

Prestige Properties
P.O. Box 297
Spanish Fork, Utah
84660 ← M

**NOTICE AND ACKNOWLEDGMENT OF APPLICATION OF
AND SECOND AMENDMENT TO THE**

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

**for
WILLOWBEND PRD**

**A Planned Residential Development
situated in
Spanish Fork, Utah County, Utah**

ENT 61653:2001 Pg 1 of 5
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2001 Jun 25 2:33 pm FEE 37.00 BY AB
RECORDED FOR SPANISH FORK CITY

THIS NOTICE AND ACKNOWLEDGMENT AND SECOND AMENDMENT TO THE DECLARATION (hereinafter the "Notice") is made and executed this ___ day of June, 2001, by Prestige Properties, Inc., a Utah corporation, (hereinafter the "Declarant"), in its capacity as the owner of the below described real property and as the developer of Willowbend PRD, a Planned Residential Development, Spanish Fork, Utah, (hereinafter the "Project").

RECITALS:

WHEREAS, Declarant was the owner of certain real property in Utah County, Utah, (the "Properties") which have previously been platted as Lots 1 through 40 Plat "A", Willowbend, a planned unit development together with the common areas appurtenant thereto..

WHEREAS, Declarant has previously executed and recorded the Declaration of Covenants, Conditions and Restrictions of Willowbend PRD, a Planned Residential Development, dated May 28, 1999 and recorded June 21, 1999 as Entry No. 72023 in Book 3127 at Page 544 of the County Recorder of Utah County, Utah (the "Original Declaration").

WHEREAS, Declarant has previously executed and recorded the First Amendment Declaration of Covenants, Conditions and Restrictions of Willowbend PRD, a Planned Residential Development, dated October 6, 1999 and recorded October 7, 1999 as Entry No. 108590 in Book 5238 at Page 123 of the County Recorder of Utah County, Utah (the "First Amendment"). Hereafter the Original Declaration and the First Amendment may collectively be referred to as the Declaration.

WHEREAS, Declarant and the undersigned owners as the owners of Lots 23 through 39 of Plat "A" have prepared and executed documentation to rename such lots as Lots 23 through 39, Plat "B", Willowbend, including, in order to accomplish such renaming, the vacation of such Lots 23 through 39 in Plat "A" and the filing of Plat "B", Willowbend, a vacation of Lots 23-39 of Willowbend Plat "A".

WHEREAS, Declarant and the undersigned owners of Lots 23 through 39 of Plat "A" desire to give notice of the continued application of the Declaration to Lots 23 through 39, Plat "B" Willowbend, a planned unit development.

WHEREAS, Declarant and the undersigned owners of Lots 23 through 39 of Plat "A" desire to give notice of the continued application of the Declaration to Lots 23 through 39, Plat "B" Willowbend, a planned unit development.

NOW, THEREFORE, Declarant and the undersigned owners hereby notify and acknowledge as follows:

1. The Declaration shall continue to apply to Lots 23 through 39, Plat "B", Willowbend, a planned unit development, and shall continue to be and constitute covenants which run with the land or equitable servitudes on Lots 23 through 39, Plat "B", Willowbend, a planned unit development, and shall continue to be binding upon and inure to the benefit of the Declarant and any and all parties who have acquired or hereafter acquire any interest in Lots 23 through 39, Plat "B", Willowbend, a planned unit development. This Notice shall constitute notice and acknowledgment to any and all persons and parties of such continued application.

2. In order to conform to the renaming of Lots 23 through 39 of Plat "A" Willowbend, as Lots 23 through 39 of Plat "B", Willowbend the following administrative amendments to the Declaration are hereby adopted and accepted.

A. Any and all references in the Declaration to Lots 23 through 39, Plat "A" Willowbend, a planned unit development, shall hereafter be deemed to refer to Lots 23 through 39, Plat "B", Willowbend, a planned unit development.

B. The definition of Plat contained in Article I, Section 13 shall be amended to read as follows:

Section 13. "Plat" shall mean, as from the context shall appear applicable, either (a) the plat covering a portion of the Property and which is entitled Willowbend, Plat "A", a planned unit development, Spanish Fork, Utah County, Utah, prepared and executed by Declarant and is filed for record in the office of the Utah County Recorder concurrently with the Declaration, except to the extent the same has been vacated as part of the platting of Plat "B" or (b) the plat covering a portion of the Property and which is entitled Willowbend, Plat "B", a planned unit development, Spanish Fork, Utah County, Utah, prepared and executed by Declarant and is filed for record in the office of the Utah County Recorder concurrently with this Notice.

C. The definition of Townhome contained in Article I, Section 13 shall be amended to read as follows:

Section 15. "Townhome" shall mean a structure which is designed, constructed and intended for use or occupancy as a single family residence on one of the Lots numbered 23 through 39, Plat "B" together with all improvements located on the same Lot and used in conjunction with such residence, including anything located within or without said Townhome (but designated and designed to serve only that Townhome) such as decks, appliances, electrical receptacles and outlets, air conditioning units.

Lot _____, Plat "A", Willowbend, a planned unit development, recorded in the County Recorder of Utah County, Utah, as Entry No. 72022, Map 8111, SUBJECT TO the Declaration of Easements, Covenants, Conditions and Restrictions of Willowbend PRD, a Planned Residential Development, recorded in the office of the Utah County Recorder as Entry No. 72023, in Book 3127, at Page 544, (as the same is amended or modified) TOGETHER WITH a right and easement of use of the Common Areas as described and provided in the said Declaration and Plat described above.

