

28.
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 132526:2004 PG 1 of 4
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 Nov 23 4:21 pm FEE 31.00 BY SS
RECORDED FOR PINEHURST AT 800 NORTH LLC

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

THIS THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM (the "Third Amendment to Declaration") is made this 5th day of NOV, 2004, 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").

R E C I T A L S:

A. 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, concurrently with the Project's Declaration of Condominium as Entry 25149:2002 pages 1-28, inclusive (the "Declaration").

B. 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 Third Supplemental Condominium Plat and this Third 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 Third Supplemental Condominium Plat.

C. The real property to which this Third Amendment to Declaration is 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, as modified and amended by Second Supplemental Record of Survey Map recorded as Entry 18788:2003 Map #10268 with said Recorder on November 18, 2003.)

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

1. 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 Declaration.
2. As a result of amendments to the Utah Condominium Ownership Act enacted in 2003, the terms "Record of Survey Map" or "Map" as they appear in the Declaration, are hereby amended to read "Condominium Plat", "Plat" or "Plats", if referring to multiple Plats.
3. The Declaration is hereby amended as a result of, and pursuant to, the conversion of a portion of the Convertible Space:

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 16 Condominium Units and Convertible Space, as set forth on the Plats. 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.

4. Except as amended by the provisions of this Third Amendment to Declaration, the Declaration, as previously amended, 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 in the Third Supplemental Condominium Plat and the attached **Amended Exhibit "B"**.

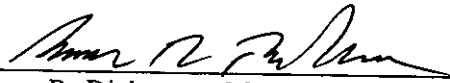
5. This Third Amendment to Declaration shall be recorded in the Public Records simultaneously with the Project's Third Supplemental Condominium Plat consisting of two sheets prepared by Roger D. Dudley, a Utah registered land surveyor holding Certificate No. 147089. Both such instruments shall be effective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

(The balance of this page is purposely left blank.)

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

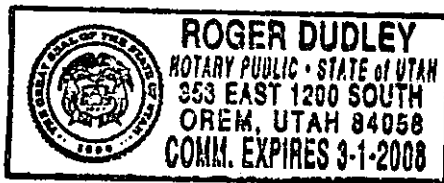
DECLARANT:

PINEHURST AT 800 NORTH, L.L.C.

By: 
Bruce R. Dickerson, Manager

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 5th day of Nov., 2004 by
Bruce R. Dickerson in the capacity indicated.




NOTARY PUBLIC

AMENDED EXHIBIT "B"

DECLARATION OF CONDOMINIUM
PINEHURST PLAZA RETAIL CONDOMINIUMS
(A Convertible Space Condominium Project)
Orem, Utah

<u>Unit No.</u>	<u>Convertible Space (1)</u>	<u>Size (Sq. Ft.) (1)</u>	<u>Total (1)</u>	<u>Ownership Interest Percentage (2)</u>	<u>Votes</u>
A		3,200	3,200	5.084	508.4
B		2,319	2,319	3.685	368.5
C		1,823	1,823	2.897	289.7
D		1,872	1,872	2.974	297.4
E		4,959	4,959	7.879	787.9
F		1,872	1,872	2.974	297.4
G		2,704	2,704	4.296	429.6
H		4,016	4,016	6.381	638.1
J		4,016	4,016	6.381	638.1
K		2,704	2,704	4.296	429.6
L		1,872	1,872	2.974	297.4
M		3,352	3,352	5.326	532.6
N		3,853	3,853	6.122	612.2
O		2,490	2,490	3.956	395.6
P		3,687	3,687	5.858	585.8
T		2,253	2,253	3.580	358.0
	<u>15,945</u>		<u>15,945</u>	<u>74.665</u>	<u>2,533.5</u>
Totals	15,945	46,992	62,937	100.000	10,000.0

- (1) Size based on the approximate number of square feet of floor space within each respective Unit of Convertible Space as shown on the Map and rounded off (including to center under interior walls and to exterior 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%).