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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
11/20/2008 12:37 PM  
FEE \$96.00 Pgs: 11  
DEP RTT REC'D FOR CENTERVILLE CITY

WHEN RECORDED RETURN TO:  
CityView Pineae Village 227, L.P.,  
a Delaware limited partnership  
6150 South Redwood Road  
Taylorsville, Utah 84123  
(801) 856-0840

02 - 226 - 0001 thru  
0067

**FIRST SUPPLEMENT <sup>D</sup>**  
**TO**  
**NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND**  
**RESTRICTIONS, AND RESERVATION OF EASEMENTS**  
**FOR**  
**PINEAE VILLAGE CONDOMINIUM PHASE 5**

This First Supplement to Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Pineae Village Condominium Phase 5 (the "First Supplement") is made and executed by CityView Pineae Village 227, L.P., a Delaware limited partnership, whose Utah address is 6150 South Redwood Road, Taylorsville, Utah 84123 (the "Declarant").

**RECITALS**

A. The Pineae Village Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements was recorded in the office of the County Recorder of Davis County, Utah on April 27, 2007 as Entry No. 2265491 in Book 4271 at Pages 392-468 of the official records (the "Master Declaration").

B. Whereas, an Amendment to Pineae Village Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements was recorded in the office of the County Recorder of Davis County, Utah on April 30, 2008 as Entry No. 2361477 in Book 4523 at Pages 1219-1223 of the official records (the "First Amendment to Master Declaration").

C. Whereas, the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Pineae Village Condominium was recorded in the office of the County Recorder of Davis County, Utah on April 27, 2007 as Entry No. 2265494 in Book 4271 at Pages 526-554 of the official records (the "Condominium Declaration").

D. Whereas, an Amendment to the Condominium Declaration was recorded in the office of the County Recorder of Davis County, Utah on April 30, 2008 as Entry No. 2361476 in Book 4523 at Pages 1214-1218 of the official records (the "First Amendment to Condominium Declaration").

E. Whereas, under Article III, Section 3.7 of the Master Declaration, Declarant expressly reserved the absolute right to add or annex to the Project additional land at any time and in any order, without limitation<sup>5</sup>

F. Whereas, under Article III, Section 16 of the Condominium Declaration, Declarant expressly reserved the absolute right to amend said Declaration.

G. Whereas, Declarant is the owner of the real property described with particularity on Exhibit "A-5," attached hereto and incorporated herein by this reference (the "Phase 5 Property").

H. Whereas, the Phase 5 Property is located upon a portion of Lot 151, Pineae Village subdivision.

I. Whereas, it is intended to construct 5 Buildings and 60 condominium Units upon the Phase 5 Property.

J. Whereas, Declarant desires to expand the Project by creating on the Phase 5 Property sixty (60) additional condominium units.

K. Whereas, Declarant has constructed or is in the process of constructing upon the Phase 5 Property, as shown on the Final Plat, certain Buildings, Units, Common Areas and Facilities and other improvements. The construction will be completed in accordance with the plans contained in the Final Plat to be recorded concurrently herewith.

L. Whereas, Declarant now intends that the Phase 5 Property shall become subject to the Master Declaration and the Condominium Declaration, as amended.

## 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 Condominium Declaration.

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

1.1 The term **Final Plat** shall mean and refer to the Final Plat for Phase 5 Property prepared and certified to by John Riddle of Ridgeline Land Surveying, a duly registered Utah Land Surveyor holding Certificate No. 5331543, and filed for record in the Office of the County Recorder of Davis County, Utah concurrently with the filing of this First Supplement to the Declaration.

1.2 The term **First Supplement to the Condominium Declaration** shall mean and refer to this First Supplement to Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Pineae Village Condominium Phase 5.

2. **Legal Description.** The Phase 5 Property is subject to the provisions of the Master Declaration and is hereby submitted to the provisions of the Condominium Declaration and said

land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the said Declarations, as supplemented and amended from time to time.