(2) With respect to Lots 23 through 39, Plat "B", Willowbend, a planned unit development:

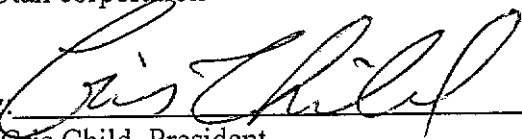
Lot _____, Plat "B", Willowbend, a planned unit development, recorded in the County Recorder of Utah County, Utah, as Entry No. 61652, Map _____, SUBJECT TO the Declaration of Easements, Covenants, Conditions and Restrictions of Willowbend PRD, a Planned Residential Development, recorded in the office of the Utah County Recorder as Entry No. 72023, in Book 3127, at Page 544, (as the same is amended or modified) TOGETHER WITH a right and easement of use of the Common Areas as described and provided in the said Declaration and Plat described above.

3. Notwithstanding the vacation and renaming of a portion of Plat "A" as Plat "B" and the provisions of this Notice, Acknowledgment and Second Amendment, nothing herein shall be deemed to constitute a separation of the Willowbend, planned unit development, into two separate planned unit developments nor shall it enlarge, modify, reduce or limit the respective rights which the owners of Lots have under the Declaration, including, without limitation, such rights in and to the Common Areas whether located in Plat "A" or in Plat "B".

IN WITNESS WHEREOF, the undersigned being the Declarant herein and the undersigned owners have hereunto set their hands and seals this ____ day of June, 2001.

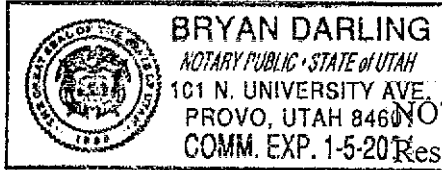
DECLARANT:

PRESTIGE PROPERTIES, INC.,
a Utah corporation

By 
Cris Child, President

STATE OF UTAH)
)
)SS
COUNTY OF UTAH)

On this 5 day of June, 2001, personally appeared before me CRIS CHILD, President of PRESTIGE PROPERTIES, INC., a Utah corporation who acknowledged that it was duly executed by authority of the Board of Directors and that he executed the same on behalf of the corporation.



NOTARY PUBLIC: Bryan Darling
Residing At: _____

Mike Butler

Karen Harrison

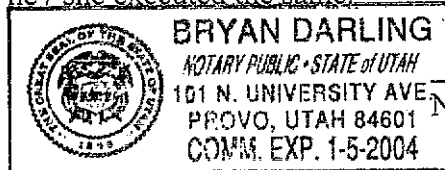
Cheryl Sanders

Terry D. Lorenson
Ray J. Larsen

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

Jacqueline Sarsen

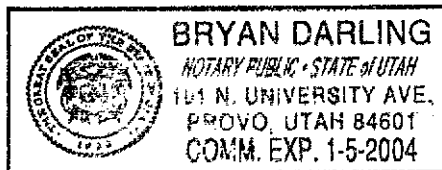
On this 5 day of June, 2000, personally appeared Mike Butler, personally known to me to be the person whose name is subscribed to on this instrument, and acknowledged that he / she executed the same.



Bryan Darling
Notary Public

STATE OF UTAH)
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)ss:
COUNTY OF Utah)

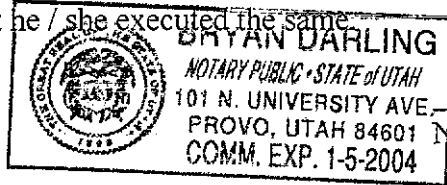
On this 5 day of June, 2000, personally appeared Karen Harrison, personally known to me to be the person whose name is subscribed to on this instrument, and acknowledged that he / she executed the same.



Bryan Darling
Notary Public

STATE OF UTAH)
)ss:
COUNTY OF Utah)

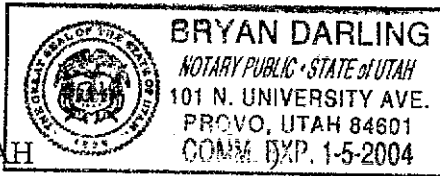
On this 6 day of June, 2000, personally appeared Cheryl Gardner, personally known to me to be the person whose name is subscribed to on this instrument, and acknowledged that he / she executed the same.



Bryan Darling
Notary Public

STATE OF UTAH)
)ss:
COUNTY OF Utah)

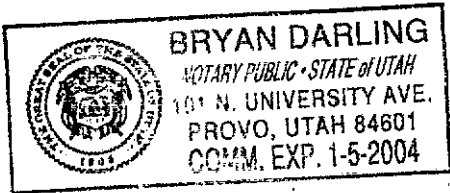
On this 6 day of June, 2000, personally appeared Terry D. Larsen, personally known to me to be the person whose name is subscribed to on this instrument, and acknowledged that he / she executed the same.



Bryan Darling
Notary Public

STATE OF UTAH)
)ss:
COUNTY OF Utah)

On this 20th Day of June 2001, personally appeared Ray L. Larsen & Jacqueline Larsen, personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same.



Bryan Darling
Notary Public

STATE OF UTAH)
)ss:
COUNTY OF _____)

On this 20th Day of June 2001, personally appeared _____, personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same.

Notary Public