

WHEN RECORDED RETURN TO:
PROVENCE WEST DEVELOPMENT, L.C.
Wayne H. Corbridge
758 South 400 East
Orem, Utah 84058

111 ENT 70283:2004 PG 1 of 14
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 Jun 18 3:29 pm FEE 74.00 BY JRD
RECORDED FOR PROVENCE WEST DEVELOPM

**FOURTH SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM FOR PROVENCE AT PHEASANT POINTE**
an expandable Utah condominium project

This FOURTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR PROVENCE AT PHEASANT POINTE, an expandable Utah condominium project, for the PROVENCE WEST PHASE, is made and executed by PROVENCE DEVELOPMENT, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097 (the "Declarant").

RECITALS

Whereas, the original Declaration of Condominium for Provence at Pheasant Pointe was recorded in the office of the County Recorder of Utah County, Utah on November 8, 2002 as Entry No: 134097:2002 on Pages 1-69 of the Official Records (the "Declaration").

Whereas, the related Plat Map(s) for Phase 1 of the Project have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the First Supplement to the Declaration of Condominium for Provence at Pheasant Pointe was recorded in the office of the County Recorder of Utah County, Utah on the 8th day of November, 2002 as Entry No. 1314101:2002 on Page(s) 1 of 6 of the Official Records (the "First Supplement").

Whereas, the related Plat Map(s) for Phases 2, 3 and 4 of the Project have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the Second Supplement to the Declaration of Condominium for Provence at Pheasant Pointe was recorded in the office of the County Recorder of Utah County, Utah on the 29th day of September, 2003 as Entry No. 157830:2003 on Pages 1-9 of the Official Records (the "Second Supplement").

Whereas, the related Plat Map(s) for Phases 5-11, inclusive, of the Project have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the Third Supplement to the Declaration of Condominium for Provence at Pheasant Pointe was recorded in the office of the County Recorder of Utah County, Utah on the 10th day of May, 2004, as Entry No. 53438:2004 at Pages 1-13 of the Official Records (the "Third Supplement").

Whereas, the related amended Plat Map(s) for Phases 5, 7-11, inclusive, and 13 have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, under Article III, Section 45 of the Declaration, Declarant reserved an option, until the five (5) years from the date the Declaration was recorded to expand the Project in accordance with the Act.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibits "APW-1, APW-2, APW-3, APW-4, APW-5, and APW-6" attached hereto and incorporated herein by this reference (collectively "Provence West Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right, subject to the approval of the Department of Veterans Affairs, to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the Provence West Property a residential condominium development.

Whereas, Declarant now intends that the Phases 1-6 of the Provence West Property shall be annexed to the Project and become subject to the Declaration.

A G R E E M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this FOURTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR PROVENCE AT PHEASANT POINTE for the PROVENCE WEST PHASE.

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

A. **Fourth Supplement to the Declaration or Provence West Supplemental Declaration** shall mean and refer to this FOURTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR PROVENCE AT PHEASANT POINTE for the PROVENCE WEST PHASE.

B. **Fourth Supplemental Map(s) or Provence West Property Map(s)** shall mean and refer to the Supplemental Plat Map(s) for Phases 1-6 of the Provence West development described on Exhibit "A-2" prepared and certified to by Dennis P. Carlisle, a duly registered Utah Land Surveyor holding Certificate No. 172675, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this First Supplement to the Declaration for Provence West.

C. **Neighborhood** shall mean and refer to any residential area within the Project which is designated as a Neighborhood, such as either the Provence Neighborhood or the Provence West Neighborhood.

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

2. **Legal Description.** The real property described in Exhibits "APW-1, APW-2, APW-3, APW-4, APW-5, and APW-6" is hereby submitted 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 supplemented.

3. **Annexation.** Declarant hereby declares that the Provence West Property shall be annexed to and become subject to the Declaration, which upon recordation of this Fourth Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibits "APW-1, APW-2, APW-3, APW-4, APW-5, and APW-6" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Map for each additional Phase, eleven (11) additional three-plex Buildings and thirty-three (33) additional Units are or will be constructed and/or created in the Project on the Provence West Property. The additional Buildings and Units are located within a portion of the Additional Land. Upon the recordation of the Maps for the additional Phases and this Fourth Supplement to the Declaration, the total number of Units in the Project will be ninety-nine (99). The additional Buildings and Units in each Phase are or will be substantially similar in construction, design, and quality to the Building and Units in the prior Phase(s).

