

88/6
WHEN RECORDED RETURN TO:
COUNTRYSIDE DEVELOPMENT, L.C.
1862 North 1120 West
Provo, Utah 84604
(801) 374-1111

ENT 127770:2003 PG 1 of 6
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2003 Aug 12 9:15 am FEE 80.00 BY SS
RECORDED FOR MOUNTAIN WEST TITLE CO

**FIRST SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM FOR TOWN CENTER CONDOMINIUM**
an expandable Utah condominium project

This First Supplement to the Declaration of Condominium for Town Center Condominium, an expandable Utah condominium project, is made and executed by Countryside Development, L.C., of 1862 North 1120 West, Provo, Utah 84604 (the "Declarant").

RECITALS

Whereas, the original Declaration of Condominium for Town Center was recorded in the office of the County Recorder of Utah County, Utah (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, under Article III, Section 44 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 Utah County, Utah and described with particularity on Exhibit "A-2," attached hereto and incorporated herein by this reference (the "Phase 2 Property")

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right 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 2 Property a residential condominium development.

Whereas, Declarant now intends that the Phase 2 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 First Supplement to the Declaration of Condominium for Town Center Condominium.

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

A. **First Supplement to the Declaration** shall mean and refer to this First Supplement to the Declaration of Condominium for Town Center Condominium.

B. **First Supplemental Map(s) or Phase 2 Property Map(s)** shall mean and refer to the Supplemental Condominium Plat Map(s) for the additional phase of the Project described on Exhibit "A-2" prepared and certified to by Roger D. Dudley, a duly registered Utah Land Surveyor holding Certificate No.147089, 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.

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-2 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 2 Property shall be annexed to and become subject to the Declaration, which upon recordation of this First Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A-2" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the Map(s), Phase 2 will add three (3) new Buildings and thirty- six (36) new Units which shall be located upon a portion of the Additional Land. Upon the recordation of the Map(s) for the additional Phase and this First Supplement to the Declaration, the total number of Units in the Project will be sixty (60). The additional Buildings and Units in Phase 2 are or will be substantially similar in construction, design, and quality to the Building and Units in Phase 1.

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

6. **Effective Date.** The effective date of this First Supplement to the Declaration and the Phase 2 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 11th day of August, 2003.

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

By: *Brian Snelson*
Name: Brian Snelson
Title: Manager

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 11th day of August, 2003, personally appeared before me Brian Snelson, who by me being duly sworn, did say that he is the Manager of Countryside 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 Brian Snelson duly acknowledged to me that said Company executed the same.

Tisha Golding
NOTARY PUBLIC
Residing At: Orem, UT
Commission Expires: 5-15-2004

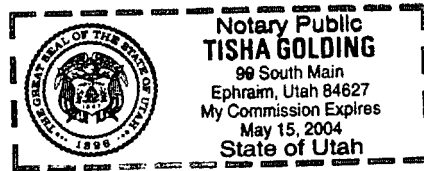


EXHIBIT "A-2"
LEGAL DESCRIPTION OF PHASE 2

The Phase 2 Property described in the foregoing document is located in Utah County, Utah and is described more particularly as follows:

Commencing at a point located North 89° 13' 32" East along the Section line 124.00 feet from the Southwest corner of Section 20, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence North 00° 17' 38" West 56.34 feet; thence North 02° 13' 54" East 84.43 feet; thence North 89° 13' 32" East 136.37 feet; thence North 00° 46' 28" West 55.21 feet; thence North 38° 47' 36" East 39.15 feet; thence South 87° 24' 00" East 47.41 feet; thence North 02° 36' 00" East 60.00 feet; thence North 87° 24' 00" West 45.00 feet; thence North 02° 36' 00" East 91.00 feet; thence South 02° 36' 00" East 54.00 feet; thence North 02° 36' 00" East 18.00 feet; thence South 87° 24' 00" East 86.92 feet; thence South 02° 36' 00" West 386.98 feet; South 89° 13' 32" West 296.46 feet to the point of beginning.

EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

| <u>Phase Interest</u> | <u>Building No.</u> | <u>Unit No.</u> | <u>House No.</u> | <u>Street Name</u> | <u>Percentage of Ownership</u> |
|-----------------------|---------------------|-----------------|------------------|----------------------|--------------------------------|
| 1 | A | 1 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 2 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 3 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 4 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 5 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 6 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 7 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 8 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 9 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 10 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 11 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | A | 12 | 151 South | Pleasant Grove Blvd. | 1.666% |
| 1 | B | 13 | 159 South | Pleasant Grove Blvd. | 1.666% |
| 1 | B | 14 | 159 South | Pleasant Grove Blvd. | 1.666% |
| 1 | B | 15 | 159 South | Pleasant Grove Blvd. | 1.666% |
| 1 | B | 16 | 159 South | Pleasant Grove Blvd. | 1.666% |
| 1 | B | 17 | 159 South | Pleasant Grove Blvd. | 1.666% |
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| 1 | B | 20 | 159 South | Pleasant Grove Blvd. | 1.666% |
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| 2 | | 35 | 155 South | Pleasant Grove Blvd. | 1.666% |
| 2 | | 36 | 155 South | Pleasant Grove Blvd. | 1.666% |

ENT 127770:2003 PG 6 of 6

| <u>Phase</u> | <u>Building No.</u> | <u>Unit No.</u> | <u>House No.</u> | <u>Street Name</u> | <u>Percentage of Ownership Interest</u> |
|---------------|---------------------|-----------------|------------------|----------------------|---|
| 2 | | 37 | 165 South | Pleasant Grove Blvd. | 1.666% |
| 2 | | 38 | 165 South | Pleasant Grove Blvd. | 1.666% |
| 2 | | 39 | 165 South | Pleasant Grove Blvd. | 1.666% |
| 2 | | 40 | 165 South | Pleasant Grove Blvd. | 1.666% |
| 2 | | 41 | 165 South | Pleasant Grove Blvd. | 1.666% |
| 2 | | 42 | 165 South | Pleasant Grove Blvd. | 1.666% |
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| 2 | | 59 | 169 South | Pleasant Grove Blvd. | 1.666% |
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| TOTAL: | | | | | 100.0% |