

FIFTH SUPPLEMENT  
TO  
DECLARATION OF CONDOMINIUM  
FOR  
THE VILLAS AT MONARCH MEADOWS  
an Expandable Utah Condominium Project

9179862  
09/23/2004 12:06 PM \$57.00  
Book - 9040 Pg - 4984-4992  
BARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
CENTEX HOMES  
235 W SEGO LILY DR STE 200  
SANDY UT 84070  
BY: ZJM, DEPUTY - WI 9 P.

THIS FIFTH SUPPLEMENT TO DECLARATION OF CONDOMINIUM FOR THE VILLAS AT MONARCH MEADOWS, an Expandable Utah Condominium Project (the "Supplement") is made and executed as of September 9, 2004, by Centex Homes, a Nevada general partnership ("Declarant"), pursuant to the provisions of the Utah Condominium Ownership Act contained in Title 57, Chapter 8 of the Utah Code, as it may be amended from time to time (the "Act").

A. Centex Homes, a Nevada general partnership, is the "Declarant" under that certain Declaration of Condominium for The Villas At Monarch Meadows, an Expandable Utah Condominium Project (the "Project"), recorded May 25, 2004 as Entry No. 9071595 in Book 8992, beginning at Page 2228 in the Official Records of the Office of the Salt Lake County Recorder (the "Declaration").

B. The Declaration has been amended by four Supplements to the Declaration (the "Supplements"). Under the Supplements, the Declarant added a portion of the Additional Land (as that term is defined in the Declaration) to the Project and increased the number of Units in the Project.

C. Under Section 7.1 of the Declaration, Declarant reserved an "Option to Expand" (as that term is defined in the Declaration) the Project with all or a portion of the Additional Land.

D. Under Section 7.1.10 of the Declaration, Declarant is not "required to obtain the consent of any Owners or of any other person or entity having any right or interest in all or any portion of the Project prior or subsequent to adding all or portions of the Additional Land."

E. Under Section 7.1.6 of the Declaration, in order to add a portion of the Additional Land, Declarant is required to record (i) a Supplement to the Declaration reflecting Declarant's exercise of the Option to Expand, identifying the portion of the Additional Land, and adjusting the Undivided Interests for each Unit, and (ii) a Supplemental Plat.

F. Under Section 7.1.11 of the Declaration, prior to including a Phase (as defined in the Declaration) of Additional Land, Declarant must substantially complete construction of the Buildings and improvements contemplated by the site plan for such Phase of Additional Land.

G. Declarant is the sole record owner of the Additional Land.

H. Declarant desires now to exercise its Option to Expand to add a portion of the Additional Land to the Project, which is more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Phase 6 Additional Land").

1. Declarant desires to adjust the voting interests and Undivided Interests of the Owners in the Common Areas and Facilities to reflect the addition of the Phase 6 Additional Land.

NOW, THEREFORE, Declarant hereby declares and provides as follows:

1. Declaration Incorporated by Reference. The Declaration in its entirety is hereby incorporated by reference and made a part of this Supplement as though fully set forth herein.

2. Definitions. Unless the context clearly requires otherwise, all the terms which are defined in the Declaration shall carry the same meaning when used in this Supplement.

3. Addition of Portion of Additional Land. Declarant hereby adds to the Project the Phase 6 Additional Land. In that connection, the Supplemental Plat, attached hereto as Exhibit B and incorporated herein by reference and recorded concurrently with this Supplement, reflects that the Phase 6 Additional Land contains one (1) free standing two-story residential Building, which contains six (6) Units.

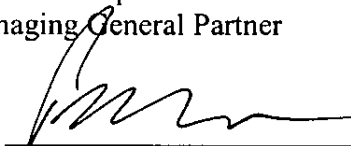
4. Adjustment of Voting and Ownership Interests in Common Areas and Facilities. Pursuant to Section 7.1.7 of the Declaration, Exhibit A to the Declaration, subtitled "The Villas At Monarch Meadows - Schedule of Units, Square Footage, Votes, and Undivided Interests in Common Areas and Facilities" is hereby deleted in its entirety and replaced with the "Fifth Amended Exhibit A The Villas At Monarch Meadows - Schedule of Units, Square Footage, Votes, and Undivided Interests in Common Areas and Facilities," which is attached hereto as Exhibit C and incorporated herein by reference (the "Amended Schedule"). The Undivided Interest assigned to each Unit under the Declaration is hereby revised and amended as set forth in the Amended Schedule. In addition, the voting interests for the Units are hereby revised and amended as set forth in the Amended Schedule.

