

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

ENT 11198:2005 PG 1 of 16  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2005 Feb 02 1:35 pm FEE 187.00 BY SDM  
RECORDED FOR TROPHY HOMES

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

This Fifth 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 Pheasant Pointe 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 8<sup>th</sup> 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 29<sup>th</sup> 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 10<sup>th</sup> 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, the Fourth 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 18<sup>th</sup> day of June, 2004 as Entry No. 70283:2004 at Pages 1-14 of the Official Records (the "Fourth Supplement").

Whereas, the related amended Plat Map(s) for Phases 1-6 at Provence West 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-7, APW-8, APW-9, APW-10, APW-11, APW-12 and APW-13" 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 7-13 of the Provence West Property shall be annexed to the Project and 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 Provence at Pheasant Pointe for the Provence West portion of the development.

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 Provence at Pheasant Pointe for the Provence West portion of the development.

B. **Fifth Supplemental Map(s)** shall mean and refer to the Supplemental Plat Map(s) for Phases 7-13 of the Provence West portion of the 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.

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-7, APW-8, APW-9, APW-10, APW-11, APW-12 and APW-13" 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 Fifth Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibits "APW-7, APW-8, APW-9, APW-10, APW-11, APW-12 and APW-13" 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, fourteen (14) additional three-plex Buildings and forty-two (42) 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 Fifth Supplement to the Declaration, the total number of Units in the Project will be one hundred forty-one (141). 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. 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 Fifth Supplemental 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 8<sup>th</sup> day of September, 2004.

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

By: [Signature]  
Name: WAYNE H. CORBRIDGE  
Title: Manager

STATE OF UTAH     )  
                                  )ss:  
COUNTY OF UTAH )

On the 8<sup>th</sup> day of September, 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.

Shelby N. Pintus  
NOTARY PUBLIC  
Residing At: oremi, UT  
Commission Expires: 5-4-2008

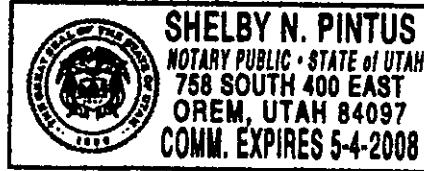


EXHIBIT "APW-7"

PROVENCE WEST  
LEGAL DESCRIPTION OF PHASE 7

The land described in the foregoing document as Phase 7 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 2,084.59 FEET AND SOUTH 11.50 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	26.20	
S2° 05'42"W	76.52	
S3° 48'51"W	36.00	
N86° 11'09"W	92.03	
ALONG AN ARC	L-31.95	R-480.00 $\Delta=3^{\circ} 48' 51''$ CH-N88° 05'35"W 31.95
WEST	139.00	
ALONG AN ARC	L-53.18	R-40.00 $\Delta=76^{\circ} 10' 34''$ CH-S51° 54'43"W 49.35
ALONG AN ARC	L-24.03	R-20.00 $\Delta=68^{\circ} 50' 52''$ CH-S20° 36'00"E 22.61
ALONG AN ARC	L-7.34	R-280.00 $\Delta=1^{\circ} 30' 03''$ CH-S55° 46'27"E 7.34
ALONG AN ARC	L-45.00	R-320.00 $\Delta=8^{\circ} 03' 27''$ CH-S52° 29'45"E 44.96
S48° 28'02"E	8.85	
N41° 31'58"E	18.00	
S48° 28'02"E	40.00	
S43° 25'16"W	53.50	
S41° 30'23"W	18.61	
N48° 28'02"W	64.00	
N37° 53'46"E	17.54	
ALONG AN ARC	L-21.91	R-284.00 $\Delta=4^{\circ} 25' 15''$ CH-N54° 18'52"W 21.91
ALONG AN ARC	L-44.32	R-316.00 $\Delta=8^{\circ} 02' 08''$ CH-N52° 30'25"W 44.28
N48° 29'21"W	197.69	
S67° 13'24"W	30.97	
WEST	50.00	
N0° 12'21"E	64.00	
N89° 17'00"E	152.86	
SOUTH	62.80	
ALONG AN ARC	L-16.93	R-20.00 $\Delta=48^{\circ} 29' 21''$ CH-S24° 14'41"E 16.42
S48° 29'21"E	82.29	
ALONG AN ARC	L-26.20	R-24.00 $\Delta=62^{\circ} 32' 06''$ CH-N66° 26'26"E 24.91
ALONG AN ARC	L-72.73	R-76.00 $\Delta=54^{\circ} 49' 37''$ CH-N62° 35'12"E 69.98
EAST	131.55	
NORTH	93.70	
N89° 17'00"E	136.41	TO THE POINT OF BEGINNING

