

25600

ORIGINAL

FIRST SUPPLEMENTARY DECLARATION

TO THE

DECLARATION OF CONDOMINIUM

WILLOWBROOK HILL CONDOMINIUMS OF PROVO

(An Expandable Condominium)

THIS FIRST SUPPLEMENTARY DECLARATION is made and executed on the 23rd day of July, 1980, by PINE CREST ASSOCIATES, INC., a Utah corporation (the "Declarant").

R E C I T A L S:

A. On September 24, 1979 Declarant made and executed the Declaration of Condominium of Willowbrook Hill Condominiums of Provo, An Expandable Condominium (the "Declaration") as the initial part of a plan for the Willowbrook Hill Condominiums Condominium Project (the "Project"). The Declaration was recorded in the Official Records of Utah County, State of Utah, on October 1, 1979 in Book 1781 at pages 571-619 as Entry No. 38573. The related Record of Survey Map ("Phase I Map") was recorded concurrently with the Declaration as Entry No. 38572. The Declaration and Phase I Map submitted to the provisions of the Act the following described real property situated in Utah County, State of Utah, to-wit:

Beginning at a State Right-of-Way Marker on the Westerly R/W line of U.S. Highway 89-91 (State Street) which point is South 881.04 feet and East 438.37 feet from the Northwest Corner of Section 36, Township 6 South, Range 2 East, Salt Lake Base & Meridian; thence S 30°30'00" E 317.39 feet along said R/W Line; thence S 59°01'00" W 134.70 feet; thence S 7°24'36" W 51.42 feet; thence S 56°42'25" W 150.00 feet; thence S 33°17'35" E 37.77 feet; thence S 61°17'00" W 167.63 feet; thence N 28°25'00" W 97.64 feet; thence N 3°44'40" E 525.91 feet; thence N 78°55'29" E 37.58 feet; thence N 60°13'00" E 77.96 feet; thence N 66°22'57" E 59.63 feet to the Westerly R/W Line of State Street, thence S 35°26'20" E 113.20 feet along said R/W Line to the Point of Beginning.
Contains 3.90 Acres.

Basis of bearings is the centerline of State Street, shown as N 35°22' W on Sheet 6 of 19 of the roadway improvement plans, Project 36-A (4), Dated 1942.

RESERVED FROM THE SUBMISSION OF THE LAND are such easements and rights of egress and ingress over, across, through and under the Land and any improvements now or hereafter constructed thereon as may be necessary to develop the Project as it may be expanded as provided in the Declaration. If pursuant to this reservation, the above-described real property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservation hereby effected shall terminate upon the completion and sale by Declarant of all Units in the Project. And subject, also, to easements of record and visible, and subject further, to restrictions, provisions and covenants of record.

B. Under the Declaration (Section 25 of Article III) Declarant reserved the right to expand the Project until the seventh anniversary of the recording of the Declaration.

C. Declarant is the record owner of the real property described in Article II ("Phase II Land") of this First Supplementary Declaration. Phase II Land is a portion of the Additional Land described in the Declaration. This First Supplementary Declaration seeks to comply in every way with the expansion provisions of the Declaration. This First Supplementary Declaration applies to the Declaration and to no other Declaration. The Record of Survey Map Phase II of the Project ("Phase II Map"), recorded herewith, consisting of three sheets, prepared and certified to by Roger L. Way, a duly registered Utah Land Surveyor, which also described the Phase II Land, and the Declaration, upon recordation, effects first expansion of the Project.

D. It is the intent of the Declarant that the Phase II Land shall become subject to the Declaration and the Act. To this end and for the benefit of the Project and the Owners thereof, Declarant makes this First Supplementary Declaration.

E. There currently exists in the Project eighty-four (84) Units and Common Areas. This First Supplementary Declaration and the Phase II Map expands the Project to include seventy-two (72) additional Units to be individually owned.

NOW, THEREFORE, for the foregoing purposes, Declarant hereby makes the following First Supplementary Declaration:

I. DEFINITION

Except as otherwise defined herein or as may be required by the context, all terms or expressions defined in Article I of the Declaration shall have such defined meanings when used in this First Supplementary Declaration.