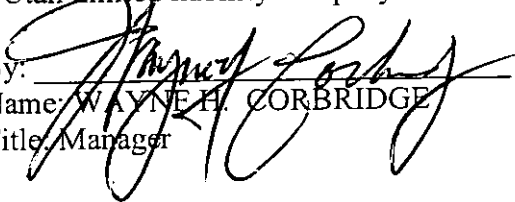
5. **Percentage Interest Revised.** Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Revised Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Fourth Revised Exhibit "C," attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. **Separate Utility Meters and Charges.** The utility meter for the Provence Neighborhood is separate and independent of the utility meter for the Provence West Neighborhood. Each Neighborhood will be separately metered and billed. The cost of each such billing will not be considered a Common Expense, rather it will be considered a Neighborhood expense to be charged to and paid by the Unit Owners in the Neighborhood equally. The Association will administer all such billings and collections pursuant to the Declaration as it would any other Assessment.

7. **Effective Date.** The effective date of this Fourth Supplement to the Declaration and the Provence West Map(s) shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

EXECUTED the 21st day of May, 2004.

PROVENCE DEVELOPMENT, L.C.,
a Utah limited liability company

By: 
Name: WAYNE H. CORBRIDGE
Title: Manager

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 21st day of May, 2004 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of PROVENCE DEVELOPMENT, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.

Stacy Lassen
NOTARY PUBLIC
Residing At: Pleasant Grove, UT
Commission Expires: 5-15-2006

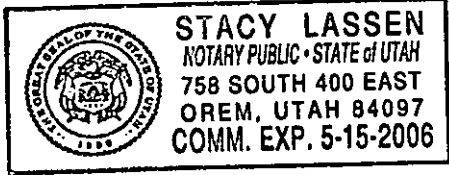


EXHIBIT "APW-1"

PROVENCE WEST
LEGAL DESCRIPTION OF PHASE 1

The land described in the foregoing document as Phase 1 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED N89° 57' 35" W ALONG THE 1/4 SECTION LINE 1.673.08 FEET AND SOUTH 106.61 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S0° 19' 33" W	41.00	
ALONG AN ARC	L=23.56	R=24.00 Δ -90° 00' 00" CH=S45° 00' 00" E 21.21
SOUTH	77.20	
WEST	148.40	
NORTH	97.20	
WEST	115.24	
ALONG AN ARC	L=47.84	R=480.00 Δ -5° 42' 38" CH=S87° 08' 41" W 47.82
S84° 17' 22" W	33.91	
ALONG AN ARC	L=86.44	R=520.00 Δ -9° 31' 29" CH=S89° 03' 06" W 86.34
N3° 48' 51" E	36.00	
ALONG AN ARC	L=74.90	R=484.00 Δ -8° 52' 00" CH=N89° 22' 51" E 74.62
NORTH	102.76	
N89° 17' 00" E	61.01	
SOUTH	97.92	
ALONG AN ARC	L=29.64	R=516.00 Δ -3° 17' 27" CH=N88° 21' 17" E 29.63
EAST	248.87	TO THE POINT OF BEGINNING

CONTAINS: 0.81 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

EXHIBIT "APW-2"

PROVENCE WEST
LEGAL DESCRIPTION OF PHASE 2

The land described in the foregoing document as Phase 2 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 1,697.45 FEET AND SOUTH 6.38 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
ALONG AN ARC	L=26.62	R=510.00 $\Delta=2^{\circ}59'27''$ CH-S72°10'41"E 26.62 (RADIUS BEARS: N19°19'03"E)
ALONG AN ARC	L=37.92	R=26.00 $\Delta=83^{\circ}34'17''$ CH-S31°53'12"E 34.65
ALONG AN ARC	L=39.57	R=303.00 $\Delta=7^{\circ}28'36''$ CH-S6°09'16"W 39.54
ALONG AN ARC	L=22.93	R=15.00 $\Delta=87^{\circ}34'54''$ CH-S46°12'33"W 20.76
S0°19'28"W	9.00	
WEST	136.63	
NORTH	98.85	
N89°17'00"E	112.27	TO THE POINT OF BEGINNING
		CONTAINS: 14,800± SQ. FT.

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

EXHIBIT "APW-3"

PROVENCE WEST
LEGAL DESCRIPTION OF PHASE 3

The land described in the foregoing document as Phase 3 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 1,809.71 FEET AND SOUTH 7.86 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	98.85	
WEST	112.24	
ALONG AN ARC	L=29.64	R=516.00 Δ=3°17'27" CH=S88°21'17"W 29.63
NORTH	97.92	
N89°17'00"E	141.87	TO THE POINT OF BEGINNING
		CONTAINS: 13,904± SQ. FT.

