

167/11

SUPPLEMENT TO DECLARATION OF
CONDOMINIUM FOR GATEWAY VILLAGE
AN EXPANDABLE UTAH CONDOMINIUM PROJECT

THIS SUPPLEMENT TO DECLARATION OF CONDOMINIUM, an Utah Expandable Condominium Project, is made and executed effective as of _____, 2005 by SUNDANCE HOMES, LLC, a Utah limited liability company, and P.G. DEVELOPMENT COMPANY, LLC, a Utah limited liability company (collectively "Declarant").

RECITALS:

A. Declarant executed and recorded that certain Declaration of Condominium for Gateway Condominiums and Town Homes dated January 26, 2004 and recorded February 2, 2004 as Entry No. 11593:2004 in the Utah County Recorder's Office (the "Declaration"). An Amendment of Declaration of Condominium for Gateway Condominiums and Town Homes dated June 4, 2004 was executed by the Declarant and was recorded June 28, 2004 as Entry No. 73891:2004 in the Utah County Recorder's Office. A Second Amendment of Declaration of Condominium for Gateway Condominiums and Town Homes dated October 7, 2004 was executed by the Declarant and was recorded October 7, 2004 as Entry No. 114498:2004 in the Utah County Recorder's Office. The Declaration, as amended, covers the land described in Exhibit A to the Declaration. The Second Amendment referred to above changed the name of the Project to Gateway Village.

B. A Record of Survey Map for Phase 1 of Gateway Village has also been recorded in the Utah County Recorder's Office. The Record of Survey Map covers the same land as described in Exhibit A to the Declaration.

C. Section 12.1 of the Declaration, as amended, provides that Declarant reserved the right to expand the Project to include the Additional Land described in Exhibit B to the Declaration which is the land described in Exhibit A to this Supplement at any time within seven years from the recording of the Declaration in accordance with the Declaration and the Act.

D. Declarant desires to expand the Project by adding all of the Additional Land as Phase 2 of the Project and Declarant intends that the Additional Land and Phase 2 shall become subject to the Declaration as previously amended by the execution and recording of this Supplement by Declarant.

NOW THEREFORE, Declarant hereby executes this Supplement to the Declaration of Condominium for Gateway Village and by this Supplement hereby declares as follows:

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

1.1. Supplement to Declaration shall mean this Supplement to the Declaration of Condominium for Gateway Village.

1.2. Supplement to Record of Survey Map or Phase 2 Condominium Map shall mean and refer to the Gateway Village Condominium Plat Phase 2 filed in connection herewith executed and acknowledged by Declarant, consisting of 2 pages prepared and certified by David Thomas, a duly registered Utah Land Surveyor, as the same may hereafter be modified or amended.

Except as otherwise herein provided, the definitions of terms contained in the Declaration are incorporated into this Supplement by this reference.

2. Addition of Additional Land as Phase 2 to Declaration. The land described in Exhibit A to this Supplement, which is the land described as the Additional Land in Exhibit B to the Declaration and is the land covered by the Phase 2 Condominium Map, is hereby submitted to the provisions of the Declaration and 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 previously amended and as supplemented by this Supplement.

3. Annexation of Phase 2 and Amendment of Declaration. Declarant hereby declares that the land described in Exhibit A to this Supplement is annexed into and shall become subject to the Declaration, as amended, which upon the recordation this Supplement shall constitute and effectuate the expansion of the Project to include the Additional Land, making the land described in said Exhibit A and the Condominium Buildings and Condominium Units and Town Home Buildings and Town Home Units set out in the Phase 2 Condominium Plat subject to the Declaration and the Bylaws attached thereto. All Owners of Units added to the Project by the Phase 2 Condominium Plats shall be members of the Association and shall be subject to the functions, powers, rights, duties and jurisdiction of the Association. The Declaration is hereby amended to include the Additional Land and the Condominium Buildings and Units and the Town Home Buildings and Units added to the Project by the Phase 2 Condominium Plat.

4. Total Number of Units Revised. As shown on the Phase 2 Condominium Plat, four Condominium Buildings and 48 Condominium Units and four Town Home Buildings and 19 Town Home Units will be constructed and added to the Project. Upon the recording of this Declaration and the Phase 2 Condominium Plat, the total number of Units in the Project will be 136 with a total of 96 Condominium Units and a total of 40 Town Home Units. The additional Buildings and Units shall be substantially similar in construction, design and quality to the Condominium Buildings and Condominium Units and the Town Home Buildings and Town Home Units in Phase 1 and shall be in accordance with the descriptions of said Buildings and Units in the Declaration.