CONTAINS: 1.10 +/- ACRES

EXHIBIT "APW-8"

PROVENCE WEST  
LEGAL DESCRIPTION OF PHASE 8

The land described in the foregoing document as Phase 8 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 2,081.70 FEET AND SOUTH 150.56 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	96.54	
WEST	134.29	
NORTH	104.20	
EAST	2.45	
ALONG AN ARC	L=31.95	R=480.00 $\Delta$ =3°48'51" CH=S88°05'35"E 31.95
S86°11'09"E	92.03	
ALONG AN ARC	L=8.10	R=520.00 $\Delta$ =0°53'33" CH=S86°37'55"E 8.10
		TO THE POINT OF BEGINNING
		CONTAINS: 13,543± S.F.

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

EXHIBIT "APW-9"

PROVENCE WEST  
LEGAL DESCRIPTION OF PHASE 9

The land described in the foregoing document as Phase 9 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 2,220.99 FEET AND SOUTH 13.30 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	93.70	
WEST	131.55	
ALONG AN ARC	L=4.85	R=76.00 /-3° 39'34" CH=S88° 10'13"W 4.85
NORTH	92.15	
N89° 17'55"E	136.41	TO THE POINT OF BEGINNING

CONTAINS: 12,664± S.F.

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

EXHIBIT "APW-10"

PROVENCE WEST  
LEGAL DESCRIPTION OF PHASE 10

The land described in the foregoing document as Phase 10 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED N89° 57' 35" W ALONG THE 1/4 SECTION LINE 2,215.99 FEET AND SOUTH 142.99 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	99.20	
WEST	74.52	
S43° 25' 16" W	3.89	
N48° 28' 02" W	40.00	
S41° 31' 58" W	18.00	
N48° 28' 02" W	8.85	
ALONG AN ARC	L=45.00	R=320.00 $\Delta$ =8° 03' 27" CH=N52° 29' 45" W 44.96
ALONG AN ARC	L=7.33	R=280.00 $\Delta$ =1° 30' 03" CH=N55° 46' 27" W 7.33
ALONG AN ARC	L=24.03	R=20.00 $\Delta$ =68° 50' 52" CH=N20° 36' 00" W 22.61
ALONG AN ARC	L=53.18	R=40.00 $\Delta$ =76° 10' 34" CH=N51° 54' 43" E 49.35
EAST	136.55	TO THE POINT OF BEGINNING
		CONTAINS: 14.725± S.F.

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN



**EXHIBIT "APW-11"**

**PROVENCE WEST  
LEGAL DESCRIPTION OF PHASE 11**

The land described in the foregoing document as Phase 11 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 2,357.39 FEET AND SOUTH 15.10 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
SOUTH	92.15	
ALONG AN ARC	L=67.87	R=76.00 $\Delta=51^{\circ}10'03''$ CH=S60°45'24"W 65.64
ALONG AN ARC	L=26.20	R=24.00 $\Delta=62^{\circ}32'06''$ CH=S66°26'26"W 24.91
N48°29'21"W	82.29	
ALONG AN ARC	L=16.93	R=20.00 $\Delta=48^{\circ}29'21''$ CH=N24°14'41"W 16.43
NORTH	62.80	
N89°17'00"E	148.49	TO THE POINT OF BEGINNING
		CONTAINS: 15,831 +/- S.F.

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

**EXHIBIT "APW-12"**

**PROVENCE WEST  
LEGAL DESCRIPTION OF PHASE 12**

The land described in the foregoing document as Phase 12 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 2,580.39 FEET AND SOUTH 71.03 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S48° 29'21"E	122.38	
S41° 21'11"W	93.56	
N48° 38'49"W	144.59	
N0° 12'21"E	43.82	
EAST	50.00	
N67° 13'24"E	30.97	TO THE POINT OF BEGINNING

CONTAINS: 13,934 +/- S.F.

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

**PROVENCE WEST  
LEGAL DESCRIPTION OF PHASE 13**

The land described in the foregoing document as Phase 13 of the Provence West Property is located in Utah County, Utah and is described more particularly as follows:

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT LOCATED N89°57'35"W ALONG THE 1/4 SECTION LINE 2,488.76 FEET AND SOUTH 152.08 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S48°29'21"E	75.32	
ALONG AN ARC	L=44.32	R=316.00 $\angle=8^{\circ}02'08"$ CH=S52°30'25"E 44.28
ALONG AN ARC	L=17.00	R=284.00 $\Delta=3^{\circ}25'47"$ CH=S54°48'36"E 17.00
S41°21'11"W	98.16	
N48°38'49"W	136.40	
N41°21'11"E	93.56	TO THE POINT OF BEGINNING

CONTAINS: 12,851 +/- S.F.