5. Effective Date. This Supplement shall be effective upon recording in the Office of the Salt Lake County Recorder. Except as herein expressly provided, the Declaration shall remain in all other respects unmodified and in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF, the Declarant has executed this Supplement as of the date first above written.

Centex Homes,  
a Nevada general partnership  
By: Centex Real Estate Corporation,  
a Nevada corporation  
Its: Managing General Partner

By:   
Peter DelMissier  
Its: Salt Lake Division President

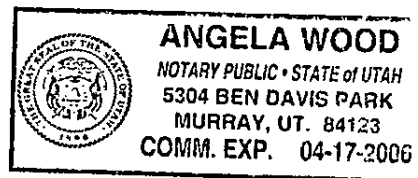
STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

On the \_\_\_\_\_ day of September, 2004, personally appeared before me Peter DelMissier, who being by me duly sworn did say that he is the President of the Salt Lake Division of Centex Real Estate Corporation, a Nevada corporation, Managing General Partner of Centex Homes, a Nevada general partnership, and that he executed the foregoing Fifth Supplement to Declaration on behalf of said General Partnership, being duly authorized and empowered to do so by the Bylaws of said General Partnership and said Corporation for the uses and purposes stated therein.

  
NOTARY PUBLIC

My Commission Expires:  
4/17/2006

Residing at:  
Salt Lake



**EXHIBIT A**  
**To**  
**Fifth Supplement to Declaration of Condominium**  
**For**  
**The Villas at Monarch Meadows**

Legal Description of Phase 6 Additional Land

BEGINNING AT A POINT NORTH 89°53'23" WEST ALONG THE SECTION LINE 516.30 FEET AND SOUTH 00°06'37" WEST 1007.01 FEET FROM THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 142.46 FEET; THENCE NORTH 65°28'31" WEST 251.22 FEET; THENCE SOUTH 89°36'28" WEST 16.53 FEET; THENCE NORTH 24°31'29" EAST 91.61 FEET; THENCE SOUTH 65°31'28" EAST 140.58 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF 20.50 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 99°01'35", A DISTANCE OF 35.43 FEET; THENCE EAST 50.86 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.530 ACRES.

**EXHIBIT B**  
**To**  
**Fifth Supplement to Declaration of Condominium**  
**For**  
**The Villas at Monarch Meadows**

Supplemental Plat

[attached next page]

# THE VILLAS AT MONARCH MEADOWS PHASE 6 AN EXPANDABLE UTAH CONDOMINIUM PROJECT

OWNER'S 0.539 ACRES  
LOCATED AT THE CORNER OF SECTION 1  
TOWNSHIP 4 SOUTH RANGE 3 WEST,  
SALT LAKE BASIN AND WYOMING,  
UTAH  
MAP 53.23 (BASED ON REVISION)

**SURVEYOR'S CERTIFICATE**  
I, the undersigned, being duly qualified as a Professional Land Surveyor and being duly licensed to practice my profession in the State of Utah, do hereby certify that I have personally supervised the execution of the survey and the construction of the monumentation shown hereon and that the same is a true and correct representation of the facts as shown by my field notes and the records of my office and that I am a duly Licensed Professional Land Surveyor in the State of Utah.

