of Section 31, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence South 220.65 feet; thence South 58°46'55" East 2.14 feet; thence South 0°06'27" East 26.24 feet; thence South 52°58'35" West 76.38 feet; thence along a 24 foot radius curve 36.58 feet, through a central angle of 87°19'45", chord bears North 43°37'45" West 33.14 feet; thence North 0°01'47" West 244.38 feet; thence along a 35 foot radius curve 29.10 feet, through a central angle of 47°38'29", chord bears North 23°47'02" East 28.27 feet; thence South 89°57'35" East 70.70 feet to the point of beginning.

**EXHIBIT "A-10"****PROVENCE 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 0°09'44" West along the section line 225.57 feet and West 1,177.87 feet from the East quarter corner of Section 31, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence South 0°01'47" East 125.55 feet; thence South 89°41'30" West 80.12 feet; thence North 125.77 feet; thence North 89°51'00" East 80.05 to the point of beginning.

**EXHIBIT "A-11"****PROVENCE 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 0°09'44" West along the section line 60.48 feet and West 1,178.43 feet from the East quarter corner of Section 31, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence South 0°01'47" East 165.09 feet; thence South 89°51'00" West 80.05 feet; thence North 191.66 feet; thence South 89°57'35" East 60.26 feet; thence along a 27 foot radius curve 35.35 feet, through a central angle of 75°01'06", chord bearing South 36°49'04" East 32.88 feet to the point of beginning.

**REVISED EXHIBIT "C"**  
**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

Phase	Bldg. No.	Unit No.	Parcel No.	Percentage of Ownership Interest
1	A	1		1.429%
1	A	2		1.429%
1	A	3		1.429%
1	A	4		1.429%
1	A	5		1.429%
1	A	6		1.429%
2	G	1		1.429%
2	G	2		1.429%
2	G	3		1.429%
2	G	4		1.429%
2	G	5		1.429%
2	G	6		1.429%
2	G	7		1.429%
2	G	8		1.429%
3	B	1		1.429%
3	B	2		1.429%
3	B	3		1.429%
3	B	4		1.429%
3	B	5		1.429%
3	B	6		1.429%
4	H	1		1.429%
4	H	2		1.429%
4	H	3		1.429%
4	H	4		1.429%
4	H	5		1.429%
4	H	6		1.429%
5	F	1		1.429%
5	F	2		1.429%
5	F	3		1.429%
5	F	4		1.429%
5	F	5		1.429%
5	F	6		1.429%
5	F	7		1.429%
5	F	8		1.429%
6	C	1		1.429%
6	C	2		1.429%



6	C	3	1.429%
6	C	4	1.429%
6	C	5	1.429%
6	C	6	1.429%
7	D	1	1.429%
7	D	2	1.429%
7	D	3	1.429%
7	D	4	1.429%
7	D	5	1.429%
7	D	6	1.429%
8	E	1	1.429%
8	E	2	1.429%
8	E	3	1.429%
8	E	4	1.429%
8	E	5	1.429%
8	E	6	1.429%
9	K	1	1.429%
9	K	2	1.429%
9	K	3	1.429%
9	K	4	1.429%
9	K	5	1.429%
9	K	6	1.429%
9	K	7	1.429%
9	K	8	1.429%
10	I	1	1.429%
10	I	2	1.429%
10	I	3	1.429%
10	I	4	1.429%
11	J	1	1.429%
11	J	2	1.429%
11	J	3	1.429%
11	J	4	1.429%
11	J	5	1.429%
11	J	6	1.429%

TOTAL 100%