

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

ENT 134101:2002 PG 1 of 6
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2002 Nov 08 9:49 am FEE 42.00 BY SS
RECORDED FOR PROVENCE AT PHEASANT POINT

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

This FIRST SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR PROVENCE AT PHEASANT POINTE, an expandable Utah condominium project, 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 the 8 day of November, 2002 as Entry No. 134097 in Book 2002 at Page(s) 1 of 69 of the Official Records 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 45 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 (collectively, "Phases 2-4 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 Phases 2-4 Property a residential condominium development.

Whereas, Declarant now intends that the Phases 2-4 Property shall become subject to the Declaration.

A G R E E M E N T

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 PROVENCE AT PHEASANT POINTE.

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 PROVENCE AT PHEASANT POINTE.

B. **First Supplemental Map(s) or Phases 2-4 Property Map(s)** shall mean and refer to the Supplemental Plat Map(s) for the additional phases of the Project 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.

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 Phases 2-4 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 a Building and six (6) Units; Phase 3 will add a Building and eight (8) Units; and Phase 4 will add a Clubhouse and six Units. In all, twenty (20) additional Units are or will be constructed and/or created in the Project on the Phases 2-4 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 First Supplement to the Declaration, the total number of Units in the Project will be twenty-six (26). 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).

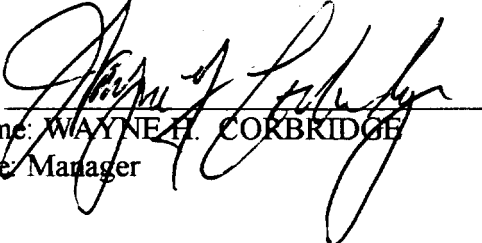
5. **Percentage Interest Revised.** Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the undivided percentages of ownership interest

in the Common Areas and Facilities. 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 Phases 2-4 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.

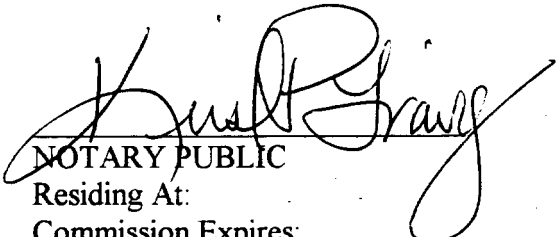
EXECUTED the 5 day of November, 2002.

PHEASANT POINTE DEVELOPMENT, L.C.,
a Utah limited liability company

By: 
Name: WAYNE H. CORBRIDGE
Title: Manager

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 5 day of November, 2002 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of PHEASANT POINTE 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.


NOTARY PUBLIC
Residing At:
Commission Expires:

KRISEL P. TRAVIS
NOTARY PUBLIC • STATE of UTAH
1085 EAST 140 NORTH
LINDON, UTAH 84042
COMM. EXP. 9-4-2005

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EXHIBIT "A-2"

**PROVENCE AT PHEASANT POINTE
LEGAL DESCRIPTION**

The land described in the foregoing document as the Phases 2-4 Property is located in Utah County, Utah and is described more particularly as follows:

Provence at Pheasant Pointe Phase 2

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 570.00 FEET AND WEST 931.92 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S33°31'46"W	60.20	
ALONG AN ARC	L-45.87	R-30.00 Δ-87°35'53" CH-S77°19'43"W 41.53
N58°52'21"W	216.25	
ALONG AN ARC	L-32.25	R-20.00 Δ-92°24'07" CH-N12°40'17"W 28.87
N33°31'46"E	70.17	
S58°25'43"E	265.79	TO THE POINT OF BEGINNING
		CONTAINING: 0.54 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

Provence at Pheasant Pointe Phase 3

BEGINNING AT A POINT LOCATED S0°09'44"W ALONG THE SECTION LINE 739.06 FEET AND WEST 829.74 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S12°31'44"W	66.19	
ALONG AN ARC	L-285.74	R-552.00 Δ-29°39'32" CH-N72°51'28"W 282.56
N31°13'14"E	98.27	
S58°52'21"E	45.97	
ALONG AN ARC	L-89.09	R-66.00 Δ-77°20'26" CH-N82°27'26"E 82.48
S51°21'46"E	143.78	TO THE POINT OF BEGINNING
		CONTAINS: 0.64 ACRES

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

EXHIBIT "A-2"

Continued

Provence at Pheasant Pointe Phase 4

BEGINNING AT A POINT LOCATED $S0^{\circ}09'44''W$ ALONG THE SECTION LINE 351.12 FEET AND WEST 1,177.45 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
$S0^{\circ}01'47''E$	18.26	
ALONG AN ARC	L=32.80	R=56.00 $\Delta=33^{\circ}33'30''$ CH= $S16^{\circ}45'01''W$ 32.33
$S33^{\circ}31'46''W$	103.11	
ALONG AN ARC	L=44.04	R=196.00 $\Delta=12^{\circ}52'23''$ CH= $S39^{\circ}57'57''W$ 43.94
ALONG AN ARC	L=7.23	R=70.00 $\Delta=5^{\circ}54'59''$ CH= $S43^{\circ}26'39''W$ 7.23
ALONG AN ARC	L=15.94	R=11.00 $\Delta=83^{\circ}02'36''$ CH= $S82^{\circ}00'28''W$ 14.58
$N56^{\circ}28'14''W$	79.72	
$S33^{\circ}31'46''W$	61.50	
$N56^{\circ}02'00''W$	131.87	
ALONG AN ARC	L=77.01	R=227.00 $\Delta=19^{\circ}26'15''$ CH= $N46^{\circ}18'52''W$ 76.64
$S89^{\circ}57'00''E$	275.10	
$N33^{\circ}21'33''E$	43.46	
NORTH	20.25	
$N89^{\circ}41'30''E$	80.12	TO THE POINT OF BEGINNING
CONTAINS: 0.76 ACRES		
BASIS OF BEARING: ALONG SECTION LINE AS SHOWN		

REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

Phase	Bldg. No.	Unit No.	Parcel No.	Percentage of Ownership Interest
1	A	1		3.8461%
1	A	2		3.8461%
1	A	3		3.8461%
1	A	4		3.8461%
1	A	5		3.8461%
1	A	6		3.8461%
2	G	1		3.8461%
2	G	2		3.8461%
2	G	3		3.8461%
2	G	4		3.8461%
2	G	5		3.8461%
2	G	6		3.8461%
2	G	7		3.8461%
2	G	8		3.8461%
3	B	1		3.8461%
3	B	2		3.8461%
3	B	3		3.8461%
3	B	4		3.8461%
3	B	5		3.8461%
3	B	6		3.8461%
4	H	1		3.8461%
4	H	2		3.8461%
4	H	3		3.8461%
4	H	4		3.8461%
4	H	5		3.8461%
4	H	6		3.8461%
TOTAL				100%