**LAND SURVEYOR**  
JAMES H. HAYES  
No. 3712

**BOUNDARY DESCRIPTION**

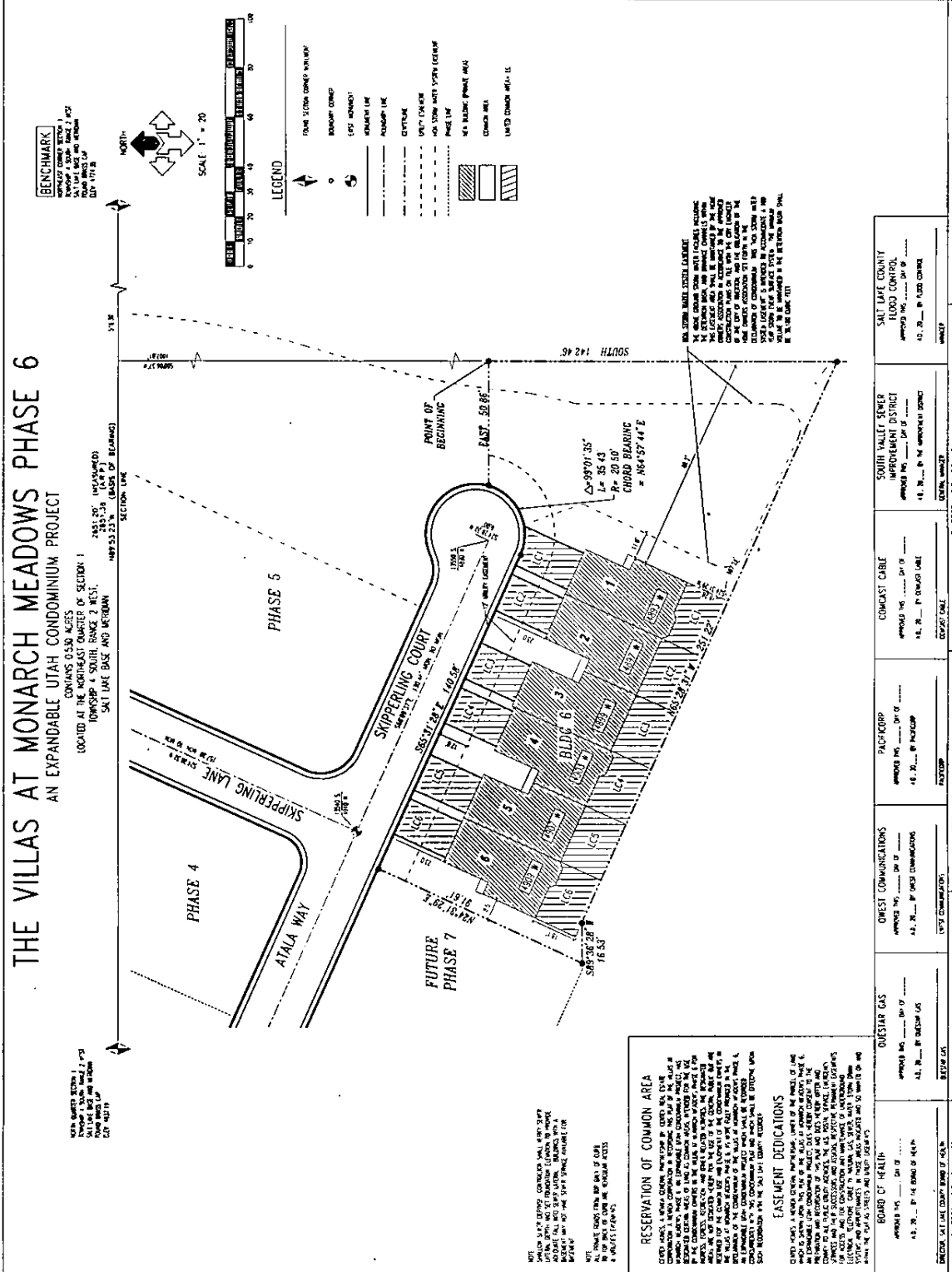
Beginning at a point with a permanent marker, the corner of the lot in the southeast corner of Section 1, Township 4 South, Range 3 West, Salt Lake Basin and Wyoming, Utah, and running North 29° 12' 41" West 107.32 feet to a permanent marker, the center of the lot, and running North 12° 43' 05" East 107.32 feet to the center of the lot, and running North 78° 34' 30" East 107.32 feet to the center of the lot, and running North 8° 34' 30" East 107.32 feet to the center of the lot, and running North 29° 12' 41" West 107.32 feet to the center of the lot, and running North 29° 12' 41" West 107.32 feet to the center of the lot, and running North 29° 12' 41" West 107.32 feet to the center of the lot.

**OWNER'S DEDICATION**  
I, the undersigned, being duly qualified as a Professional Land Surveyor and being duly licensed to practice my profession in the State of Utah, do hereby certify that I have personally supervised the execution of the survey and the construction of the monumentation shown hereon and that the same is a true and correct representation of the facts as shown by my field notes and the records of my office and that I am a duly Licensed Professional Land Surveyor in the State of Utah.

**ACKNOWLEDGMENT**  
STATE OF UTAH }  
County of Salt Lake }  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, personally appeared before me Peter D. Baker, a Notary Public in and for the State of Utah, the undersigned, James H. Hayes, a duly Licensed Professional Land Surveyor, who acknowledged to me that he executed the foregoing instrument for the purposes and in consideration of the facts and circumstances stated herein.

