



WHEN RECORDED, RETURN TO:

Riverwoods Research and Business Park Owners Association
3550 N. University Ave, Suite 300
Provo, Utah 84604
Attn: Secretary

ENT 20027=2024 PG 1 of 7
ANDREA ALLEN
UTAH COUNTY RECORDER
2024 Mar 28 04:33 PM FEE 40.00 BY KR
RECORDED FOR PROVO CITY

Parcel No(s): See Exhibit B

**FIFTH AMENDMENT TO
MASTER DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
RIVERWOODS RESEARCH AND BUSINESS PARK
PROVO CITY, UTAH COUNTY, UTAH**

THIS FIFTH AMENDMENT TO MASTER DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS (“**Fifth Amendment**”) is made and executed this ___ day of _____, 202_ (“**Amendment Effective Date**”), by RIVERWOODS RESEARCH AND BUSINESS PARK OWNERS ASSOCIATION, a Utah nonprofit corporation (the “**Association**”).

RECITALS

A. Pursuant to certain Master Declaration of Covenants, Conditions and Restrictions for Riverwoods Research and Business Park, Provo City, Utah County, Utah, recorded October 24, 1991 as Entry No. 42273 in Book 2847, at Page 618 with the Utah County Recorder’s Office (the “**Original Declaration**”) the real property described on Exhibit A (the “**Property**”) attached hereto and by this reference made a part hereof was subjected to protective covenants, conditions, and restrictions of the Original Declaration.

B. The Original Declaration was subsequently amended by that certain First Amendment to Master Declaration of Protective Covenants, Conditions and Restrictions for Riverwoods Research and Business Park, Provo City, Utah County, Utah, recorded December 23, 1991, as Entry No. 50674, in Book 2869, at Page 154 in the Utah County Recorder’s Office, as further amended by that certain Second Amendment to Master Declaration of Protective Covenants, Conditions and Restrictions for Riverwoods Research and Business Park, Provo City, Utah County, Utah, recorded September 10, 1992, as Entry No. 47431, in Book 2998, at Page 776 in the Utah County Recorder’s Office, as further amended by that Third Amendment to Master Declaration of Protective Covenants, Conditions and Restrictions for Riverwoods Research and Business Park, Provo City, Utah County, Utah, recorded June 2, 2000, as Entry No. 43568:2000 in the Utah County Recorder’s Office, and as further amended by that Fourth Amendment to Master Declaration of Protective Covenants, Conditions and Restrictions for Riverwoods Research and Business Park, Provo City, Utah County, Utah, recorded November 9, 2000, as Entry No. 89334:2000 in the Utah County Recorder’s Office (collectively, the “**Prior Amendments**”). The

Original Declaration as amended by the Prior Amendments is referred to herein as the “**Current Declaration**” and the Current Declaration as amended by this Fifth Amendment is referred to herein as the “**Declaration**”.

C. This Fifth Amendment has been approved by the required affirmative vote of the voting power of the Members of the Association.

D. The Property is also subject to that certain Maintenance and Open Space Preservation Agreement, by and between the Association and the City of Provo (the “**City**”), recorded October 24, 1991, as Entry No. 42272, in Book 2847, at Page 610, as amended by that certain First Amendment to Maintenance and Open Space Preservation Agreement, recorded September 10, 1992, as Entry No. 47430, in Book 2998, at Page 772 in the Utah County Recorder’s Office (as amended, the “**Maintenance Agreement**”) which provides that the Current Declaration shall not be modified or changed without the approval of the City. By executing the consent and acknowledgment below, the City consents to this Fifth Amendment.

E. The Owner of that certain portion of the Property more particularly described in Exhibit B (the “**Residential Property**”) attached hereto and incorporated herein by this reference, intends to develop the Residential Property into a residential housing development.

F. The Association desires to amend the Current Declaration to remove and withdraw the Residential Property from the Declaration in the manner set forth in this Fifth Amendment.

NOW, THEREFORE, the Association hereby amends the Current Declaration as follows:

1. Incorporation/Interpretation. All of the terms of the Current Declaration are incorporated into this Fifth Amendment, except as revised below. In the event of a conflict between the Current Declaration and this Fifth Amendment, this Fifth Amendment shall control. Capitalized terms in this Fifth Amendment shall have the same meaning given in the Current Declaration, except if there is a conflict, then this Fifth Amendment’s definitions shall control.

2. Withdrawal of Property. To facilitate the development of the Residential Property, the Association hereby withdraws and removes the Residential Property from the Property encumbered by the Declaration. As such, Exhibit A to the Current Declaration is hereby amended to exclude the Residential Property.