II. SUBMISSION

There is hereby submitted to the provisions of the Act, as additional tract associated with the Project, the following described parcel of real property situated in Utah County, State of Utah:

Commencing at a point on the Westerly Right-of-Way Line of U. S. Highway 89-91 which point is South 1154.52 feet and East 599.46 feet of the Northwest Corner of Section 36 Township 6 South, Range 2 East Salt Lake Base & Meridian; thence, along said right-of-way line of Highway 89-91 S 30°30'00" E 84.01 feet and S 35°22'00" E 181.04 feet, thence, S 54°30'00" W 60.75 feet; thence, S 13°08'16" W 186.71 feet; thence, around a curve to the right 38.38 feet, said curve having a radius of 35.00 feet, thence, S 75°57'43" W 145.78 feet; thence, S 61°35'00" W 24.03 feet, thence, along the Westerly Boundry of the lands of James Armstrong N 28°25'00" W 61.00 feet; and S 68°00'00" W 120.00 feet to a 1" \emptyset rebar, thence, continuing along said Westerly Boundry N 28°25'00" W 211.96 feet, thence, N 61°17'00" E 167.63 feet; thence, N 33°17'35" W 37.77 feet; thence N 56°42'25" E 150.00 feet; thence, N 7°24'36" E 51.42 feet; thence N 59°01'00" E 134.70 feet; to the point of beginning.

Contains 3.3886 Acres.

Basis of bearing is the centerline of State Street, shown as N 32°22" W on Sheet 6 of 19 of the Roadway Improvement Plans, Project 36-A(4) Dated 1942.

III. COVENANTS, CONDITIONS AND RESTRICTIONS

The foregoing submission is made upon and under the following covenants, conditions and restrictions:

1. Description of Improvements. The improvements included in the Project are now or will be located upon the Land. The significant improvements contained in the Project (other than improvements located on or otherwise associated with portions of the Additional Land) include six (6) Buildings, two tennis courts, swimming pool, recreation building, asphalt roadways, carports, open parking spaces, storage structures, concrete sidewalks or walkways, wooden fences and entrance patios. The location and configuration of the improvements referred to in the foregoing sentence is depicted on the Map. The Project (excluding that part thereof located on or otherwise associated with the Additional Land) also contains other improvements of a less significant nature, such as outdoor lighting and landscaping. The Map shows the number of stories and the number of Units which are contained in the Buildings. The Buildings are composed of the following materials: wooden frame with load and non-load bearing walls studded with wood; basement floor of concrete; first floor of wooden joists; second floor of wooden joists; roof of truss type with slight pitch; roofs surfaced with tar and gravel; interior walls surfaced with sheet rock; and exterior surfaced with brick veneer.

2. Description and Legal Status of Units. The Phase II Map shows the Unit designation of each Unit located within the boundaries of this phase, its location, dimension from which its Size may be determined, the Common Areas to which it has immediate access, and other pertinent information.

3. Limited Common Areas. The Limited Common Areas which are contained in this Phase and the respective Units to which the exclusive use of such Limited Common Areas appertain consist of: (i) the entrance patios of each Unit, and (ii) carports and storage sheds or spaces shown in Exhibit "B".

4. Computation of Percentage Interest. The proportionate share of the Unit Owners in the Common Areas of the Project, at any point in time, is based on the Size that each of the Units bears to the total Size of all Units then included in the Project. The Percentage Interest which becomes appurtenant, with this First Supplementary Declaration has been recomputed in the aforesaid manner and is depicted in the Revised Exhibit "B" hereto attached and made a part hereof applicable to all Units after this phase of the Project. Upon future expansion(s) of the Project, the Percentage Interest appurtenant to each Unit then contained in the Project may be recomputed and revised only through use of the formula described at the outset of this Section 4 of Article III.

5. Effective Date. This First Supplementary Declaration to the Declaration shall take effect upon its being filed for record in the office of the County Recorder of Utah County, State of Utah.

EXECUTED on the day and year first above written.

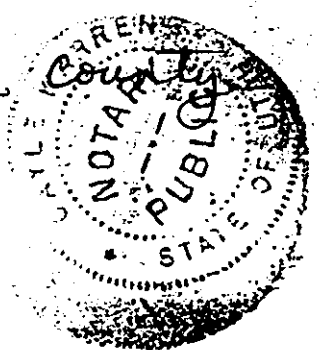
PINE CREST ASSOCIATES, INC.

BY *Steven L. Grow*
STEVEN L. GROW
President

STATE OF UTAH)
 : ss.
County of Utah)

On the 23rd day of July, 1980, personally appeared before me STEVEN L. GROW, who, being by me duly sworn, did say that he is the President of Pine Crest Associates, Inc., a Utah Corporation, and that the within and foregoing instrument was signed on behalf of said Corporation by authority of a resolution of its Board of Directors or of its By-Laws and said STEVEN L. GROW duly acknowledged to me that said corporation executed the same.