3. **Annexation.** Declarant hereby declares that Phase 6 Property has been annexed to and is subject to the Master Declaration and shall be annexed to and become subject to the Condominium Declaration hereby and upon recordation of this document shall constitute and effectuate the expansion of the Project, making Phase 5 Property subject to the functions, powers, rights, duties and jurisdiction of the Master Association and Condominium Neighborhood Association.

4. **Total Number of Lots Revised.** As shown on the Final Plat for the Phase 5 Property, the Buildings and Units identified in Exhibit A-5 are or will be constructed and/or created in the Project. The Buildings and Units are or will be substantially similar in construction, design, and quality to the Buildings and Units in the prior phases of the Condominium Neighborhood.

5. **Percentage Interest Revised.** Pursuant to the Master Declaration and Condominium Declaration, Declarant is required with the additional Units to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Revised Exhibit "G" (Percentages of Undivided Ownership Interests) is hereby deleted in its entirety and "Second Revised Exhibit 'G,'" attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. **Conflict With Master Declaration.** In the event of any conflict, inconsistency or incongruity between the provisions of the Master Declaration and this First Supplement to Condominium Declaration, the former shall in all respects govern and control.

7. **Conflict With Condominium Declaration.** In the event of any conflict, inconsistency or incongruity between the provisions of the Condominium Declaration and this First Supplement to Condominium Declaration, the latter shall in all respects govern and control.


8. **Effective Date.** The effective date of this First Supplement to the Declaration and the Final Plat for Phase 5 Property shall be the date on which said instruments are filed for record in the Office of the County Recorder of Davis County, Utah.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand this 21 day of October, 2008.

DECLARANT:


CityView Pineae Village 227, L.P.,  
a Delaware limited partnership

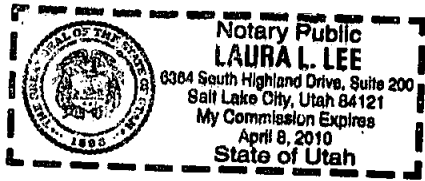
By: CityView Pineae Village, LLC  
a Delaware limited liability company  
Its: General Partner

By:  \_\_\_\_\_  
Name: Quinn Mortensen  
Title: Authorized Person

STATE OF UTAH )  
 )ss:  
COUNTY OF SALT LAKE )

On the 21st day of October, 2008, personally appeared before me Quinn Mortensen, who by me being duly sworn, did say that he is the Authorized Person of CityView Pineae Village, LLC, a Delaware limited liability company, the General Partner of CityView Pineae Village 227, L.P., a Delaware limited partnership, and that the within and foregoing instrument was signed in behalf of said Partnership by authority of a resolution of its Partners or its Limited Partnership Agreement, and said Quinn Mortensen, duly acknowledged to me that said Limited Partnership executed the same.

  
NOTARY PUBLIC  
Residing at: Salt Lake City, UT  
My Commission Expires: 04/08/10



**EXHIBIT "A-5"  
LEGAL DESCRIPTION**

The land described in the foregoing document identifying the Phase 5 Property is located in Davis County, Utah and is described more particularly as follows:

ALL OF LOT 151 OF PINEAE VILLAGE P.U.D., RECORDED APRIL 27, 2007 AS ENTRY NO. 2265490 IN THE DAVIS COUNTY RECORDERS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NORTHWEST CORNER OF LOT 151 OF PINEAE VILLAGE P.U.D.; SAID POINT BEING NORTH 0°09'49" EAST 1122.10 FEET AND NORTH 89°50'11" WEST 1578.58 FEET FROM THE MONUMENT AT THE INTERSECTION OF MAIN STREET AND PARISH LANE, SAID POINT ALSO BEING NORTH 00°02'34" EAST 3578.79 FEET ALONG THE QUARTER SECTION LINE AND NORTH 89°57'26" WEST 667.76 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 1 EAST, AND RUNNING THENCE SOUTH 59°52'25" EAST 21.64 FEET TO A POINT ON 165.00 FOOT RADIUS CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 30°00'00"; THENCE EASTERLY ALONG SAID CURVE A DISTANCE OF 86.39 FEET, (CHORD BEARS SOUTH 74°52'25" EAST 85.41 FEET); THENCE SOUTH 89°52'25" EAST 410.20 FEET TO A POINT ON 165.00 FOOT RADIUS CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 09°57'19"; THENCE EASTERLY ALONG SAID CURVE A DISTANCE OF 28.67 FEET, (CHORD BEARS NORTH 85°08'56" EAST 28.63) FEET; THENCE SOUTH 00°04'57" EAST 95.88 FEET; THENCE SOUTH 24°50'52" EAST 42.79 FEET; THENCE NORTH 90°00'00" EAST 90.79 FEET; THENCE SOUTH 00°00'01" EAST 172.93 FEET; THENCE NORTH 89°39'51" WEST 684.39 FEET; THENCE NORTH 00°20'09" EAST 37.16 FEET; THENCE NORTH 47°01'46" EAST 36.45 FEET; THENCE NORTH 00°02'28" WEST 264.85 FEET; THENCE NORTH 46°33'57" EAST 12.22 FEET TO THE POINT OF BEGINNING.

CONTAINS 188,394 SQUARE FEET OR 4.32 ACRES.

**SECOND REVISED EXHIBIT "G  
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

<b>Phase</b>	<b>Lot No.</b>	<b>Building No.</b>	<b>Unit No.</b>	<b>Percentage of Ownership Interest</b>
1	101			0.534759%
1	102			0.534759%
1	103			0.534759%
1	104			0.534759%
1	105			0.534759%
1	106			0.534759%
1	107			0.534759%
1	108			0.534759%
1	109			0.534759%
1	110			0.534759%
1	111			0.534759%
1	112			0.534759%
1	113			0.534759%
1	114			0.534759%
1	115			0.534759%
1	116			0.534759%
1	117			0.534759%
1	118			0.534759%
1	119			0.534759%
1	120			0.534759%
1	121			0.534759%
1	122			0.534759%
1	123			0.534759%
1	124			0.534759%
1	125			0.534759%
1	126			0.534759%
1	127			0.534759%
1	128			0.534759%
1	129			0.534759%
1	130			0.534759%
1	131			0.534759%
1	132			0.534759%
1	133			0.534759%
1	134			0.534759%
1	135			0.534759%
1	136			0.534759%
1	137			0.534759%
1	138			0.534759%
1	139			0.534759%
1	140			0.534759%
1	141			0.534759%
<b>Phase</b>	<b>Lot No.</b>	<b>Building No.</b>	<b>Unit No.</b>	<b>Percentage of Ownership Interest</b>

1	142			0.534759%
1	143			0.534759%
1	144			0.534759%
1	145			0.534759%
1	146			0.534759%
1	147			0.534759%
1	148			0.534759%
1	149			0.534759%
2	154	214	A	0.534759%
2	154	214	B	0.534759%
2	154	214	C	0.534759%
2	154	214	D	0.534759%
2	154	214	E	0.534759%
2	154	214	F	0.534759%
2	154	215	A	0.534759%
2	154	215	B	0.534759%
2	154	215	C	0.534759%
2	154	215	D	0.534759%
2	154	215	E	0.534759%
2	154	215	F	0.534759%
2	154	216	A	0.534759%
2	154	216	B	0.534759%
2	154	216	C	0.534759%
2	154	216	D	0.534759%
2	154	216	E	0.534759%
2	154	216	F	0.534759%
2	155	204	A	0.534759%
2	155	204	B	0.534759%
2	155	204	C	0.534759%
2	155	204	D	0.534759%
2	155	204	E	0.534759%
2	155	204	F	0.534759%
2	155	205	A	0.534759%
2	155	205	B	0.534759%
2	155	205	C	0.534759%
2	155	205	D	0.534759%
2	155	205	E	0.534759%
2	155	205	F	0.534759%