**BY COMMISSIONER** \_\_\_\_\_  
NOTARY PUBLIC  
RESIDING IN SALT LAKE COUNTY

**THE VILLAS AT MONARCH MEADOWS PHASE 6**  
AN EXPANDABLE UTAH CONDOMINIUM PROJECT



RECORDED BY \_\_\_\_\_  
DATE OF REC'D BY COUNTY OF SALT LAKE COUNTY AND FILED IN THE OFFICE OF THE COUNTY CLERK \_\_\_\_\_  
FILE NO. \_\_\_\_\_  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FILED IN \_\_\_\_\_

**THE VILLAS AT MONARCH MEADOWS PHASE 6**  
AN EXPANDABLE UTAH CONDOMINIUM PROJECT  
DRAWING NO. \_\_\_\_\_  
DATE OF ISSUE \_\_\_\_\_  
DATE OF REVISION \_\_\_\_\_

**LEGEND**

- Symbol: [Line with arrow] TOPOGRAPHIC CONTOUR
- Symbol: [Circle with dot] BENCHMARK
- Symbol: [Circle with cross] POINT OF BEGINNING
- Symbol: [Dashed line] PROPERTY LINE
- Symbol: [Dotted line] ALTERNATE PROPERTY LINE
- Symbol: [Dashed line] CENTERLINE
- Symbol: [Dashed line] HIGH WATER MARK
- Symbol: [Hatched area] EASEMENT
- Symbol: [Stippled area] COMMON AREA
- Symbol: [Diagonal lines] UNIT COMMONS AREA

SCALE: 1" = 20'

**RESERVATION OF COMMON AREA**  
I, the undersigned, being duly qualified as a Professional Land Surveyor and being duly licensed to practice my profession in the State of Utah, do hereby certify that I have personally supervised the execution of the survey and the construction of the monumentation shown hereon and that the same is a true and correct representation of the facts as shown by my field notes and the records of my office and that I am a duly Licensed Professional Land Surveyor in the State of Utah.

**EASEMENT DEDICATIONS**  
I, the undersigned, being duly qualified as a Professional Land Surveyor and being duly licensed to practice my profession in the State of Utah, do hereby certify that I have personally supervised the execution of the survey and the construction of the monumentation shown hereon and that the same is a true and correct representation of the facts as shown by my field notes and the records of my office and that I am a duly Licensed Professional Land Surveyor in the State of Utah.

AGENCY	DATE OF APPROVAL	APPROVED BY
RESERVATION OF COMMON AREA	_____	_____
EASEMENT DEDICATIONS	_____	_____
BOARD OF HEALTH	_____	_____
QUESTAIR GAS	_____	_____
WEST COMMUNICATIONS	_____	_____
PACKAGE	_____	_____
RISEON CITY COUNCIL	_____	_____
RISEON CITY PLANNING COMMISSION	_____	_____
APPROVAL AS TO FORM	_____	_____
APPROVAL AS TO CONTENT	_____	_____

**RESERVATION OF COMMON AREA**  
I, the undersigned, being duly qualified as a Professional Land Surveyor and being duly licensed to practice my profession in the State of Utah, do hereby certify that I have personally supervised the execution of the survey and the construction of the monumentation shown hereon and that the same is a true and correct representation of the facts as shown by my field notes and the records of my office and that I am a duly Licensed Professional Land Surveyor in the State of Utah.

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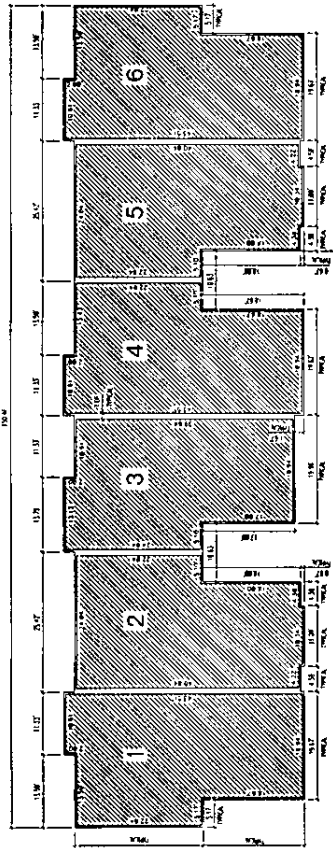
**BOARD OF HEALTH**  
I, the undersigned, being duly qualified as a Professional Land Surveyor and being duly licensed to practice my profession in the State of Utah, do hereby certify that I have personally supervised the execution of the survey and the construction of the monumentation shown hereon and that the same is a true and correct representation of the facts as shown by my field notes and the records of my office and that I am a duly Licensed Professional Land Surveyor in the State of Utah.

**QUESTAIR GAS**  
I, the undersigned, being duly qualified as a Professional Land Surveyor and being duly licensed to practice my profession in the State of Utah, do hereby certify that I have personally supervised the execution of the survey and the construction of the monumentation shown hereon and that the same is a true and correct representation of the facts as shown by my field notes and the records of my office and that I am a duly Licensed Professional Land Surveyor in the State of Utah.