Ayle Waver
NOTARY PUBLIC
Residing at: Utah



My Commission Expires:

3-16-83

REVISED EXHIBIT "B"

WILLOWBROOK HILL CONDOMINIUMS OF PROVO

(After first expansion)

<u>Building & Unit Designation</u>	<u>Parking No.</u>	<u>Storage No.</u>	<u>Living Unit Size</u>	<u>Percentage Interest</u>
<u>HICKORY:</u>				
1 - A1 1780 Willowbrook Dr.	4	4	1120	.641025
1 - A2 1784 " "	5	5	"	"
1 - A3 1788 " "	6	6	"	"
1 - B1 1782 " "	7	7	"	"
1 - B2 1786 " "	8	8	"	"
1 - B3 1790 " "	9	9	"	"
1 - C1 1781 " "	3	3	"	"
1 - C2 1785 " "	2	2	"	"
1 - C3 1789 " "	1	1	"	"
1 - D1 1783 " "	10	10	"	"
1 - D2 1787 " "	11	11	"	"
1 - D3 1791 " "	12	12	"	"
<u>WILLOW:</u>				
2 - A1 1740 Willowbrook Dr.	15	15	"	"
2 - A2 1744 " "	14	14	"	"
2 - A3 1748 " "	13	13	"	"
2 - B1 1742 " "	19	19	"	"
2 - B2 1746 " "	20	20	"	"
2 - B3 1750 " "	21	21	"	"
2 - C1 1741 " "	16	16	"	"
2 - C2 1745 " "	17	17	"	"
2 - C3 1749 " "	18	18	"	"
2 - D1 1743 " "	22	22	"	"
2 - D2 1747 " "	23	23	"	"
2 - D3 1751 " "	24	24	"	"
<u>MAPLE:</u>				
3 - A1 1701 Hickory Lane	31	31	"	"
3 - A2 1705 " "	32	32	"	"
3 - A3 1709 " "	33	33	"	"
3 - B1 1703 " "	34	34	"	"
3 - B2 1707 " "	35	35	"	"
3 - B3 1711 " "	36	36	"	"
3 - C1 1700 " "	25	25	"	"
3 - C2 1704 " "	26	26	"	"
3 - C3 1708 " "	27	27	"	"
3 - D1 1702 " "	28	28	"	"
3 - D2 1706 " "	29	29	"	"
3 - D3 1710 " "	30	30	"	"

REVISED EXHIBIT "B" (Continued)

WILLOWBROOK HILL CONDOMINIUMS OF PROVO

CYPRUS:

4 - A1	1760	Willowbrook Dr.	67	39,40	1120	.641025
4 - A2	1764	" "	68	41,42	"	"
4 - A3	1768	" "	69	166	"	"
4 - B1	1762	" "	76	159	"	"
4 - B2	1766	" "	77	158	"	"
4 - B3	1770	" "	78	157	"	"
4 - C1	1761	" "	73	162	"	"
4 - C2	1765	" "	74	161	"	"
4 - C3	1769	" "	75	160	"	"
4 - D1	1763	" "	70	165	"	"
4 - D2	1767	" "	71	164	"	"
4 - D3	1771	" "	72	163	"	"

SYCAMORE:

5 - A1	1721	Willowbrook Dr.	99	84	"	"
5 - A2	1725	" "	92	83	"	"
5 - A3	1729	" "	94	82	"	"
5 - B1	1723	" "	95	81	"	"
5 - B2	1727	" "	96	80	"	"
5 - B3	1731	" "	129	79	"	"
5 - C1	1720	" "	97	78	"	"
5 - C2	1724	" "	98	77	"	"
5 - C3	1728	" "	93	76	"	"
5 - D1	1722	" "	130	75	"	"
5 - D2	1726	" "	131	74	"	"
5 - D3	1730	" "	132	73	"	"

SPRUCE:

6 - A1	1681	Hickory Lane	113	72	"	"
6 - A2	1685	" "	114	71	"	"
6 - A3	1689	" "	115	70	"	"
6 - B1	1683	" "	119	69	"	"
6 - B2	1687	" "	118	68	"	"
6 - B3	1691	" "	117	67	"	"
6 - C1	1680	" "	108	66	"	"
6 - C2	1684	" "	107	65	"	"
6 - C3	1688	" "	106	64	"	"
6 - D1	1682	" "	105	63	"	"
6 - D2	1686	" "	104	62	"	"
6 - D3	1690	" "	125	61	"	"

REVISED EXHIBIT "B" (Continued)

WILLOWBROOK HILL CONDOMINIUMS OF PROVO

REDWOOD:

7 - A1	1671	Woodland Drive	145	60	1120	.641025
7 - A2	1675	" "	146	59	"	"
7 - A3	1679	" "	147	58	"	"
7 - B1	1673	" "	148	57	"	"
7 - B2	1677	" "	149	56	"	"
7 - B3	1681	" "	150	55	"	"
7 - C1	1670	" "	124	54	"	"
7 - C2	1674	" "	123	53	"	"
7 - C3	1678	" "	122	52	"	"
7 - D1	1672	" "	138	49	"	"
7 - D2	1676	" "	139	88	"	"
7 - D3	1680	" "	140	87	"	"

End of Schedule as recorded with Phase I

Continued on following pages as established
with this recording and revision.

