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WHEN RECORDED RETURN TO:  
PROVENCE DEVELOPMENT, L.C.  
Wayne H. Corbridge  
758 South 400 East  
Orem, Utah 84058  
(801) 227-0550

ENT 139171:2005 PG 1 of 12  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2005 Dec 02 9:33 am FEE 55.00 BY STL  
RECORDED FOR PROVENCE DEVELOPMENT L

**AMENDED SIXTH SUPPLEMENT TO THE  
DECLARATION OF CONDOMINIUM FOR PROVENCE AT PHEASANT POINTE,  
FOR THE PROVENCE WEST PORTION OF THE PROJECT,  
an expandable Utah condominium project**

This Amended Sixth Supplement to the Declaration of Condominium for Provence at Pheasant Pointe for the Provence West Portion of the Project, an expandable Utah condominium project, is made and executed by Provence 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 has also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the First Supplement 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 134101:2002 on Pages 1-6 of the Official Records (the First Supplement).

Whereas, the related Plat Maps for Phases 2, 3 and 4 have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the Second Supplement Declaration of Condominium for Provence at Pheasant Pointe was recorded in the office of the County Recorder of Utah County, Utah on September 29, 2003 as Entry No 157830:2003 on Pages 1-9 of the Official Records (the Second Supplement).

Whereas, the related Plat Maps for Phases 5-11 have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the Third Supplement Declaration of Condominium for Provence at Pheasant Pointe was recorded in the office of the County Recorder of Utah County, Utah on May 10, 2004 as Entry No 53438:2004 on Pages 1-13 of the Official Records (the Third Supplement).

Whereas, the related Plat Maps 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 Declaration of Condominium for Provence at Pheasant Point (for the Provence West Portion of the Project) was recorded in the office of the County Recorder of Utah County, Utah on June 18, 2004 as Entry No 70283:2004 on Pages 1-14 of the Official Records (the Fourth Supplement).

Whereas, the related Plat Maps for Phases 1-6 of Provence West have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, the Fifth Supplement Declaration of Condominium for Provence at Pheasant Pointe (for the Provence West Portion of the Project) was recorded in the office of the County Recorder of Utah County, Utah on February 2, 2005 as Entry No. 11198:2005 at Pages 1-16 of the Official Records (the Fifth Supplement).

Whereas, the related Plat Maps for Phases 7-13 of 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 following the first conveyance of a Unit in Phase 1 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 "APW-14 and "APW-15" attached hereto and incorporated herein by this reference (the Phase 14 and Phase 15 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, the Sixth Supplement Declaration of Condominium for Provence at Pheasant Pointe (for the Provence West Portion of the Project) was recorded in the office of the County Recorder of Utah County, Utah on March 24, 2005 as Entry No. 30714: 2005 at Pages 1-11 of the Official Records (the Sixth Supplement).

Whereas, the related Plat Maps for Phases 14 and 15 of the Provence West portion of the Project were recorded in the office of the County Recorder of Utah County, Utah.

Whereas, in order to accommodate handicap parking, move a sidewalk and relocate two garages, one in Building Z and the other in Building AA, together with other less significant changes, the Declarant was required to amend the Condominium Plat for Phases 14 and 15, although the amount of Common Area and the number of Units and parking spaces will remain unchanged.

Whereas, Phases 14 and 15 were temporarily withdrawn from the Project.

Whereas, Declarant desires to reexpand the Project by creating again on the Phase 14 and Phase 15 Provence West Property a residential condominium development.

Whereas, Declarant now intends that the Phase 14 and Phase 15 Provence West Property shall be reannexed to the Project and become subject again 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 Amended Sixth Supplement to the Declaration of Condominium for Provence at Pheasant Pointe for Phases 14 and 15 in the Provence West Portion of the Project.

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

A. **Sixth Supplement to the Declaration** shall mean and refer to this Amended Sixth Supplement to the Declaration of Condominium for Provence at Pheasant Pointe for Phases 14 and 15 in the Provence West Portion of the Project.

B. **Sixth Supplemental Map(s) for Phases 14 and 15 in the Provence West Portion of the Project** shall mean and refer to the Amended Supplemental Condominium Plat Map(s) for the additional phases of the Project described on Exhibits "APW-14 and APW-15" 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 Sixth Supplement to the Declaration.

C. **Phase 14 and Phase 15 Property** shall mean and refer to the land described on Exhibits APW-14 and APW-15 attached hereto and incorporated herein by this reference, located within the Provence West portion of the Project.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. **Legal Description.** The Phase 14 and Phase 15 Property is hereby resubmitted to the provisions of the Act and said land shall again be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, as supplemented and amended.

3. **Annexation.** Declarant hereby declares that the Phase 14 and Phase 15 Property shall be reannexed to and become again subject to the Declaration, which upon recordation of this Sixth Supplement to the Declaration shall constitute and effectuate the reexpansion of the Project, making the real property described in Exhibits "APW-14 and APW-15" subject again to the functions, powers, rights, duties and jurisdiction of the Association.