5. Percentage of Undivided Interest Revised. Declarant is required by the Declaration and the Act to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities, the undivided percentages of ownership interest in the Condominium Common Areas and Facilities and the Percentage of Assessments for Town

Home Expenses upon the addition of the Additional Land to the Declaration. Exhibit C to the Declaration is hereby deleted in its entirety and the Revised Exhibit C attached to this Supplement is substituted in lieu thereof. The reallocated undivided percentages of ownership interest in the Common Areas and Facilities and the undivided percentages of ownership interest in the Condominium Common Areas and Facilities set out in the Revised Exhibit C attached to this Supplement covers and relates to the Common Areas and Facilities and the Condominium Common Areas and Facilities added to the Project by Phase 2 as well as the Common Areas and Facilities and the Condominium Common Areas and Facilities in Phase 1 of the Project. The reallocated undivided percentages of ownership interest in the Common Areas and Facilities, the reallocated undivided percentages of ownership interest in the Condominium Common Areas and Facilities the reallocated Percentage of Assessments for Town Home Expenses set out in the Revised Exhibit C attached to this Supplement also apply to the Condominium Units and Town Home Units in Phase 1 of the Project as well as Phase 2 of the Project.

6. Effective Date. The effective date of this Supplement to the Declaration and the Phase 2 Condominium Plat shall be the date on which both of said instruments are filed for record with the Utah County Recorder's Office.

IN WITNESS WHEREOF, Declarant has executed this Supplement to the Declaration of Condominium as of the day and year first above written.

SUNDANCE HOMES, LLC

By: Grant R. Gifford
Its: Manager

P.G. DEVELOPMENT COMPANY, LLC

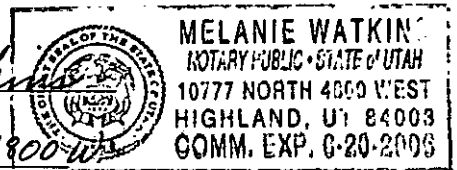
By: David D. Siffel
Its: Manager

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 25th day of February, 2005, by Grant R. Gifford, as Manager of Sundance Homes, LLC.

My commission expires:
6-20-2006

Melanie Watkins
Notary Public
Residing at: 10777 N. 4900 W
Highland, UT 84003

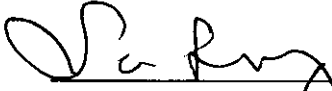


STATE OF UTAH)
 : SS.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 25 day of February, 2005, by Daniel G Gifford as manager of P.G. Development Company, LLC

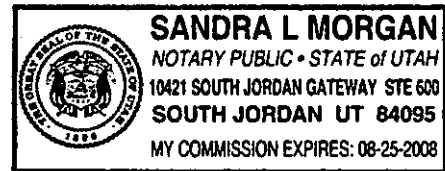
My commission expires:

Aug 25, 2008



Notary Public
Residing at: Salt Lake County

2005127



**Exhibit A**

ENT 26714:2005 PG 5 of 11

Order Number: 10158496

PARCEL 1:

Phase 2 - B.W. INC. PROPERTY

Beginning at a point which is North 00 deg. 31'30" West along the section line 586.21 feet and West 171.27 feet from the East quarter corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, running thence West 169.18 feet; thence North 00 deg. 24'13" West 57.56 feet; thence North 00 deg. 14'53" East 664.93 feet; thence South 88 deg. 18'30" East 165.00 feet; thence South 00 deg. 08'30" East 717.61 feet to the point of beginning.

Together with a temporary access easement described as follows:

A 26-foot wide temporary access easement to be vacated upon recording of Gateway Village Phase 2. The easement is described as follows:

A 26-foot wide easement 13' on either side of the following described centerline:

Beginning at a point which is South 28.68 feet and West 330.73 feet from the East quarter corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian; running thence North 00 deg. 30'21" East 111.56 feet; thence along the arc of a 100.00 foot radius curve to the right 18.74 feet (curve has a central angle of 10 deg. 44'05" and a chord bearing North 05 deg. 52'24" East 18.71 feet); thence North 11 deg. 14'26" East 21.36 feet; thence along the arc of a 100.00 foot radius curve to the left 46.17 feet (curve has a central angle of 26 deg. 27'07" and a chord bearing North 01 deg. 59'07" West 45.76 feet); thence along the arc of a 100.00 foot radius curve to the right 27.43 feet (curve has a central angle of 15 deg. 43'02" and a chord bearing North 07 deg. 21'10" West 27.35 feet); thence North 00 deg. 30'21" East 112.66 feet; thence along the arc of a 100.00 foot radius curve to the right 80.41 feet (curve has a central angle of 46 deg. 04'17" and a chord bearing North 23 deg. 32'30" East 78.26 feet); thence along the arc of a 150.00 foot radius curve to the left 121.23 feet (curve has a central angle of 46 deg. 18'28" and a chord bearing North 23 deg. 25'24" East 117.96 feet); thence North 00 deg. 16'11" East 98.26 feet.