3. Certifications. Pursuant to Section 6 of Article XVII of the Declaration, the Board of Trustees, by its authorized officer’s signature below, hereby certifies that the vote required to amend the Current Declaration has occurred and that this Fifth Amendment was approved by said vote.

[Signatures and Acknowledgments Follow]

IN WITNESS WHEREOF, the Association has caused this Fifth Amendment to be executed as of the Amendment Effective Date.

ASSOCIATION:

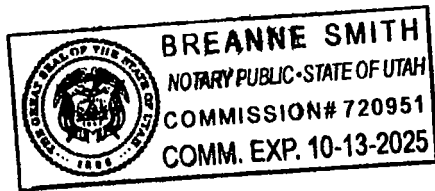
RIVERWOODS RESEARCH AND
BUSINESS PARK OWNERS
ASSOCIATION, a Utah
nonprofit corporation

By: K. Rogers
Name: Kirk Rogers
Its: Authorized Officer and Trustee

ASSOCIATION ACKNOWLEDGMENT

STATE OF UTAH)
) :ss.
COUNTY OF Utah)

On the 21 day of December, 2023 personally appeared before me Kirk Rogers, a member of the Board of Trustees and Authorized Officer of Riverwoods Research and Business Park Owners Association, a Utah nonprofit corporation, and that she/he, being authorized to do so, executed the foregoing instrument for the purpose contained and in the capacity therein stated.



Breanne Smith
NOTARY PUBLIC

CITY CONSENT

Pursuant to Section 8 of the Maintenance Agreement, the City hereby consents to the foregoing Fifth Amendment to the Current Declaration.

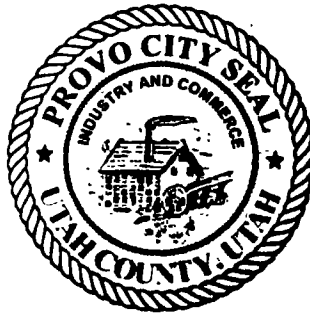
CITY:

Provo City Corporation

Michelle Kaufusi
Michelle Kaufusi, Mayor

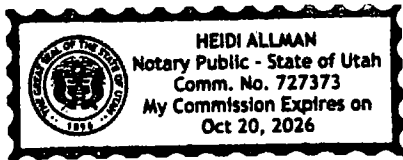
Attest:

Allman
Heidi Allman, City Recorder



STATE OF UTAH)
 :SS.
COUNTY OF UTAH)

On the 30 day of January, 2024, personally appeared before me Michelle Kaufusi who being by me duly sworn, did say that she is the Mayor of Provo City, a political subdivision of the State of Utah, and that said instrument was signed on behalf of the City by authority of its City Council and said Mayor acknowledged to me that the City executed the same.



Allman

NOTARY PUBLIC

EXHIBIT A
(Legal Description of the Property)

Commencing at the Northeast corner of Section 13, Township 6 South, Range 2 East, Salt Lake Base and Meridian (Basis of Bearing is the Utah State Plane Coordinate System, Central Zone); thence North 89°49'06" East 114.73 feet; thence South 5°55'48" West 624.23 feet; thence South 12°16'13" West 54.92 feet; thence South 89°50'30" East 345.16 feet; thence South 9°34'29" West 403.90 feet; thence North 84°49'06" West 334.26 feet; thence South 19°34'42" West 125.66 feet; thence South 84°35'13" West 336.80 feet; thence South 86°53'23" West 93.02 feet; thence South 23°00'00" West 133.13 feet; thence South 84°53'59" West 64.20 feet; thence South 38°57'49" West 224.48 feet; thence South 53°00'55" West 132.54 feet; thence South 59°29'17" West 332.50 feet; thence North 3°18'03" East 186.14 feet; thence North 27°36'55" East 122.97 feet; thence North 24°19'07" East 58.20 feet; thence along the arc of a 283.00 foot radius curve to the right 202.27 feet (chord bears South 69°05'00" West 197.99 feet); thence South 89°33'31" West 192.44 feet; thence North 0°26'32" West 15.25 feet; thence South 89°16'00" West 205.80 feet; thence South 63°16'00" West 108.27 feet; thence South 16°15'00" West 290.80 feet; thence South 60°28'00" West 158.20 feet; thence South 37°42'00" West 175.00 feet; thence South 62°45'00" West 281.00 feet; thence South 28°08'00" West 82.40 feet; thence South 30°02'00" West 109.00 feet; thence South 5°45'00" West 103.20 feet; thence South 5°52'00" East 50.10 feet; thence South 22°59'00" East 67.00 feet; thence South 12°57'00" West 54.00 feet; thence South 20°39'00" West 155.93 feet; thence West 41.14 feet; thence North 26°54'17" West 161.87 feet; thence North 28°32'50" East 10.24 feet; thence North 8°35'53" East 34.48 feet; thence North 2°16'42" West 16.89 feet; thence North 2°28'54" East 201.71 feet; thence North 10°16'43" East 49.87 feet; thence North 15°27'23" East 58.57 feet; thence North 22°57'09" East 50.77 feet; thence North 2°49'57" East 53.79 feet; thence North 10°53'11" East 33.68 feet; thence North 19°41'46" East 42.76 feet; thence North 23°13'23" East 42.33 feet; thence North 14°38'41" East 44.08 feet; thence North 8°08'45" West 66.59 feet; thence North 15°10'16" West 46.64 feet; thence North 21°12'39" West 85.31 feet; thence North 21°05'51" West 53.46 feet; thence North 19°3'12" West 49.35 feet; thence North 15°55'20" West 73.37 feet; thence North 10°00'12" West 53.07 feet; thence North 0°07'17" East 51.11 feet; thence North 4°31'44" East 49.18 feet; thence North 87°16'21" East 1.57 feet; thence North 7°12'20" East 93.83 feet; thence North 3°26'34" East 60.93 feet; thence along the arc of a 137.98 foot radius curve to the right 82.68 feet (chord bears North 20°36'36" East 81.45 feet); thence North 37°46'38" East 167.98 feet; thence North 87°23'05" West 17.54 feet; thence North 35°57'25" East 131.24 feet; thence North 29°09'25" East 232.88 feet; thence North 31°55'55" East 117.56 feet; thence North 4°02'35" West 178.20 feet; thence North 14°28'25" East 435.61 feet; thence North 88°17'08" East 128.54 feet; thence North 21°25'33" East 455.98 feet; thence North 88°12'22" East 1289.18 feet; thence along the arc of a 833.00 foot radius curve to the right 71.63 feet (chord bears North 24°33'41" East 71.61 feet); thence North 27°21'29" East 170.11 feet; thence along the arc of a 20.00 foot radius curve to the left 96.52 feet (chord bears North 14°23'14" West 26.63 feet); thence along the arc of a 156.00 foot radius