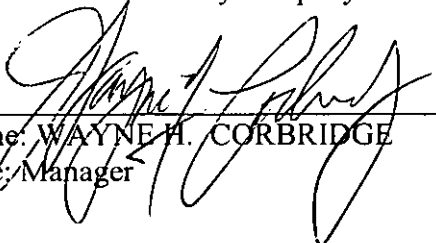
4. **Total Number of Units Revised.** As shown on the Map for Phase 14, one (1) additional Building and twelve (12) additional Units are or will be constructed and/or created in the Phase 14 Property. As shown on the Map for Phase 15, one (1) additional Building and twelve (12) additional Units are or will be constructed and/or created in the Phase 15 Property. The additional Buildings and Units are located within a portion of the Additional Land. Upon the recordation of the Amended Condominium Plats for Phases 14 and 15 and this Sixth Supplement to the Declaration, the total number of Units in the Project will be one hundred and sixty-five (165). 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). Adjustments have been made to accommodate handicap parking, to relocate a sidewalk and to move garages in Buildings Z and AA.

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 A Revised Exhibit "C" attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. **Effective Date.** The effective date of this Sixth Supplement to the Declaration and the Condominium Plat Maps for the Phase 14 and 15 Property 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 1 day of December, 2005.

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

By:   
Name: WAYNE H. CORBRIDGE  
Title: Manager

STATE OF UTAH     )  
                          )ss:  
COUNTY OF UTAH    )

On the 1 day of December, 2005 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: OREM, UT  
Commission Expires: 5-4-2008

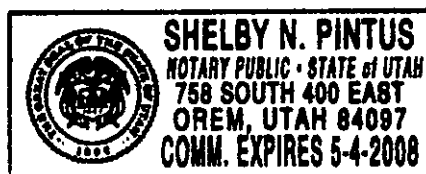


EXHIBIT "APW-14"

PROVENCE WEST PORTION OF PROVENCE AT PHEASANT POINTE PROJECT  
LEGAL DESCRIPTION OF PHASE 14 PROPERTY

The land described in the foregoing document as the Phase 14 Property is located in Utah County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED S9°09'44"W ALONG THE SECTION LINE 327.64 FEET AND WEST 2.231.91 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
S40°53'40"W	56.35	
S48°40'02"E	15.50	
S40°53'40"W	73.20	
N40°38'49"W	189.39	
N41°21'11"E	98.16	
ALONG AN ARC	L=4.91	R=284.00 Δ=0°59'28" CH=552°35'58"E 4.91 (RAD. BEARS: S36°54'19"W)
S37°53'46"W	17.54	
S48°28'02"E	25.79	
N41°29'50"E	54.08	
N41°31'58"E	18.00	
S48°28'02"E	95.17	
S41°31'50"W	23.00	
S48°28'02"E	45.02	TO THE POINT OF BEGINNING
CONTAINS: 24,362± SQ. FT.		

BASIS OF BEARING: ALONG SECTION LINE AS SHOWN

**EXHIBIT "APW-15"**

**PROVENCE WEST PORTION OF PROVENCE AT PHEASANT POINTE PROJECT  
LEGAL DESCRIPTION OF PHASE 15 PROPERTY**

The land described in the foregoing document as the Phase 15 Property is located in Utah County, Utah and is described more particularly as follows

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT LOCATED  $S0^{\circ}09'44''W$  ALONG THE SECTION LINE 482.66 FEET AND WEST 2,146.96 FEET FROM THE EAST 1/4 CORNER OF SECTION 31, T4S, R1E, S.L.B.&M.; THENCE

COURSE	DISTANCE	REMARKS
$S41^{\circ}16'55''W$	60.53	
ALONG AN ARC	L=75.32	$R=5,630.00 \Delta=0^{\circ}46'00''$ CH= $N49^{\circ}01'49''W$ 75.32 (RAD. BEARS: $N40^{\circ}35'11''E$ )
$N48^{\circ}30'19''W$	74.11	
$N40^{\circ}53'40''E$	73.20	
$N48^{\circ}40'02''E$	15.50	
$N40^{\circ}53'40''E$	56.35	
$N48^{\circ}28'02''W$	45.82	
$N41^{\circ}32'48''E$	23.00	
$S48^{\circ}28'02''E$	63.21	
$S42^{\circ}00'00''W$	53.50	
$S53^{\circ}20'00''E$	62.33	
$S36^{\circ}40'00''W$	20.00	
$S53^{\circ}20'00''E$	18.05	
$S78^{\circ}00'20''E$	43.16	
$S3^{\circ}12'22''W$	48.00	TO THE POINT OF BEGINNING
		CONTAINS: 16,618± SQ. FT.
BASIS OF BEARING: ALONG SECTION LINE AS SHOWN		