PARCEL 2:

Phase 2 - STAN SMITH PROPERTY

Beginning at a point which is North 00 deg. 31'30" West along the section line 538.55 feet and West 0.82 feet from the East quarter corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, running thence

Continued on next page

Continuation of Exhibit B A

Order Number: 10158496

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West 86.34 feet; thence North 47.66 feet; thence West 84.54 feet; thence North 00 deg. 08'30" West 717.61 feet; thence South 88 deg. 18'30" East 166.52 feet; thence South 00 deg. 28'04" East 760.38 feet to the point of beginning.

Together with a temporary access easement described as follows:

A 26-foot wide temporary access easement to be vacated upon recording of Gateway Village Phase 2. The easement is described as follows:

A 26-foot wide easement 13' on either side of the following described centerline:

Beginning at a point which is South 30.06 feet and West 38.51 feet from the East quarter corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian; running thence North 00 deg. 30'24" West 131.30 feet; thence along the arc of a 100.00 foot radius curve to the left 16.44 feet (curve has a central angle of 09 deg. 25'02" and a chord bearing North 05 deg. 12'55" West 16.42 feet; thence along the arc of a 112.00 foot radius curve to the right 43.91 feet (curve has a central angle of 22 deg. 27'47" and a chord bearing North 01 deg. 18'27" East 43.63 feet); thence along the arc of a 100.00 foot radius curve to the left 23.82 feet (curve has a central angle of 13 deg. 38'54" and a chord bearing North 05 deg. 42'54" East 23.76 feet); thence North 01 deg. 06'33" West 126.22 feet; thence along the arc of a 100.00 foot radius curve to the right 82.31 feet (curve has a central angle of 47 deg. 09'27" and a chord bearing North 24 deg. 41'17" West 80.00 feet); thence along the arc of a 100.00 foot radius curve to the left 84.24 feet (curve has a central angle of 48 deg. 16'01" and a chord bearing North 24 deg. 08'00" West 81.77 feet); thence North 127.82 feet.

Revised Exhibit C(Page 1 of 5)

Declaration of Condominium for Gateway Village

Condominium Units

<u>Unit Designations</u>	<u>Undivided Interest Common Areas & Facilities</u>	<u>Undivided Interest Condominium Common Areas & Facilities</u>
A-1	.7353 %	1.0417 %
A-2	.7353 %	1.0417 %
A-3	.7353 %	1.0417 %
A-4	.7353 %	1.0417 %
A-5	.7353 %	1.0417 %
A-6	.7353 %	1.0417 %
A-7	.7353 %	1.0417 %
A-8	.7353 %	1.0417 %
A-9	.7353 %	1.0417 %
A-10	.7353 %	1.0417 %
A-11	.7353 %	1.0417 %
A-12	.7353 %	1.0417 %
B-13	.7353 %	1.0417 %
B-14	.7353 %	1.0417 %
B-15	.7353 %	1.0417 %
B-16	.7353 %	1.0417 %
B-17	.7353 %	1.0417 %
B-18	.7353 %	1.0417 %
B-19	.7353 %	1.0417 %
B-20	.7353 %	1.0417 %
B-21	.7353 %	1.0417 %
B-22	.7353 %	1.0417 %
B-23	.7353 %	1.0417 %
B-24	.7353 %	1.0417 %
G-41	.7353 %	1.0417 %
G-42	.7353 %	1.0417 %
G-43	.7353 %	1.0417 %
G-44	.7353 %	1.0417 %
G-45	.7353 %	1.0417 %
G-46	.7353 %	1.0417 %
G-47	.7353 %	1.0417 %
G-49	.7353 %	1.0417 %
G-49	.7353 %	1.0417 %
G-50	.7353 %	1.0417 %
G-51	.7353 %	1.0417 %
G-52	.7353 %	1.0417 %

Revised Exhibit C
(Continued - Page 2 of 5)