curve to the right 90.11 feet (chord bears North $39^{\circ}35'08''$ West 88.86 feet); thence North $23^{\circ}02'18''$ West 342.70 feet; thence North $14^{\circ}29'11''$ East 91.94 feet; thence North 435.12 feet; thence North $13^{\circ}24'09''$ East 402.81 feet; thence South $89^{\circ}55'59''$ East 339.39 feet; thence South $32^{\circ}40'33''$ East 164.17 feet; thence South $1^{\circ}17'24''$ East 970.25 feet; thence South $20^{\circ}04'08''$ West 555.68 feet; thence South $14^{\circ}34'35''$ West 335.18 feet; thence North $88^{\circ}12'24''$ East 294.03 feet to the point of beginning.

LESS AND ACCEPTING THE FOLLOWING DESCRIBED PARCEL:

Commencing at a point located North 354.16 feet and West 255.37 feet from the Northeast corner of Section 13, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North $68^{\circ}53'05''$ West 168.86 feet; thence along the arc of a 767.00 foot radius curve to the right 26.11 feet (chord bears North $26^{\circ}22'58''$ East 26.11 feet); thence North $27^{\circ}21'29''$ East 154.58 feet; thence along the arc of a 50.00 foot radius curve to the right 20.05 feet (chord bears North $38^{\circ}50'53''$ East 19.92 feet); thence along the arc of a 60.00 foot radius curve to the left 139.51 feet (chord bears North $16^{\circ}16'24''$ West 110.14 feet); thence along the arc of a 50.00 foot radius curve to the right 3.89 feet (chord bears North $80^{\circ}39'29''$ West 3.88 feet); thence North $34^{\circ}02'58''$ East 5.08 feet; thence North $38^{\circ}26'32''$ East 163.44 feet; thence North $34^{\circ}48'44''$ East 119.44 feet; thence North $21^{\circ}57'56''$ East 55.75 feet; thence North $24^{\circ}56'35''$ East 150.40 feet; thence North $51^{\circ}19'30''$ East 20.65 feet; thence North $39^{\circ}33'08''$ East 82.14 feet; thence South $1^{\circ}12'57''$ East 136.80 feet; thence South $17^{\circ}27'19''$ West 187.99 feet; thence South $13^{\circ}35'43''$ West 264.65 feet; thence South $21^{\circ}53'12''$ West 155.38 feet; thence South $24^{\circ}26'55''$ West 132.66 feet to the point of beginning.

EXHIBIT B
(Legal Description of the Residential Property)

Lot 1, Phase IV, RIVERWOODS RESEARCH AND BUSINESS PARK, A PLANED UNIT DEVELOPMENT, Provo, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's office.

(Tax Parcel No. 51:198:00001)