

WHEN RECORDED RETURN TO:
VIVANTE DEVELOPMENT, LC
Wayne H. Corbridge
758 South 400 East
Orem, Utah 84058

8259689
06/10/2002 03:52 PM 68.00
Book - 8607 Pg - 6488-6493
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
WEST VALLEY CITY
3600 CONSTITUTION BLVD
WVC UT 84119-3720
BY: EHR, DEPUTY - WI 7 P.

**FIFTH SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM FOR VIVANTE**
an expandable Utah condominium project

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This FIFTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR VIVANTE, an expandable Utah condominium project, is made and executed by VIVANTE DEVELOPMENT, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097, and RODNEY W. JACKSON AND CHRYL M. JACKSON, TRUSTEES OF THE JACKSON LIVING TRUST DATED SEPTEMBER 28, 1998, of 758 South 400 East, Orem, Utah 84097 (collectively, "Declarant").

RECITALS

Whereas, the original Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15th day of October, 2001 as Entry No. 8029557 in Book 8511 at Page(s) 2575 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase I of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15th day of October, 2001 as Entry No. 8029559 in Book 8511 at Page(s) 2640 of the Official Records of the County Recorder of Salt Lake County, Utah (the "First Supplement").

Whereas, the related Plat Map(s) for Phase II of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Second Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15 day of October, 2001 as Entry No. 8029561 in Book 8511 at Page(s) 2647 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Second Supplement").

Whereas, the related Plat Map(s) for Phase III of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Third Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15th day of

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October, 2001 as Entry No. 8029563 in Book 8511 at Page(s) 2655 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Third Supplement").

Whereas, the related Plat Map(s) for Phase IV of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fourth Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 10TH day of JUNE as Entry No. 8259687 in Book 8607 at Page 680 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Fourth Supplement").

Whereas, the related Plat Map(s) for Phase V of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 45 of the Declaration, Declarant reserved an option, until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser, 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 Salt Lake County, Utah and described with particularity on Exhibit "A-6" attached hereto and incorporated herein by this reference (the "Phase VI 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 Phase VI Property a residential condominium development.

Whereas, Declarant now intends that the Phase VI Property shall become subject to the Declaration.

AGREEMENT

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this FIFTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR VIVANTE.

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

A. Fifth Supplement to the Declaration shall mean and refer to this FIFTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR VIVANTE.

B. Fifth Supplemental Map or Phase VI Map shall mean and refer to the Fifth

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Supplemental Plat Map for Phase VI of the Project, prepared and certified to by Gary Wier, a duly registered Utah Land Surveyor holding Certificate No. 333098, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Fifth Supplement to the Declaration.

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 Exhibit A-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 Phase VI Property shall be annexed to and become subject to the Declaration, which upon recordation of this Fifth Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-6 subject to the functions, powers, rights, duties and jurisdiction of the Association.

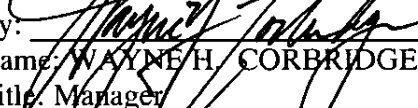
4. Total Number of Units Revised. As shown on the Phase VI Map, a Building and six (6) additional Units are or will be constructed and/or created in the Project on the Phase VI Property. The additional Building and Units are located within a portion of the Additional Land. Upon the recordation of the Phase VI Map and this Fifth Supplement to the Declaration, the total number of Units in the Project will be forty-eight (48). The additional Building and Units are substantially similar in construction, design and quality to the Buildings and Units in the prior Phases.

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. Fourth Revised Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Fifth Revised Exhibit 'C,'" attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. Effective Date. The effective date of this Fifth Supplement to the Declaration and the Phase VI Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

EXECUTED the 25 day of March, 2002.

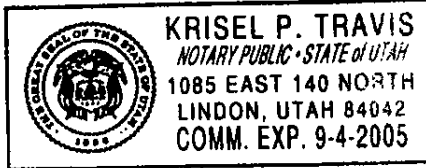
VIVANTE DEVELOPMENT, LC,
a Utah limited liability company

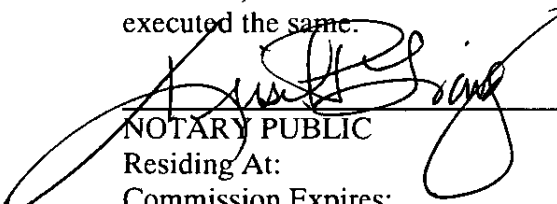
By: 
Name: WAYNE H. CORBRIDGE
Title: Manager

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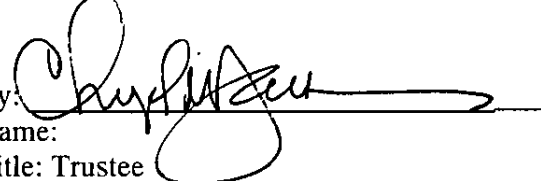
STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 25 day of March, 2002 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of VIVANTE DEVELOPMENT, LC, 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.