**Phase Lot No. Building No. Unit No. Percentage of Ownership Interest**



2	155	206	A	0.534759%
2	155	206	B	0.534759%
2	155	206	C	0.534759%
2	155	206	D	0.534759%
2	155	206	E	0.534759%
2	155	206	F	0.534759%
2	155	207	A	0.534759%
2	155	207	B	0.534759%
2	155	207	C	0.534759%
2	155	207	D	0.534759%
2	155	208	A	0.534759%
2	155	208	B	0.534759%
2	155	208	C	0.534759%
2	155	208	D	0.534759%
2	155	209	A	0.534759%
2	155	209	B	0.534759%
2	155	209	C	0.534759%
2	155	209	D	0.534759%
3	152	301	A	0.534759%
3	152	301	B	0.534759%
3	152	301	C	0.534759%
3	152	301	D	0.534759%
3	152	301	E	0.534759%
3	152	301	F	0.534759%
3	152	301	G	0.534759%
3	152	301	H	0.534759%
3	152	301	I	0.534759%
3	152	301	J	0.534759%
3	152	301	K	0.534759%
3	152	301	L	0.534759%
3	153	302	A	0.534759%
3	153	302	B	0.534759%
3	153	302	C	0.534759%
3	153	302	D	0.534759%
3	153	302	E	0.534759%
3	153	302	F	0.534759%
3	153	302	G	0.534759%
3	153	302	H	0.534759%
3	153	302	I	0.534759%
<b>Phase</b>	<b>Lot No.</b>	<b>Building No.</b>	<b>Unit No.</b>	<b>Percentage of Ownership Interest</b>

3	153	302	J	0.534759%
3	153	302	K	0.534759%
3	153	302	L	0.534759%
5	151	303	A	0.534759%
5	151	303	B	0.534759%
5	151	303	C	0.534759%
5	151	303	D	0.534759%
5	151	303	E	0.534759%
5	151	303	F	0.534759%
5	151	303	G	0.534759%
5	151	303	H	0.534759%
5	151	303	I	0.534759%
5	151	303	J	0.534759%
5	151	303	K	0.534759%
5	151	303	L	0.534759%
5	151	304	A	0.534759%
5	151	304	B	0.534759%
5	151	304	C	0.534759%
5	151	304	D	0.534759%
5	151	304	E	0.534759%
5	151	304	F	0.534759%
5	151	304	G	0.534759%
5	151	304	H	0.534759%
5	151	304	I	0.534759%
5	151	304	J	0.534759%
5	151	304	K	0.534759%
5	151	304	L	0.534759%
5	151	305	A	0.534759%
5	151	305	B	0.534759%
5	151	305	C	0.534759%
5	151	305	D	0.534759%
5	151	305	E	0.534759%
5	151	305	F	0.534759%
5	151	305	G	0.534759%
5	151	305	H	0.534759%
5	151	305	I	0.534759%
5	151	305	J	0.534759%
5	151	305	K	0.534759%
5	151	305	L	0.534759%

Phase	Lot No.	Building No.	Unit No.	Percentage of Ownership Interest
5	151	306	A	0.534759%
5	151	306	B	0.534759%
5	151	306	C	0.534759%
5	151	306	D	0.534759%
5	151	306	E	0.534759%
5	151	306	F	0.534759%
5	151	306	G	0.534759%
5	151	306	H	0.534759%
5	151	306	I	0.534759%
5	151	306	J	0.534759%
5	151	306	K	0.534759%
5	151	306	L	0.534759%
5	151	307	A	0.534759%
5	151	307	B	0.534759%
5	151	307	C	0.534759%
5	151	307	D	0.534759%
5	151	307	E	0.534759%
5	151	307	F	0.534759%
5	151	307	G	0.534759%
5	151	307	H	0.534759%
5	151	307	I	0.534759%
5	151	307	J	0.534759%
5	151	307	K	0.534759%
5	151	307	L	0.534759%
6	151	217	624 N.	0.534759%
6	151	217	620 N.	0.534759%
6	151	217	616 N.	0.534759%
6	151	217	612 N.	0.534759%
6	151	217	608 N.	0.534759%
6	151	217	604 N.	0.534759%
TOTAL: 187				100.0%