

8/11/17



AFTER RECORDING PLEASE RETURN TO:

Flying Horse LLC
270 East 930 South
Orem, UT 84058

ENT 88617:2017 PG 1 of 7
JEFFERY SMITH
UTAH COUNTY RECORDER
2017 Sep 11 11:42 am FEE 89.00 BY MA
RECORDED FOR OREM CITY CORPORATION

THIRD AMENDMENT TO

**DECLARATION OF CONDOMINIUM
(Including Owner Association Bylaws)**

**FLYING HORSE RESIDENTIAL CONDOMINIUMS
(A Convertible Land Condominium Project)
Orem City, Utah County, Utah**

THIS THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM (the "Third Amendment to Declaration") is made this 11th day of July, 2017 by **FLYING HORSE, LLC**, A Utah limited liability company ("Declarant") pursuant to the provisions of Title 57, Chapter 8 of the *Utah Code*, as amended, known as the Condominium Ownership Act (the "Act").

RECITALS:

- A. All defined terms as used in this Third Amendment to Declaration shall have the meanings ascribed to them herein or, as the case may be, in the Condominium Project's Declaration of Condominium, recorded by Declarant in the Public Records as Entry 15285:2017 on February 14, 2017, pages 1 through 35, inclusive (the "Declaration").
- B. Declarant is the developer of the Project and recorded a Record of Survey Map therefore in the Public Records as Entry 15284:2017 Map # 15412 on February 14, 2017.
- C. Pursuant to ARTICLE II of the Declaration, and Sections 57-8-13 (3) and 57-8-13.4 of the Act, Declarant has caused a Third Supplemental Record of Survey map and this Third Amendment to Declaration to be prepared for simultaneous recordation in the Public Records in order to convert certain Convertible Land in the Project into additional Units as reflected on the Third Supplemental Record of Survey Map.
- D. The real property to which this Third Amendment to Declaration and the Third Supplemental Record of Survey Map are applicable is located in Orem, Utah County, Utah and is described as follows:

Commencing at a point located South 00°43'17" East along the Section line 336.06 feet and East 767.02 feet from the West quarter corner of Section 27, Township 6 South, Range 2

East, Salt Lake Base and Meridian; thence South 88°56'07" East along Christ Evangelical Church Amended 421.57 feet to Sandhill Road; thence along Sandhill Road along the arc of a 1974.00 foot radius curve to the left 448.21 feet (chord bears South 39°59'29" East 447.24 feet); thence along South Point Condominiums as follows: North 88°48'06" West 140.42 feet, South 00°30'00" East 330.82 feet; thence North 88°14'28" West 136.54 feet more or less to the easterly Right-of-Way line of Interstate 15; thence North 32°49'40" West along Interstate 15 802.29 feet to the point of beginning. Area = 237,102 sq.ft. or 5.44 Acres

NOW, **THEREFORE**, Declarant hereby makes this Third Amendment to Declaration as follows:

1. The Declaration is hereby amended in the following particulars as a result of, and pursuant to, the conversion of a portion of the Convertible Land.
 - a. Section 2.02 of the Declaration is amended in its entirety to read as follows:

2.02 Division into Condominium Units, Minimum and Maximum

Ownership Interests. The Project is hereby divided into 67 Units as set forth on the Plat, each such Unit consisting of a Unit and an appurtenant undivided, but equal, interest in and to the Common Areas and Facilities and Convertible Space. Such Units comprise the minimum number of Units in the Project and give each Owner a maximum 1/67 (or approximately 1.4925%) undivided interest in the Common Areas and Facilities to the extent set forth in **Exhibit "A"**. If all of the Additional Land is added into the Project pursuant Sections 2.03 and 2.04, the maximum number of Units in the Project will be 134 and each Unit Owner will have a 1/134th (or approximately 0.0074%) undivided interest in the Common Areas and Facilities.

- b. **Exhibit "A"** to this amendment, in its entirety, is added to the Declaration.

2. Except as amended by the provisions of this Third Amendment to Declaration, the Declaration shall remain unchanged and shall constitute the entire Declaration of Condominium for the Project, reflecting the conversion of portions of the Convertible Land as described on the Third Supplemental Record of Survey Map and the attached **Exhibit "A"**.

