

**RETURNED**

**NOV 24 2008**

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

E 2406587 B 4663 P 763-774  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
11/24/2008 03:13 PM  
FEE \$0.00 Pgs: 12  
DEP RTT REC'D FOR CITYVIEW PINEAE  
VILLAGE

**SECOND SUPPLEMENT <sup>D</sup>**  
**TO**  
**MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS,**  
**AND RESERVATION OF EASEMENTS**  
**FOR**  
**PINAEA VILLAGE PLAT III, LOTS 151 A-F**  
**(amending Pineae Village P.U.D. Lot 151)**

*02.226-0001 thru 0067*

This Second Supplement to Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Pineae Village Plat III, Lots 151 A-F (amending Pineae Village P.U.D. Lot 151) (the "Second 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. Whereas, the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Pineae Village, a planned unit development, 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 Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Pineae Village, a planned unit development, 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 First Supplement to the Master Declaration and the related Plat Maps have been recorded in the office of the County Recorder of Davis County, Utah (the "First Supplement").

D. Whereas, under Article III, Section 3.7 of the Master Declaration, Declarant reserved an option to expand the Project.

E. Whereas this Amendment affects the real property described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter referred to as the "Plat III Property").

F. Whereas, the Plat III Property is located on Lot 151, Pineae Village.

G. Whereas, it is intended that Declarant expand the Project by creating on a portion of the Plat III Property a residential condominium neighborhood consisting of five (5) Buildings and sixty (60) condominium Units (the "Condominium Portion of the Plat III Property").

H. Whereas, it is intended that Declarant expand the Project by creating on a portion of the Plat III Property a residential Town Home neighborhood consisting of six (6) Town Home Units (the "Town Home Portion of the Plat III Property").

I. Whereas, Declarant is the fee simple owner of record of the Plat III Property.

J. Whereas, under the provisions 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.

K. Whereas, Declarant desires to expand the Project by adding the Plat III Property to the planned unit development.

L. Whereas, Declarant has constructed or is in the process of constructing upon the Plat III Property, as shown on the Final Plat, consisting of four (4) sheets, certain improvements which shall include Buildings, Units, Common Areas and Facilities and other improvements of a less significant nature. The construction will be completed in accordance with the plans contained in the Final Plats for the Plat III Property to be recorded concurrently herewith.

M. Whereas, Declarant now intends that the Plat III Property shall become subject to the Master 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 Second Supplement to the Master 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 Plat III Property or if the context requires all of the Final Plat Maps for the entire Project.

1.2 The term **Second Supplement to the Declaration** shall mean and refer to this Second Supplement to the Master Declaration.

1.3 The term **Second Supplemental Final Plat Map** shall mean and refer to the Supplemental Final Plat for Pineae Village Plat III

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 Second Supplement to the Declaration.

2. **Legal Description.** The Plat III Property is hereby submitted to the provisions of the Master Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the said Master Declaration, as supplemented and amended from time to time.

3. **Annexation.** Declarant hereby declares that the Plat III Property shall be annexed to and become subject to the Master Declaration, which upon recordation of this document shall constitute and effectuate the expansion of the Project, making the Plat III Property subject to the functions, powers, rights, duties and jurisdiction of the Master Association.

4. **Total Number of Lots Revised.** The Buildings and Units identified on the Final Plat are or will be constructed and/or created in the Project. These Buildings and Units are or will be substantially similar in construction, design, and quality to the Buildings and Units in the prior neighborhood Phase or Phases.

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

6. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Master Declaration and this Second Supplement, the latter shall in all respects govern and control.

7. **Effective Date.** The effective date of this Second Supplement to the Declaration and the Final Plat 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 17<sup>th</sup> day of November, 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 7<sup>th</sup> day of November, 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.



*Teri Severnak*

NOTARY PUBLIC

Residing at: *Salt Lake, UT*  
My Commission Expires: *1-22-09*

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

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

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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 45°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%

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

Phase	Lot No.	Building No.	Unit No.	Percentage of Ownership Interest
3	153	302	J	0.534759%
3	153	302	K	0.534759%
3	153	302	L	0.534759%
5	151D	303	A	0.534759%
5	151D	303	B	0.534759%
5	151D	303	C	0.534759%
5	151D	303	D	0.534759%
5	151D	303	E	0.534759%
5	151D	303	F	0.534759%
5	151D	303	G	0.534759%
5	151D	303	H	0.534759%
5	151D	303	I	0.534759%
5	151D	303	J	0.534759%
5	151D	303	K	0.534759%
5	151D	303	L	0.534759%
5	151A	304	A	0.534759%
5	151A	304	B	0.534759%
5	151A	304	C	0.534759%
5	151A	304	D	0.534759%
5	151A	304	E	0.534759%
5	151A	304	F	0.534759%
5	151A	304	G	0.534759%
5	151A	304	H	0.534759%
5	151A	304	I	0.534759%
5	151A	304	J	0.534759%
5	151A	304	K	0.534759%
5	151A	304	L	0.534759%
5	151B	305	A	0.534759%
5	151B	305	B	0.534759%
5	151B	305	C	0.534759%
5	151B	305	D	0.534759%
5	151B	305	E	0.534759%
5	151B	305	F	0.534759%
5	151B	305	G	0.534759%
5	151B	305	H	0.534759%
5	151B	305	I	0.534759%
5	151B	305	J	0.534759%
5	151B	305	K	0.534759%
5	151B	305	L	0.534759%

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

To Whom It May Concern:

These documents to supersede document numbers 2405945, 2405946, 2405947, recorded by Richard T. Maughan, at Davis County Utah Recorder on 11/20/08.

Tess Peterson

A handwritten signature in black ink, appearing to read 'Tess Peterson', with a long horizontal flourish extending to the right.

Director of Land Acquisition  
Gold Medallion Homes  
6150 S. Redwood Rd.  
Taylorsville, UT 84123  
801.856.0840