

AFTER RECORDING PLEASE RETURN TO:

North Ridge Company, Inc.  
2457 North 1200 East  
Provo, UT 84604

ENT 35019 BK 4595 PG 482  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
1998 Apr 10 9:29 am FEE 40.00 BY SS  
RECORDED FOR TITLE WEST TITLE CO

**THIRD SUPPLEMENT TO  
DECLARATION OF CONDOMINIUM  
(Including Bylaws)  
OF  
BELMONT EAST CONDOMINIUMS  
An Expandable Condominium Project  
Provo, Utah**

**THIS THIRD SUPPLEMENT TO DECLARATION OF CONDOMINIUM** is made as of this 11<sup>th</sup> day of February, 1998, by **NORTH RIDGE COMPANY, INC.**, a Utah corporation (the "Declarant"), pursuant to the following:

**RECITALS:**

- A. Declarant is the developer of **Belmont East Condominiums**, an expandable condominium project in Provo, Utah (the "Project").
- B. On or about August 8, 1997, Declarant caused to be recorded as Entry No. 60528, Book 4342, Pages 119-150, inclusive, in the office of the Recorder of Utah County, Utah, that certain **Declaration of Condominium (Including Bylaws) of Belmont East Condominiums, An Expandable Condominium Project, Provo, Utah** (the "Declaration") relating to the Project.
- C. Pursuant to §2.4 of the Declaration, Declarant is permitted to annex into the Project additional real property ("Additional Land") as set forth and described in the Declaration (including any Exhibit thereto) for purposes of development into additional Condominium Units and Common Areas consistent with the existing phases (Phases I, II and VIII) of the Project and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Project for development as Phase V of the Project. **NOTE: Phases are not being developed sequentially.**

**NOW, THEREFORE,** Declarant hereby declares as follows:

1. All defined terms as used in this Third Supplement to Declaration shall have the same meanings as those set forth and defined in the Declaration.

2. The following described real property situated in the City of Provo, Utah County, 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:

Beginning at a point North  $00^{\circ}43'43''$  West 297.49 feet along the section line and East 225.54 feet from the West Quarter Corner of Section 5, Township 7 South, Range 3 East, Salt Lake Base & Meridian, and running thence North  $06^{\circ}21'59''$  East, 56.17 feet; thence North  $32^{\circ}42'33''$  East, 254.39 feet; thence South  $55^{\circ}$  East, 101.75 feet to the beginning of a 20.00 foot radius curve to the left Bearing to the center is North  $35^{\circ}$  East; thence along the arc of said curve 31.42 feet (Delta  $90^{\circ}$ ); thence North  $35^{\circ}$  East, 92.26 feet; thence North  $57^{\circ}17'27''$  West, 33.77 feet; thence North  $35^{\circ}$  East, 28.02 feet; thence South  $57^{\circ}17'27''$  East, 80.30 feet; thence South  $35^{\circ}$  West, 69.11 feet to the beginning of a 893.64 foot radius curve to the left Bearing to center is South  $55^{\circ}$  East, thence along the arc of said curve 263.98 feet (Delta  $=16^{\circ}55'31''$ ); thence North  $70^{\circ}55'55''$  West, 48.30 feet; thence South  $19^{\circ}04'05''$  West, 34.25 feet; thence North  $70^{\circ}55'05''$  West, 19.00 feet; thence South  $19^{\circ}04'05''$  West, 19.04 feet; thence North  $76^{\circ}16'25''$  West, 128.54 feet to the point of beginning.

Containing 56,013 sq. ft. or 1.2859 acres, more or less.

**BASIS OF BEARING:** Utah State Plane Coordinate System, Central Zone

**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 First Supplement 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 Additional Land or any portion thereof such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Additional Land or any portion thereof has been or hereafter will be added to the Project); 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 the Declaration was 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, 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 THE DECLARATION.**

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

(a) Section 2.3 is amended in its entirety to read as follows:

**2.3 Division into Condominium Units, Minimum and Maximum Ownership Interests.** The Project is hereby divided into ninety-six (96) Condominium Units as set forth on the Maps, each such Condominium Unit consisting of a Unit and an appurtenant undivided but equal interest in and to the Common Areas and Facilities. Such Units comprise the minimum number of Units in the Project and give each Owner a maximum 1/96th (or 1.041%) undivided interest in the Common Areas and Facilities. If all of the Additional Land is annexed into the Project pursuant to Sections 2.4 and 2.5, the maximum number of Units in the Project will be two hundred sixteen (216) and each Unit Owner will have a minimum 1/216th (or .463%) undivided interest in the Common Areas and Facilities.

(b) Section 3.2 of the Declaration is amended in its entirety to read as follows:

**Description of Buildings and Units.** The Project consists of eight (8) Buildings containing twelve (12) Units in each Building with four (4) Units on each of three (3) levels, including a partial basement level. Each Unit has a living room/kitchen area, three (3) bedrooms and two (2) full baths. The Units are basically of the same size and configuration. The Buildings use conventional wood frame construction with facades of brick, stucco and/or siding, and asphalt shingle hip roofs. Each Unit has two outside Limited Common Area parking stalls. If approved by Provo City, one such stall shall be covered. Such parking stalls are designated on the Maps as Limited Common Area to each such Unit.

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

5. This Third Supplement to Declaration shall be recorded in the office of the Recorder of Utah County concurrently with the Map entitled **Belmont East Condominiums, Phase V, Provo City, Utah County, Utah**, executed and acknowledged by Declarant, consisting of two (2) sheets prepared by T. Edward Madden, a duly registered Utah Land Surveyor holding Certificate No. 156204, and shall be effective from the date of such recording.

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

NORTH RIDGE COMPANY, INC.

By: L. Wayne Ross  
L. Wayne Ross, President

STATE OF UTAH            )  
                                  : ss.  
COUNTY OF UTAH        )

On this 11<sup>th</sup> day of February, 1998, personally appeared before me L. Wayne Ross, who, being by me duly sworn, did say that he is the President of North Ridge Company, Inc., a Utah corporation; that said instrument was signed by him in behalf of said corporation pursuant to authority; and that said corporation executed the same.

Jenilyn Hansen  
NOTARY PUBLIC