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	0.7092%
1	A	2	0.7092%
1	A	3	0.7092%
1	A	4	0.7092%
1	A	5	0.7092%
1	A	6	0.7092%
2	G	1	0.7092%
2	G	2	0.7092%
2	G	3	0.7092%
2	G	4	0.7092%
2	G	5	0.7092%
2	G	6	0.7092%
2	G	7	0.7092%
2	G	8	0.7092%
3	B	1	0.7092%
3	B	2	0.7092%
3	B	3	0.7092%
3	B	4	0.7092%
3	B	5	0.7092%
3	B	6	0.7092%
4	H	1	0.7092%
4	H	2	0.7092%
4	H	3	0.7092%
4	H	4	0.7092%
4	H	5	0.7092%
4	H	6	0.7092%
5	F	1	0.7092%
5	F	2	0.7092%
5	F	3	0.7092%
5	F	4	0.7092%
5	F	5	0.7092%
5	F	6	0.7092%
5	F	7	0.7092%
5	F	8	0.7092%

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
6	C	1	0.7092%
6	C	2	0.7092%
6	C	3	0.7092%
6	C	4	0.7092%
6	C	5	0.7092%
6	C	6	0.7092%
7	D	1	0.7092%
7	D	2	0.7092%
7	D	3	0.7092%
7	D	4	0.7092%
8	E	1	0.7092%
8	E	2	0.7092%
8	E	3	0.7092%
8	E	4	0.7092%
8	E	5	0.7092%
8	E	6	0.7092%
9	K	1	0.7092%
9	K	2	0.7092%
9	K	3	0.7092%
9	K	4	0.7092%
10	L	1	0.7092%
10	L	2	0.7092%
10	L	3	0.7092%
10	L	4	0.7092%
11	J	1	0.7092%
11	J	2	0.7092%
11	J	3	0.7092%
11	J	4	0.7092%
13	I	1	0.7092%
13	I	2	0.7092%
13	I	3	0.7092%
13	I	4	0.7092%

## PROVENCE WEST

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
1	L	1	0.7092%
1	L	2	0.7092%
1	L	3	0.7092%
1	M	1	0.7092%
1	M	2	0.7092%
1	M	3	0.7092%
2	A	1	0.7092%
2	A	2	0.7092%
2	A	3	0.7092%
2	B	1	0.7092%
2	B	2	0.7092%
2	B	3	0.7092%
3	C	1	0.7092%
3	C	2	0.7092%
3	C	3	0.7092%
3	D	1	0.7092%
3	D	2	0.7092%
3	D	3	0.7092%
4	N	1	0.7092%
4	N	2	0.7092%
4	N	3	0.7092%
4	O	1	0.7092%
4	O	2	0.7092%
4	O	3	0.7092%
5	P	1	0.7092%
5	P	2	0.7092%
5	P	3	0.7092%
5	Q	1	0.7092%
5	Q	2	0.7092%
5	Q	3	0.7092%
6	E	1	0.7092%
6	E	2	0.7092%
6	E	3	0.7092%

## PROVENCE WEST

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
7	F	1	0.7092%
7	F	2	0.7092%
7	F	3	0.7092%
7	G	1	0.7092%
7	G	2	0.7092%
7	G	3	0.7092%
8	R	1	0.7092%
8	R	2	0.7092%
8	R	3	0.7092%
8	S	1	0.7092%
8	S	2	0.7092%
8	S	3	0.7092%
9	H	1	0.7092%
9	H	2	0.7092%
9	H	3	0.7092%
9	I	1	0.7092%
9	I	2	0.7092%
9	I	3	0.7092%
10	U	1	0.7092%
10	U	2	0.7092%
10	U	3	0.7092%
10	T	1	0.7092%
10	T	2	0.7092%
10	T	3	0.7092%
11	J	1	0.7092%
11	J	2	0.7092%
11	J	3	0.7092%
11	K	1	0.7092%
11	K	2	0.7092%
11	K	3	0.7092%
12	X	1	0.7092%
12	X	2	0.7092%
12	X	3	0.7092%

12	Y	1	0.7092%
12	Y	2	0.7092%
12	Y	3	0.7092%

<b>Phase</b>	<b>Bldg. No.</b>	<b>Unit No.</b>	<b>Percentage of Ownership Interest</b>
13	V	1	0.7092%
13	V	2	0.7092%
13	V	3	0.7092%
13	W	1	0.7092%
13	W	2	0.7092%
13	W	3	0.7092%