NOTARY PUBLIC
Residing At:
Commission Expires:

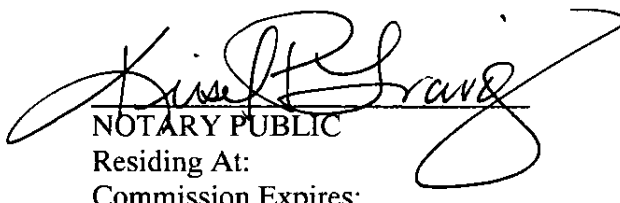
JACKSON LIVING TRUST DATED SEPTEMBER 28, 1998

By: 
Name:
Title: Trustee

STATE OF ~~Washington~~ ^{Utah})
)ss:
COUNTY OF ~~Washington~~ ^{Utah})

On the 28 day of March, 2002, personally appeared before CHYRL M. JACKSON, know to me to be the Trustee of the **Chyrl M. Jackson for Rodney W. Jackson and Chyrl M. Jackson, Trustees or their successors in trust, under the Jackson Living Trust, dated September 28, 1998** and the trustees who subscribed the said Trust name to the foregoing instrument, acknowledged to me that she executed the same in said Trust name, and that said Trust executed the same.




NOTARY PUBLIC
Residing At:
Commission Expires:

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Exhibit "A-6"

**VIVANTE PHASE VI
LEGAL DESCRIPTION**

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 27,
TOWNSHIP 1 SOUTH, RANGE 1 WEST, S.L.B.&M., SALT LAKE COUNTY, UTAH, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE CENTER 1/4 CORNER OF
SAID SECTION 27; THENCE N. 89°53'42" E. ALONG THE 1/4 SECTION LINE, A DISTANCE
OF 875.57 FEET AND S. 00°06'18" E. A DISTANCE OF 293.90 FEET TO THE REAL
POINT OF BEGINNING;

THENCE S. 78°36'00" E. A DISTANCE OF 20.49 FEET; THENCE EAST A DISTANCE OF
119.58 FEET; THENCE SOUTH A DISTANCE OF 73.35 FEET; THENCE WEST A DISTANCE
OF 139.67 FEET; THENCE NORTH A DISTANCE OF 77.40 FEET TO THE REAL POINT OF
BEGINNING, CONTAINING 0.236 ACRES.

TOTAL UNITS = 6

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FIFTH REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
1	Q	1	2.0833%
1	Q	2	2.0833%
1	Q	3	2.0833%
1	Q	4	2.0833%
1	Q	5	2.0833%
1	Q	6	2.0833%
2	D	1	2.0833%
2	D	2	2.0833%
2	D	3	2.0833%
2	D	4	2.0833%
2	D	5	2.0833%
2	D	6	2.0833%
2	D	7	2.0833%
2	D	8	2.0833%
2	D	9	2.0833%
2	D	10	2.0833%
2	D	11	2.0833%
2	D	12	2.0833%
3	J	1	2.0833%
3	J	2	2.0833%
3	J	3	2.0833%
3	J	4	2.0833%
3	J	5	2.0833%
3	J	6	2.0833%
4	A	1	2.0833%
4	A	2	2.0833%
4	A	3	2.0833%
4	A	4	2.0833%
4	A	5	2.0833%
4	A	6	2.0833%
4	A	7	2.0833%
4	A	8	2.0833%
4	A	9	2.0833%
4	A	10	2.0833%

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
4	A	11	2.0833%
4	A	12	2.0833%
5	L	1	2.0833%
5	L	2	2.0833%
5	L	3	2.0833%
5	L	4	2.0833%
5	L	5	2.0833%
5	L	6	2.0833%
6	P	1	2.0833%
6	P	2	2.0833%
6	P	3	2.0833%
6	P	4	2.0833%
6	P	5	2.0833%
6	P	6	2.0833%
TOTAL:			100.0%

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