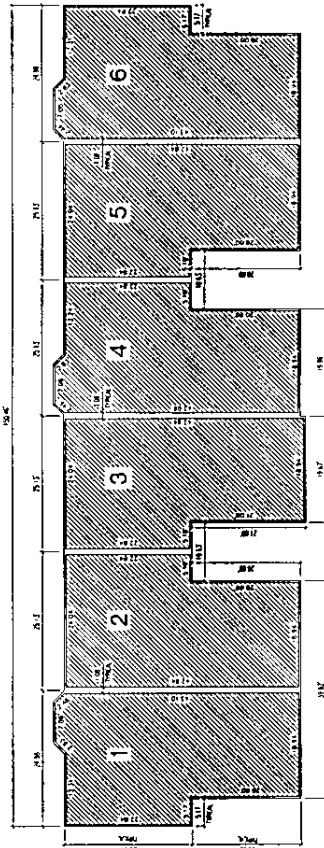
THE VILLAS AT MONARCH MEADOWS PHASE 6  
 AN EXPANDABLE UTAH CONDOMINIUM PROJECT

CONDOS 6339 ACRES  
 LOCATED IN THE EAST PART OF SECTION 1,  
 TOWNSHIP 4 SOUTH, RANGE 7 WEST,  
 SKI UTAH BASIN AND MESA

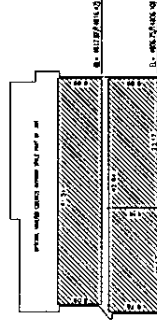
**BLDG 6**



6 PLEX, 2ND. FLOOR



6 PLEX, 1ST. FLOOR



TYPICAL RIGHT SIDE ELEVATION

NOTE: DIMENSIONS ON THE  
 ELEVATION OF THE UNIT REFER TO  
 THE FINISH SURFACE UNLESS NOTED OTHERWISE



SCALE 1" = 10'

**SHEET 2 OF 2**

SKILL LANE CONSULTING ARCHITECTS  
 ARCHITECT 1  
 DATE OF ARCH. DRAWING OF THIS SHEET: NOVEMBER 2004  
 DATE OF ARCH. DRAWING OF THIS PROJECT: NOVEMBER 2004  
 DATE OF ARCH. DRAWING OF THIS SHEET: NOVEMBER 2004

FIG. 1

**PREPARED BY**

**MCNEIL ENGINEERING  
 AND LAND SURVEYING, LLC**  
 695 SOUTH 400 EAST MIDVALE, UTAH 84047  
 TEL (801) 734-7700 FAX (801) 255-8031

**EXHIBIT C**  
**To**  
**Fifth Supplement to Declaration of Condominium**  
**For**  
**The Villas at Monarch Meadows**  
  
Amended Schedule to Declaration  
  
[attached next page]



**FIFTH AMENDED**

**EXHIBIT A**

The Villas At Monarch Meadows  
Schedule of Units, Square Footage,  
Votes and Undivided Interests in Common Areas and Facilities

<b>Unit Identifying Number</b>	<b>Approx. Sq. Footage of Unit</b>	<b>No. of Votes Per Unit</b>	<b>Undivided Interest Per Unit</b>
<b>Building 1:</b>			
1	1,873	1	3.125%
2	1,825	1	3.125%
3	1,844	1	3.125%
4	1,873	1	3.125%
<b>Building 2:</b>			
1	1,873	1	3.125%
2	1,825	1	3.125%
3	1,844	1	3.125%
4	1,873	1	3.125%
<b>Building 3:</b>			
1	1,873	1	3.125%
2	1,825	1	3.125%
3	1,844	1	3.125%
4	1,870	1	3.125%
5	1,825	1	3.125%
6	1,873	1	3.125%
<b>Building 4:</b>			
1	1,873	1	3.125%
2	1,825	1	3.125%
3	1,844	1	3.125%
4	1,870	1	3.125%
5	1,825	1	3.125%
6	1,873	1	3.125%
<b>Building 5:</b>			
1	1,873	1	3.125%
2	1,825	1	3.125%
3	1,844	1	3.125%
4	1,870	1	3.125%
5	1,825	1	3.125%
6	1,873	1	3.125%
<b>Building 6:</b>			
1	1,873	1	3.125%
2	1,825	1	3.125%
3	1,844	1	3.125%
4	1,870	1	3.125%
5	1,825	1	3.125%
6	1,873	1	3.125%