Declaration of Condominium for Gateway Village

Condominium Units

<u>Unit Designations</u>	<u>Undivided Interest Common Areas & Facilities</u>	<u>Undivided Interest Condominium Common Areas & Facilities</u>
I-58	.7353 %	1.0417 %
I-59	.7353 %	1.0417 %
I-60	.7353 %	1.0417 %
I-61	.7353 %	1.0417 %
I-62	.7353 %	1.0417 %
I-63	.7353 %	1.0417 %
I-64	.7353 %	1.0417 %
I-65	.7353 %	1.0417 %
I-66	.7353 %	1.0417 %
I-67	.7353 %	1.0417 %
I-68	.7353 %	1.0417 %
I-69	.7353 %	1.0417 %
K-74	.7353 %	1.0417 %
K-75	.7353 %	1.0417 %
K-76	.7353 %	1.0417 %
K-77	.7353 %	1.0417 %
K-78	.7353 %	1.0417 %
K-79	.7353 %	1.0417 %
K-80	.7353 %	1.0417 %
K-81	.7353 %	1.0417 %
K-82	.7353 %	1.0417 %
K-83	.7353 %	1.0417 %
K-84	.7353 %	1.0417 %
K-85	.7353 %	1.0417 %
M-91	.7353 %	1.0417 %
M-92	.7353 %	1.0417 %
M-93	.7353 %	1.0417 %
M-94	.7353 %	1.0417 %
M-95	.7353 %	1.0417 %
M-96	.7353 %	1.0417 %
M-97	.7353 %	1.0417 %
M-98	.7353 %	1.0417 %
M-99	.7353 %	1.0417 %
M-100	.7353 %	1.0417 %
M-101	.7353 %	1.0417 %
M-102	.7353 %	1.0417 %

Revised Exhibit C
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Declaration of Condominium for Gateway Village

Condominium Units

<u>Unit Designations</u>	<u>Undivided Interest Common Areas & Facilities</u>	<u>Undivided Interest Condominium Common Areas & Facilities</u>
N-103	.7353 %	1.0417 %
N-104	.7353 %	1.0417 %
N-105	.7353 %	1.0417 %
N-106	.7353 %	1.0417 %
N-107	.7353 %	1.0417 %
N-108	.7353 %	1.0417 %
N-109	.7353 %	1.0417 %
N-110	.7353 %	1.0417 %
N-111	.7353 %	1.0417 %
N-112	.7353 %	1.0417 %
N-113	.7353 %	1.0417 %
N-114	.7353 %	1.0417 %
O-115	.7353 %	1.0417 %
O-116	.7353 %	1.0417 %
O-117	.7353 %	1.0417 %
O-118	.7353 %	1.0417 %
O-119	.7353 %	1.0417 %
O-120	.7353 %	1.0417 %
O-121	.7353 %	1.0417 %
O-122	.7353 %	1.0417 %
O-123	.7353 %	1.0417 %
O-124	.7353 %	1.0417 %
O-125	.7353 %	1.0417 %
O-126	.7353 %	1.0417 %

Town Home Units

<u>Unit Designations</u>	<u>Undivided Interest Common Areas & Facilities</u>	<u>Percentage of Assessments Common Town Home Expenses</u>
C-25	.7353 %	2.5000 %
C-26	.7353 %	2.5000 %
C-27	.7353 %	2.5000 %
D-28	.7353 %	2.5000 %
D-29	.7353 %	2.5000 %
D-30	.7353 %	2.5000 %

Revised Exhibit C
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Declaration of Condominium for Gateway Village

Town Home Units

<u>Unit Designations</u>	<u>Undivided Interest Common Areas & Facilities</u>	<u>Percentage of Assessments Common Town Home Expenses</u>
E-31	.7353 %	2.5000 %
E-32	.7353 %	2.5000 %
E-33	.7353 %	2.5000 %
E-34	.7353 %	2.5000 %
E-35	.7353 %	2.5000 %
F-36	.7353 %	2.5000 %
F-37	.7353 %	2.5000 %
F-38	.7353 %	2.5000 %
F-39	.7353 %	2.5000 %
F-40	.7353 %	2.5000 %
H-53	.7353 %	2.5000 %
H-54	.7353 %	2.5000 %
H-55	.7353 %	2.5000 %
H-56	.7353 %	2.5000 %
H-57	.7353 %	2.5000 %
J-70	.7353 %	2.5000 %
J-71	.7353 %	2.5000 %
J-72	.7353 %	2.5000 %
J-73	.7353 %	2.5000 %
L-86	.7353 %	2.5000 %
L-87	.7353 %	2.5000 %
L-88	.7353 %	2.5000 %
L-89	.7353 %	2.5000 %
L-90	.7353 %	2.5000 %
P-127	.7353 %	2.5000 %
P-128	.7353 %	2.5000 %
P-129	.7353 %	2.5000 %
P-130	.7353 %	2.5000 %
P-131	.7353 %	2.5000 %

Revised Exhibit C
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Declaration of Condominium for Gateway Village

Town Home Units

<u>Unit Designations</u>	<u>Undivided Interest Common Areas & Facilities</u>	<u>Percentage of Assessments Common Town Home Expenses</u>
Q-132	.7353 %	2.5000 %
Q-133	.7353 %	2.5000 %
Q-134	.7353 %	2.5000 %
Q-135	.7353 %	2.5000 %
Q-136	.7353 %	2.5000 %