**REVISED EXHIBIT "C"**  
**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

**PROVENCE AT PHEASANT POINTE**

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
1	A	1	0.606%
1	A	2	0.606%
1	A	3	0.606%
1	A	4	0.606%
1	A	5	0.606%
1	A	6	0.606%
2	G	1	0.606%
2	G	2	0.606%
2	G	3	0.606%
2	G	4	0.606%
2	G	5	0.606%
2	G	6	0.606%
2	G	7	0.606%
2	G	8	0.606%
3	B	1	0.606%
3	B	2	0.606%
3	B	3	0.606%
3	B	4	0.606%
3	B	5	0.606%
3	B	6	0.606%
4	H	1	0.606%
4	H	2	0.606%
4	H	3	0.606%
4	H	4	0.606%
4	H	5	0.606%
4	H	6	0.606%
5	F	1	0.606%
5	F	2	0.606%
5	F	3	0.606%
5	F	4	0.606%
5	F	5	0.606%
5	F	6	0.606%
5	F	7	0.606%
5	F	8	0.606%



Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
6	C	1	0.606%
6	C	2	0.606%
6	C	3	0.606%
6	C	4	0.606%
6	C	5	0.606%
6	C	6	0.606%
7	D	1	0.606%
7	D	2	0.606%
7	D	3	0.606%
7	D	4	0.606%
8	E	1	0.606%
8	E	2	0.606%
8	E	3	0.606%
8	E	4	0.606%
8	E	5	0.606%
8	E	6	0.606%
9	K	1	0.606%
9	K	2	0.606%
9	K	3	0.606%
9	K	4	0.606%
10	L	1	0.606%
10	L	2	0.606%
10	L	3	0.606%
10	L	4	0.606%
11	J	1	0.606%
11	J	2	0.606%
11	J	3	0.606%
11	J	4	0.606%
13	I	1	0.606%
13	I	2	0.606%
13	I	3	0.606%
13	I	4	0.606%

## PROVENCE WEST

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
1	L	1	0.606%
1	L	2	0.606%
1	L	3	0.606%
1	M	1	0.606%
1	M	2	0.606%
1	M	3	0.606%
2	A	1	0.606%
2	A	2	0.606%
2	A	3	0.606%
2	B	1	0.606%
2	B	2	0.606%
2	B	3	0.606%
3	C	1	0.606%
3	C	2	0.606%
3	C	3	0.606%
3	D	1	0.606%
3	D	2	0.606%
3	D	3	0.606%
4	N	1	0.606%
4	N	2	0.606%
4	N	3	0.606%
4	O	1	0.606%
4	O	2	0.606%
4	O	3	0.606%
5	P	1	0.606%
5	P	2	0.606%
5	P	3	0.606%
5	Q	1	0.606%
5	Q	2	0.606%
5	Q	3	0.606%
6	E	1	0.606%
6	E	2	0.606%
6	E	3	0.606%

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
7	F	1	0.606%
7	F	2	0.606%
7	F	3	0.606%
7	G	1	0.606%
7	G	2	0.606%
7	G	3	0.606%
8	R	1	0.606%
8	R	2	0.606%
8	R	3	0.606%
8	S	1	0.606%
8	S	2	0.606%
8	S	3	0.606%
9	H	1	0.606%
9	H	2	0.606%
9	H	3	0.606%
9	I	1	0.606%
9	I	2	0.606%
9	I	3	0.606%
10	U	1	0.606%
10	U	2	0.606%
10	U	3	0.606%
10	T	1	0.606%
10	T	2	0.606%
10	T	3	0.606%
11	J	1	0.606%
11	J	2	0.606%
11	J	3	0.606%
11	K	1	0.606%
11	K	2	0.606%
11	K	3	0.606%
12	X	1	0.606%
12	X	2	0.606%
12	X	3	0.606%

Phase	Bldg. No.	Unit No.	Percentage of Ownership Interest
12	Y	1	0.606%
12	Y	2	0.606%
12	Y	3	0.606%
13	V	1	0.606%
13	V	2	0.606%
13	V	3	0.606%
13	W	1	0.606%
13	W	2	0.606%
13	W	3	0.606%
14	Z	1	0.606%
14	Z	2	0.606%
14	Z	3	0.606%
14	Z	4	0.606%
14	Z	5	0.606%
14	Z	6	0.606%
14	Z	7	0.606%
14	Z	8	0.606%
14	Z	9	0.606%
14	Z	10	0.606%
14	Z	11	0.606%
14	Z	12	0.606%
15	AA	1	0.606%
15	AA	2	0.606%
15	AA	3	0.606%
15	AA	4	0.606%
15	AA	5	0.606%
15	AA	6	0.606%
15	AA	7	0.606%
15	AA	8	0.606%
15	AA	9	0.606%
15	AA	10	0.606%
15	AA	11	0.606%
15	AA	12	0.606%