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

EXHIBIT "APW-4"

PROVENCE WEST
LEGAL DESCRIPTION OF PHASE 4

The land described in the foregoing document as Phase 4 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED S89°57'35"W ALONG THE 1/4 SECTION LINE 1,806.71 FEET AND SOUTH 142.71 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	97.20	
WEST	136.40	
NORTH	96.73	
ALONG AN ARC	L=21.25	R=480.00 Δ=2°32'10" CH=N88°43'55"E 21.24 (RADIUS BEARS: S2°32'10"E)
EAST	115.24	TO THE POINT OF BEGINNING
		CONTAINS: 13,263 SQ.FT.

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

EXHIBIT "APW-5"

PROVENCE WEST
LEGAL DESCRIPTION OF PHASE 5

The land described in the foregoing document as Phase 5 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 1,943.19 FEET AND SOUTH 143.27 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	103.73	
WEST	138.51	
NORTH	96.54	
ALONG AN ARC	L=78.34	R=520.00 Δ=8°37'56" CH=N88°36'20"E 78.27 (RADIUS BEARS: N2°55'18"E)
N84°17'22"E	33.91	
ALONG AN ARC	L=26.59	R=480.00 Δ=3°10'28" CH=N85°52'36"E 26.59
		TO THE POINT OF BEGINNING
		CONTAINS: 13,659 SQ.FT.

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

EXHIBIT "APW-6"

PROVENCE WEST
LEGAL DESCRIPTION OF PHASE 6

The land described in the foregoing document as Phase 6 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 2,012.57 FEET AND SOUTH 10.54 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	102.76	
ALONG AN ARC	L=74.90	R=484.00 Δ=8°52'00" CH-S89°22'51"W 74.82 (RADIUS BEARS: N5°03'09"W)
N2°05'42"E	76.52	
NORTH	26.28	
N89°17'00"E	72.03	TO THE POINT OF BEGINNING
		CONTAINS: 7,572 SQ.FT.
BASIS OF BEARING: ALONG SECTION LINE AS SHOWN		

REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST
PROVENCE

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
1	A	1	1.01%
1	A	2	1.01%
1	A	3	1.01%
1	A	4	1.01%
1	A	5	1.01%
1	A	6	1.01%
2	G	1	1.01%
2	G	2	1.01%
2	G	3 ^o	1.01%
2	G	4	1.01%
2	G	5	1.01%
2	G	6	1.01%
2	G	7	1.01%
2	G	8	1.01%
3	B	1	1.01%
3	B	2	1.01%
3	B	3	1.01%
3	B	4	1.01%
3	B	5	1.01%
3	B	6	1.01%
4	H	1	1.01%
4	H	2	1.01%
4	H	3	1.01%
4	H	4	1.01%
4	H	5	1.01%
4	H	6	1.01%
5	F	1	1.01%
5	F	2	1.01%
5	F	3	1.01%
5	F	4	1.01%
5	F	5	1.01%
5	F	6	1.01%
5	F	7	1.01%
5	F	8	1.01%

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
6	C	1	1.01%
6	C	2	1.01%
6	C	3	1.01%
6	C	4	1.01%
6	C	5	1.01%
6	C	6	1.01%
7	D	1	1.01%
7	D	2	1.01%
7	D	3	1.01%
7	D	4	1.01%
8	E	1	1.01%
8	E	2	1.01%
8	E	3	1.01%
8	E	4	1.01%
8	E	5	1.01%
8	E	6	1.01%
9	K	1	1.01%
9	K	2	1.01%
9	K	3	1.01%
9	K	4	1.01%
10	L	1	1.01%
10	L	2	1.01%
10	L	3	1.01%
10	L	4	1.01%
11	J	1	1.01%
11	J	2	1.01%
11	J	3	1.01%
11	J	4	1.01%
13	I	1	1.01%
13	I	2	1.01%
13	I	3	1.01%
13	I	4	1.01%

PROVENCE WEST

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
1	L	1	1.01%
1	L	2	1.01%
1	L	3	1.01%
1	M	1	1.01%
1	M	2	1.01%
1	M	3	1.01%
2	A	1	1.01%
2	A	2	1.01%
2	A	3	1.01%
2	B	1	1.01%
2	B	2	1.01%
2	B	3	1.01%
3	C	1	1.01%
3	C	2	1.01%
3	C	3	1.01%
3	D	1	1.01%
3	D	2	1.01%
3	D	3	1.01%
4	N	1	1.01%
4	N	2	1.01%
4	N	3	1.01%
4	O	1	1.01%
4	O	2	1.01%
4	O	3	1.01%
5	P	1	1.01%
5	P	2	1.01%
5	P	3	1.01%
5	Q	1	1.01%
5	Q	2	1.01%
5	Q	3	1.01%
6	E	1	1.01%
6	E	2	1.01%
6	E	3	1.01%