3. This Third Amendment to Declaration shall be recorded in the Public Records simultaneously with the Project's Third Supplemental Record of Survey Map, consisting of three sheets prepared by

Roger D. Dudley, a Utah registered land surveyor holding Certificate No. 147089. Both such instruments shall be effective upon recordation.

EXECUTED by Declarant on July 11, 2017



Flying Horse L.L.C., Manager

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

On July 11, 2017, personally appeared before me, Bruce R. Dickerson, manager of Flying Horse LLC, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.



Notary Public

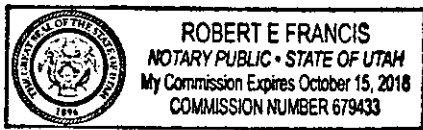


Exhibit "A"**DECLARATION OF CONDOMINIUM**
(Including Owner Association Bylaws)

OF

FLYING HORSE RESIDENTIAL CONDOMINIUMS
(A Convertible Land Condominium Project)
Orem City, Utah County, Utah

| Unit No. | Interest in Common Area (Percentage) | Votes |
|-------------------|-----------------------------------------------------|--------------|
| Building A | | |
| A101 | 1.4925 | 1 |
| A102 | 1.4925 | 1 |
| A103 | 1.4925 | 1 |
| A104 | 1.4925 | 1 |
| A105 | 1.4925 | 1 |
| A201 | 1.4925 | 1 |
| A202 | 1.4925 | 1 |
| A203 | 1.4925 | 1 |
| A204 | 1.4925 | 1 |
| A205 | 1.4925 | 1 |
| A301 | 1.4925 | 1 |
| A302 | 1.4925 | 1 |
| A303 | 1.4925 | 1 |
| A304 | 1.4925 | 1 |
| A305 | 1.4925 | 1 |

| Building H | | |
|-------------------|--------|---|
| H101 | 1.4925 | 1 |
| H102 | 1.4925 | 1 |
| H103 | 1.4925 | 1 |
| H104 | 1.4925 | 1 |
| H201 | 1.4925 | 1 |
| H202 | 1.4925 | 1 |
| H203 | 1.4925 | 1 |
| H204 | 1.4925 | 1 |
| H301 | 1.4925 | 1 |
| H302 | 1.4925 | 1 |
| H303 | 1.4925 | 1 |
| H304 | 1.4925 | 1 |
| H401 | 1.4925 | 1 |
| H402 | 1.4925 | 1 |
| H403 | 1.4925 | 1 |
| H404 | 1.4925 | 1 |
| Building G | | |
| G101 | 1.4925 | 1 |
| G102 | 1.4925 | 1 |
| G103 | 1.4925 | 1 |
| G104 | 1.4925 | 1 |
| G201 | 1.4925 | 1 |
| G202 | 1.4925 | 1 |

| | | |
|------|--------|---|
| G203 | 1.4925 | 1 |
| G204 | 1.4925 | 1 |
| G301 | 1.4925 | 1 |
| G302 | 1.4925 | 1 |
| G303 | 1.4925 | 1 |
| G304 | 1.4925 | 1 |
| G401 | 1.4925 | 1 |
| G402 | 1.4925 | 1 |
| G403 | 1.4925 | 1 |
| G404 | 1.4925 | 1 |
| C101 | 1.4925 | 1 |
| C102 | 1.4925 | 1 |
| C103 | 1.4925 | 1 |
| C104 | 1.4925 | 1 |
| C105 | 1.4925 | 1 |
| C201 | 1.4925 | 1 |
| C202 | 1.4925 | 1 |
| C203 | 1.4925 | 1 |
| C204 | 1.4925 | 1 |
| C205 | 1.4925 | 1 |
| C301 | 1.4925 | 1 |
| C302 | 1.4925 | 1 |
| C303 | 1.4925 | 1 |
| C304 | 1.4925 | 1 |

| | | |
|---------------|-------------|-----------|
| C305 | 1.4925 | 1 |
| C401 | 1.4925 | 1 |
| C402 | 1.4925 | 1 |
| C403 | 1.4925 | 1 |
| C404 | 1.4925 | 1 |
| C405 | 1.4925 | 1 |
| Totals | 100% | 67 |

*Percentages may be adjusted by one-thousandth of a percentage point in order to provide for a total of one hundred percent (100%).