

After recordation, return to:

John K. M. Olsen  
Attorney at Law  
CottonTree Square, Bldg. 7G  
2230 North @ University Parkway  
Provo, Utah 84604

ENT 69356 BK 3790 PG 345  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
1995 OCT 13 8:58 AM FEE 14.00 BY JD  
RECORDED FOR JOHN K M OLSEN

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

**THIS AMENDMENT TO DECLARATION OF CONDOMINIUM** is made this 13 day of OCTOBER, 1995 by the Management Committee of Evergreen Place Condominiums (the "Management Committee"), an expandable condominium project in Provo, Utah (the "Project") pursuant to the following:

**RECITALS**

A. On October 13, 1992 the Project's Declaration of Condominium (the "Declaration") was recorded in the office of the County Recorder of Utah County, Utah, as Entry No. 54516, Book 3018, Page 178 pertaining to Phase I of the Project on the following described real property:

Commencing South 89°39'01" East 1200.20 feet from the Northeast Corner of Block 12, Plat "A", Provo City Survey of Building Blocks; thence as follows: South 89°39'01" East 111.17 feet; thence South 00°07'13" West 184.99 feet; thence South 00°20'59" West 15.50 feet; thence North 89°39'01" West 43.33 feet; thence North 00°20'59" East 72.49 feet; thence North 89°39'01" West 68.17 feet; thence North 00°09'59" 128.00 feet to the point of beginning. Area = 0.40 Acres (Evergreen Place Condominiums Phase I)

B. On April 6, 1994, a Supplement to the Declaration was recorded in the office of the County Recorder of Utah County, Utah as Entry No. 28683, Book 3412, Page 168 pertaining to Phase II of the Project on the following described property:

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 (Evergreen Place Condominiums Phase II)

C. The Project is administered by the Owners of the Units in the Project through the Management Committee and the amendments authorized herein will not change such administration.

D. Ronco Development, L.C., a Utah limited liability company, intends to construct a seven unit condominium project on adjacent property directly to the east of the Project consisting of seven two-story townhouse style units.

E. It is deemed to be in the best interest of the Unit owners in the Project to have said new condominium units become part of the Project as an additional phase thereof, fully integrated for landscaping, maintenance, and assessment purposes within a single association of unit owners.

F. The required percentage of undivided ownership interest in and to the Common Areas and Facilities of the Project, 66%, has been obtained in order to amend the Declaration to add such adjacent property as Expansion Land thereunder, thereby permitting said new units to become Phase III of the Project.

NOW, THEREFORE, the Declaration, as supplemented (also the "Declaration"), is hereby amended as follows:

1. Exhibit "A" to the Declaration is amended to add the following described real property as a part of the Expansion Land as defined in the Declaration:

ENT 69356 BK 3790 PG 346

Commencing 1311.37 feet South 88°46'00" East of Northeast corner of Block 12, Plat "C", Provo City Survey of Building Lots in Utah County, Utah; thence South 01° West 185 feet more or less to existing fence line; thence South 88°46'00" East 111.17 feet, more or less, to West line of 9th East Street; thence Northerly along West line of 9th East Street 184 feet more or less to South line of Center Street; thence North 88°33'30" West 95.63 feet more or less to place of beginning. Area = 0.43 acres (approx.)

2. Subsections 2.04 (b) and (d) of the Declaration are amended in their entirety to read:

(b) No annexation of land shall be effectuated which would cause the total number of Units existing in the Project to exceed twenty-three (23).

\* \* \*

(d) The Expansion Land added to the Project must be subdivided into Condominium Units and Common Areas designed to be used for purposes similar to those contemplated by this Declaration; provided, however, that in each succeeding phase of the Project the architectural style of the Building and/or Units within such phase may vary from but shall be in harmony with and compatible to that of prior phases, and quality of construction and principal materials used shall be of the same or better quality than that of prior phases.

3. Except as amended hereby, the Declaration shall remain unchanged and, together with this Amendment, shall constitute the Declaration of Condominium of the Project.

IN WITNESS WHEREOF, the Management Committee hereby certifies that pursuant to Sections 13.03 and 13.04 of the Declaration, it is qualified to execute this Amendment; that this Amendment has been approved by at least 66% of the undivided ownership interests in and to the Common Areas and Facilities of the Project pursuant to Written Consents, the originals of which are held in the records of the Management Committee; and that it executes this Amendment in its capacity as agent of the Association of Unit Owners of the Project as of the date first above written.

MANAGEMENT COMMITTEE,  
EVERGREEN PLACE CONDOMINIUMS

By: Michael Bryan  
Michael Bryan, President

STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

On this 13 day of October, 1995, personally appeared before me, Michael Bryan, and who being duly sworn, did say that he is the President of the Management Committee of the Evergreen Place Condominiums, Provo, Utah; that the above instrument was signed by him in behalf of said Management Committee by authority of its bylaws; and he did further acknowledge to me that said Management Committee executed the same.

David B. McQuivey  
Notary Public  
DAVID B. McQUIVEY  
NOTARY PUBLIC - STATE OF UTAH  
150 EAST CENTER # L-109  
PROVO, UT 84606  
COMM. EXPIRES 1-0-97