

AFTER RECORDING PLEASE RETURN TO:

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Attorney at Law
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Provo, UT 84604

SUPPLEMENT TO
DECLARATION OF CONDOMINIUM
OF
EVERGREEN PLACE CONDOMINIUMS
Provo, Utah
[An Expandable Condominium Project]

THIS SUPPLEMENT TO DECLARATION is made as of this 17th day of March, 1994, by BLUEBIRD DEVELOPMENT, L.C., a Utah limited liability company ("Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of Evergreen Place Condominiums, an expandable condominium project in Provo, Utah (the "Project").
- B. On or about October 13, 1992, Declarant caused to be recorded as Entry No. 54516, Book 3018, Page 178, in the office of the Recorder of Utah County, Utah, that certain "Declaration of Condominium of Evergreen Place Condominiums (An Expandable Condominium Project) (the "Declaration") relating to the Project.
- C. Pursuant to 2.03 of the Declaration, Declarant is permitted to annex into the Project additional real property ("Expansion Land") as set forth and described in the Declaration (or an Exhibit thereto) for purposes of development into additional Condominium Units and Common Areas consistent with the existing phase of the Project and with the Declaration.
- D. Declarant desires to annex the Expansion Land into the Project for development as Phase II of the Project.

NOW, THEREFORE, Declarant hereby declares as follows:

1. The following described real property situated in the City of Provo, County and State of Utah, is hereby submitted to the provisions of the Utah Condominium Ownership Act and the Declaration and, pursuant thereto, is hereby annexed into the Project to be held, transferred, sold, conveyed and occupied as a part thereof:

Commencing South 89 39'01" East 1200.20 feet and South 00 09'59" West 128.00 feet from the Northeast Corner of Block 12, Plat "A", Provo City Survey of Building Blocks; thence as follows: South 89 39'01" East 68.17 feet; thence South 00 20'59" West 72.49 feet; thence South 89 39'01" East 43.33 feet; thence North 00 20'59" East 15.50 feet; thence South 89 39'01" East 105.67 feet; thence South 03 09'26" East 56.11 feet; thence North 89 39'01" West 220.24 feet; thence North 00 09'59" East 113.00 feet to the point of beginning. Area = 0.35 Acres

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property.

RESERVING UNTO DECLARANT, however such easements and rights of ingress and egress over, across, through, and under the above-described Tract and any improvements (other than Buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant: (i) to construct and complete each of the Buildings and all of the other improvements described in this Declaration or in the Survey Map recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; (ii) to construct and complete on the Expansion Land or any portion thereof such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Expansion Land or any portion thereof has been or hereafter will be added to the Development); and (iii) to improve portions of the said property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners as Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the above-described Tract or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire twenty (20) years after the date on which this Declaration is filed for record in the office of the County Recorder of Utah County, Utah.

ALL OF THE FOREGOING IS SUBJECT TO all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all Patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described Tract or any portion thereof, including, without limitation, any Mortgage (and nothing in this paragraph shall be deemed to modify or amend such Mortgage); all visible easements and rights-of-way; all easements and rights-of-way, encroachments, or discrepancies shown on or revealed by the Survey Map or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the above-described Tract at such time as construction of all Project improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cables, wires, utility lines, and similar facilities; AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS, AND RESTRICTIONS CONTAINED IN THIS DECLARATION.

2. The Declaration is hereby amended in the following particulars as a result of and pursuant to the annexation set forth above:

(a) Exhibit B to the Declaration is hereby amended and replaced with a new Exhibit B in the form attached hereto and made a part hereof.

(b) The first sentence of Section 3.02 of the Declaration is amended in its entirety to read as follows:

There are two (2) Buildings each containing eight (8) Units, four (4) on the first level and four (4) on the second level.

3. Except as amended by the provisions of this Supplement to Declaration, the Declaration shall remain unchanged and, together with this Supplement to Declaration shall constitute the Declaration of Condominium for the Project as expanded by the addition of the Expansion Land described herein.

4. This Supplement to Declaration shall be filed concurrently with the Map entitled "Evergreen Place Condominiums, Phase II, Provo City, Utah County, Utah", executed and acknowledged by Declarant, consisting of two (2) sheets prepared by R. D. Gunnell, a duly registered Utah Land Surveyor holding Certificate No. 4860.

IN WITNESS WHEREOF, the Declarant has executed this instrument the day and year first above set forth.

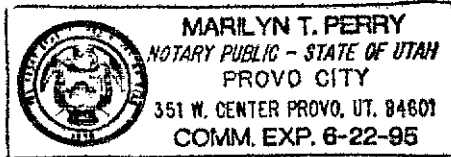
DECLARANT:

BLUEBIRD DEVELOPMENT, L.C.

By: Ron Clyde Christensen, manager
Ron Clyde Christensen, Manager

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

On the 17th day of March, 1994, personally appeared before me Ron Clyde Christensen, who, being by me duly sworn, did say that he is the manager of BLUEBIRD DEVELOPMENT, L.C., a Utah limited liability company; that the within and foregoing instrument was signed in behalf of said limited liability company by authority of its Articles of Organization and pursuant to its Operating Agreement; and he did further acknowledge to me that said limited liability company executed the same.



Marilyn T. Perry
NOTARY PUBLIC

EXHIBIT B
to
DECLARATION OF CONDOMINIUM
of
EVERGREEN CONDOMINIUMS
Provo, Utah

UNITS, SIZE, UNDIVIDED PERCENTAGE OWNERSHIP INTERESTS, AND VOTES

<u>Unit No.</u>	<u>Size (Sq. Ft.)</u>	<u>Percentage</u>	<u>Votes</u>
1 Phase I	1,540	8.38	8.38
2 Phase I	1,577	8.59	8.59
3 Phase I	550	3.00	3.00
4 Phase I	550	3.00	3.00
5 Phase I	1,189	6.48	6.48
6 Phase I	1,227	6.68	6.68
7 Phase I	1,255	6.83	6.83
8 Phase I	1,293	7.04	7.04
1 Phase II	1,540	8.38	8.38
2 Phase II	1,577	8.59	8.59
3 Phase II	550	3.00	3.00
4 Phase II	550	3.00	3.00
5 Phase II	1,189	6.48	6.48
6 Phase II	1,227	6.68	6.68
7 Phase II	1,255	6.83	6.83
8 Phase II	1,293	7.04	7.04
	18,362	100.00%	100.00

NOTE: Percentages may be adjusted by one one-hundredth of a percentage point in order to provide for a total of one hundred percent (100%).