

AFTER RECORDING PLEASE RETURN TO:

Pinehurst At 800 North, L.L.C.
c/o Bruce R. Dickerson
1013 South Orem Blvd.
Orem, UT 84058

ENT 66894:2002 PG 1 of 4
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2002 Jun 13 1:11 pm FEE 24.00 BY JRD
RECORDED FOR PINEHURST AT 800 NORTH LLC

**FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM
(Including Owner Association Bylaws)
OF
PINEHURST PLAZA RETAIL CONDOMINIUMS
(A Convertible Space Condominium Project)
Orem, Utah**

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM (the "First Amendment to Declaration") is made this 30 day of May, 2002, by PINEHURST AT 800 NORTH, L.L.C., 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 First 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 25149:2002 on March 5, 2002, pages 1 through 28, inclusive (the "Declaration").

B. Declarant is the developer of the Project and recorded a Record of Survey Map therefor in the Public Records as Entry 25148:2002 Map #9430 on March 5, 2002.

C. Pursuant to ARTICLE III of the Declaration, and Sections 57-8-13 (3) and 57-8-13.4 of the Act, Declarant has caused a First Supplemental Record of Survey Map and this First Amendment to Declaration to be prepared for simultaneous recordation in the Public Records in order to convert certain Convertible Space in the Project into additional Units as reflected on the First Supplemental Record of Survey Map.

D. The real property to which this First Amendment to Declaration and the First Supplemental Record of Survey Map are applicable is located in Orem, Utah County, Utah, and is described as follows:

Commencing at a point located North 00°39'38" West along the Section line 383.82 feet and East 1989.03 feet from the West quarter corner of Section 10, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 00°40'37" West 304.43 feet; thence North 89°35'44" East 499.53 feet; thence South 43°45'59" East 211.41 feet; thence along the arc of a 119.00 foot radius curve to the left 48.55 feet (chord bears South 10°32'54" West 48.21 feet); thence South 00°34'22" East 153.94 feet; thence West 158.60 feet; thence along the arc of a 115.00 foot radius curve to the right 79.34 feet (chord bears North 70°14'04" West 77.78 feet); thence along the arc of a 85.00 foot radius curve to the left 54.21 feet (chord bears North 71°40'38" West 53.29 feet); thence North 89°56'50" West 349.05 feet to the point of beginning. Area = 4.49 acres. **(Pinehurst Plaza Retail Condominiums, A Convertible Space Condominium, according to official Record of Survey Map recorded with the Utah County Recorder as Entry 25149:2002 Map #9430 on March 5, 2002.)**

NOW, THEREFORE, Declarant hereby makes this First 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 Space:

(a) Section 2.02 of the Declaration is amended in its entirety to read as follows:

2.02 Division of Project into Condominium Units and Convertible Space; Ownership Interests. The Project is hereby divided into 11 Condominium Units and Convertible Space, as set forth on the Map. In addition to fee title to a Unit, each Unit's Owner shall have an appurtenant, undivided ownership interest in and to the Common Areas and Facilities to the extent set forth in **Amended Exhibit B**, attached hereto and incorporated herein by this reference.

(b) **Exhibit B** to the Declaration is amended in its entirety to read as set forth in **Amended Exhibit B**, attached hereto and made a part hereof.

2. Except as amended by the provisions of this First 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 Space as described on the First Supplemental Record of Survey Map and the attached **Amended Exhibit B**.

3. This First Amendment to Declaration shall be recorded in the Public Records simultaneously with the Project's First Supplemental Record of Survey Map, consisting of two sheets prepared by Roger D. Dudley, a Utah registered land surveyor holding Certificate No. 147089. Both such instruments shall be effective upon recordation.

DATED as of the day and year first above set forth.

DECLARANT:

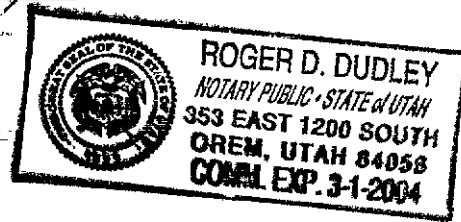
PINEHURST AT 800 NORTH, L.L.C.

By: *Bruce R. Dickerson*
Bruce R. Dickerson, Manager

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 30 day of May, 2002 by **Bruce R. Dickerson** in the capacity indicated.

[Signature]
NOTARY PUBLIC



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

PINEHURST PLAZA RETAIL CONDOMINIUMS

(A Convertible Space Condominium Project)
Orem, Utah

<u>Unit No.</u>	<u>Convertible Space (1)</u>	<u>Size</u>		<u>Ownership Interest Percentage (2)</u>	<u>Votes</u>
		<u>(Sq. Ft.) (1)</u>	<u>Total (1)</u>		
A		3,200	3,200	5.305	530.5
B		2,319	2,319	3.844	384.4
C		1,823	1,823	3.023	302.3
D		1,872	1,872	3.103	310.3
E		4,959	4,959	8.221	822.1
F		1,872	1,872	3.103	310.3
G		2,704	2,704	4.483	448.3
H		4,016	4,016	6.657	665.7
J		4,016	4,016	6.657	665.7
K		2,704	2,704	4.483	448.3
L		1,872	1,872	3.103	310.3
	<u>28,966</u>		<u>28,966</u>	<u>48.018</u>	<u>4,801.8</u>
Totals	28,966	31,357	60,323	100.000	10,000.0

- (1) Size based on the approximate number of square feet of floor space within each respective Unit or Convertible Space as shown on the Map and rounded off (including to center under interior walls and to surface of exterior walls), as determined by Dudley & Associates Engineers-Planners-Surveyors, Orem, Utah.
- (2) Percentages may be adjusted by one one-thousandth of a percentage point in order to provide for a total of one hundred percent (100%).