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ENT 26630:2013 PG 1 of 4
JEFFERY SMITH
UTAH COUNTY RECORDER
2013 Mar 20 2:36 pm FEE 62.00 BY SW
RECORDED FOR GABLES AT GRANDVIEW HOA

SPACE ABOVE THIS LINE FOR RECORDER

**FIFTH AMENDMENT TO THE
AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS AND RESERVATION OF EASEMENTS
(with Owner Association Bylaws)
THE GABLES AT GRANDVIEW
PLANNED DEVELOPMENT**

Provo, Utah County, Utah

THIS FIFTH AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENT for THE GABLES AT GRANDVIEW PLANNED DEVELOPMENT (this "**Amendment**") is made this 18th day of March, 2013 by the Gables at Grandview Planned Development Homeowners' Association, Inc., a Utah nonprofit corporation (the "**Association**"), with reference to that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements, dated October 3, 2005 and recorded in the Utah County Recorder's Office on October 5, 2005 as Entry Number 113099:2005 (as amended to date, the "**Declaration**"), which Declaration is applicable to the real property located in Utah County, Utah, described on the attached **Exhibit A**. Unless the context clearly indicates a different meaning or unless otherwise defined herein, capitalized terms used herein shall have the respective meanings given them in the Declaration.

RECITALS

A. Pursuant to Section 14.06(b) of the Declaration, the Declaration may be amended upon receiving the vote or written consent of at least sixty percent (60%) of all outstanding Member votes.

B. Effective as of February 18, 2013, the Board of the Association approved a rule and regulation regarding the subdivision or combination of properties within the Project. Effective March 18, 2013, the Members of the Association have adopted this Amendment concerning the same topic of subdivision or combinations of lots within the Project. The

Association now desires to execute this Amendment and cause this Amendment to be recorded in the office of the Utah County Recorder to cause the Amendment to become effective.

AMENDMENT:

NOW THEREFORE, the Declaration is hereby amended as follows:

1. The Declaration is hereby modified to include a new Section 1.10:

1.10 Plat Amendments/ Lot Combinations. An Owner may apply to combine Lots within the Project provided that the Owner first obtains approval from Provo City. Any combination of Lots or amendment of a Plat containing a Lot will not reduce the assessment obligation for that Lot that existed before such combination or amendment. By way of explanation and example, if an Owner were to combine two Lots, the combined parcel or lot will continue to be assessed and have the voting rights for the two Lots as existed before the amendment or combination of Lots.

2. The Declaration is hereby modified to include a new Section 7.24:

7.24 Lots and Subdivision Restriction. The Lots as they existed on the date of the last prior amendment of the Declaration, March 12, 2010, shall be the total number of Lots within the Project. No amendment of any Plat or combination of Lots shall reduce the number of Lots in the Project for all purposes identified in the Declaration including, but not limited, to assessments, enforcement of non-payment of assessments and voting. No Owner may subdivide any Lot.

3. The Declaration is hereby modified to include a new Section 4.06:

4.06 Recordation of Notice Concerning Lot Combinations. The Board may cause to be recorded with the Utah County Recorder a notice informing subsequent purchasers that a Lot combined with another Lot constitutes two Lots (or such other number as would be correct if more than two Lots are combined) under this Declaration.

4. Except as modified by this Amendment, the Declaration shall remain in full force and effect and shall be interpreted in a manner consistent with this Amendment. In the event of any conflict between the provisions of the Declaration and the provisions of this Amendment, the provisions of this Amendment shall control.

[Remainder of Page Intentionally Left Blank]

WITNESS the hand of the President and Secretary of The Gables at Grandview Planned Development Homeowners' Association, Inc., hereto on the first day written above, acknowledging, affirming, and certifying that the foregoing constitutes an Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions and Reservations for The Gables at Grandview Planned Development, as duly approved and adopted pursuant to Section 14.06 of the Declaration on or about the date first above written.

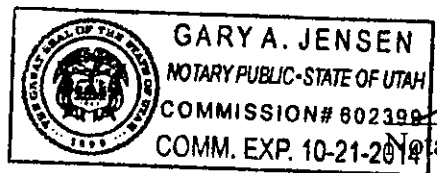
THE GABLES AT GRANDVIEW PLANNED DEVELOPMENT HOMEOWNERS' ASSOCIATION, INC.

By: George Bills
President

By: Janet Heumann
Secretary

STATE OF UTAH)
) :SS
COUNTY OF UTAH)

I HEREBY CERTIFY that on this 20 day of MARCH, 2013, before me, a Notary Public of the State of Utah, personally appeared GEORGE BILLS and JANET HEUMANN, known to me or suitably proven, who acknowledged themselves to be the President and Secretary, respectively, of The Gables at Grandview Planned Development Homeowners' Association, Inc., who acknowledged to me that they signed the foregoing Amendment to the Declaration of Covenants, Conditions and Restrictions as the act and deed of the Gables at Grandview Planned Development Homeowners' Association, Inc.



Gary Jensen
Notary Public

EXHIBIT A

Beginning at a point which is located South 00°32'42" East along the quarter Section line 5.28 feet from the North quarter corner of Section 35, Township 6 South, Range 2 East, Salt Lake Base and Meridian;

Thence South 00°32'42" East along the quarter Section line 884.10 feet;

Thence South 89°27'18" West 28.00 feet;

Thence South 80°25'28" West 238.22 feet;

Thence North 89°26'45" West 264.33 feet;

Thence North 81°02'57" West 281.00 feet; Thence North 08°57'03" East 5.05 feet;

Thence North 02°11'15" West 111.27 feet;

Thence North 25°52'43" West 170.18 feet;

Thence North 42°09'04" West 208.71 feet; Thence North 39°26'48" East 8.44 feet;

Thence North 37°48'16" East 95.11 feet;

Thence North 45°30'21" East 67.92 feet;

Thence North 39°43'38" East 48.61 feet;

Thence North 37°25'43" East 118.47 feet; Thence North 40°08'55" East 92.10 feet;

Thence North 31°31'32" East 108.83 feet;

Thence North 26°57'21" East 31.15 feet;

Thence North 89°49'48" East 668.60 feet to the point of beginning.

Area contained: 17.6833 acres or 770,285 s.f.