7/28/80

REVISED EXHIBIT "B"

WILLOWBROOK HILL CONDOMINIUMS OF PROVO

<u>OAK:</u>				<u>Park- ing No.</u>	<u>Stor- age No.</u>	<u>Living Unit Size</u>	<u>Percentage Interest</u>
8 - A1	1651	North Woodland Dr.		190	134	1120 sq. ft.	.641025
8 - A2	1655	" "		191	133	1120	.641025
8 - A3	1659	" "		192	131	"	"
8 - B1	1653	" "		168	126	"	"
8 - B2	1657	" "		167	125	"	"
8 - B3	1661	" "		166	124	"	"
8 - C1	1650	" "		165	116	"	"
8 - C2	1654	" "		194	132	"	"
8 - C3	1658	" "		185	139	"	"
8 - D1	1652	" "		157	123	"	"
8 - D2	1656	" "		156	122	"	"
8 - D3	1660	" "		155	121	"	"

POPLAR:

9 - A1	1630	North Woodland Dr.		169	115	1120 sq. ft.	.641025
9 - A2	1634	" "		183	141	"	"
9 - A3	1638	" "		182	142	"	"
9 - B1	1632	" "		170	38	"	"
9 - B2	1636	" "		175A	127	"	"
9 - B3	1640	" "		175	128	"	"
9 - C1	1631	" "		184	140	"	"
9 - C2	1635	" "		195	114	"	"
9 - C3	1639	" "		186	138	"	"
9 - D1	1633	" "		188	136	"	"
9 - D2	1637	" "		189	135	"	"
9 - D3	1641	" "		187	137	"	"

WALNUT:

10 - A1	1670	North Hickory Lane		212	120	1120	.641025
10 - A2	1674	" "		211	119	1120	.641025
10 - A3	1678	" "		219	152	"	"
10 - B1	1672	" "		205	118	"	"
10 - B2	1676	" "		220	153	"	"
10 - B3	1680	" "		204	117	"	"
10 - C1	1671	" "		215	172	"	"
10 - C2	1675	" "		214	173	"	"
10 - C3	1679	" "		216	171	"	"
10 - D1	1673	" "		202	113	"	"
10 - D2	1677	" "		210	112	"	"
10 - D3	1681	" "		203	111	"	"

ASH:

11 - A1	1680	North Willowbrook Dr.		252	110	1120	.641025
11 - A2	1684	" "		251	109	1120	.641025
11 - A3	1688	" "		218	149	"	"
11 - B1	1682	" "		225	108	"	"
11 - E2	1686	" "		255	107	"	"
11 - B3	1690	" "		256	106	"	"
11 - C1	1681	" "		262	46	"	"
11 - C2	1685	" "		H	148	"	"
11 - C3	1689	" "		I	145	"	"
11 - D1	1683	" "		257	102	"	"
11 - D2	1687	" "		258	101	"	"
11 - D3	1691	" "		259	100	"	"

REVISED EXHIBIT "B" (Continued)
WILLOWBROOK HILL CONDOMINIUMS OF PROVO

BEECH:

12 - A1	1661	North Willowbrook Dr.	241	99	1120	.641025
12 - A2	1665	" "	226	155	"	"
12 - A3	1669	" "	227	91	"	"
12 - B1	1663	" "	247	98	"	"
12 - B2	1667	" "	243	97	"	"
12 - B3	1671	" "	242	96	"	"
12 - C1	1660	" "	261	43	"	"
12 - C2	1664	" "	224	103	"	"
12 - C3	1668	" "	223	104	"	"
12 - D1	1662	" "	248	95	"	"
12 - D2	1666	" "	250	94	"	"
12 - D3	1670	" "	249	93	"	"

ASPEN:

13 - A1	1640	North Willowbrook Dr.	238	147	1120	.641025
13 - A2	1644	" "	239	146	"	"
13 - A3	1648	" "	240	150	"	"
13 - B1	1642	" "	236	92	"	"
13 - B2	1646	" "	235	154	"	"
13 - B3	1650	" "	234	151	"	"
13 - C1	1641	" "	228	90	"	"
13 - C2	1645	" "	229	45*	"	"
13 - C3	1649	" "	230	44*	"	"
13 - D1	1643	" "	231	89	"	"
13 - D2	1647	" "	232	88A	"	"
13 - D3	1651	" "	233	87A	"	"

100%

Note: Storage Spaces 38-46 are within the boundry of Phase I Plat, and located in the South-east corner of that Plat recorded as Entry 38572.

UTAH TITLE & ABSTRACT CO.

HIRSH B. DEWITT
 UTAH COUNTY RECORDER
 DEPUTY
 PR. ABS. INC.
 50.00

1980 JUL 31 PM 12:40

RECORDED AT THE REQUEST OF
 UTAH TITLE & ABSTRACT CO.

25600

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7-30-80