

ENT 31152 BK 3150 PG 357  
NINA B REID UTAH CO RECORDER BY BT  
1993 MAY 19 9:18 AM FEE 28.00  
RECORDED FOR WESTGATE DEVELOPMENT

FIFTH SUPPLEMENT TO  
MASTER DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS  
EASEMENTS, RESERVATIONS AND RESTRICTIONS

OF

THE VILLAGES OF WESTGATE

(An Expandable Planned Unit Residential Complex)  
Provo, Utah County, Utah

THIS FIFTH SUPPLEMENT TO MASTER DECLARATION is made as of this 14th day of May, 1993, by WESTGATE DEVELOPMENT, L.C., a Utah limited liability company ("Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of The Village of Westgate an expandable Planned Unit Residential Complex in Provo, Utah (the "Project").
- B. On or about August 3, 1992, Declarant caused to be recorded as Entry No. 41376, Book 2982, Page 706, in the office of the Recorder of Utah County, Utah, that certain "Master Declaration of Protective Covenants, Conditions, Easements, Reservations and Restrictions" (the "Master Declaration") relating to the Project.
- C. Pursuant to §7.02 of the Master Declaration, Declarant is permitted to annex into the Project as Covered Property additional real property ("Expansion Property") as set forth and described in the Master Declaration (including any Exhibit thereto) for purposes of development into additional Lots and Common Areas consistent with the existing Covered Property of the Project and with the Master Declaration.
- D. Declarant desires to annex the real property hereinafter described, a portion of the Expansion Property, into the Project for development as Covered Property.

**NOW, THEREFORE,** Declarant hereby declares as follows:

1. All defined terms as used in this Fifth Supplement to Master Declaration shall have the same meaning as those set forth and defined in the Master Declaration.
2. The following described real property situated in the City of Provo, County and State of Utah, is hereby submitted to the provisions of the Master Declaration and, pursuant thereto, is hereby annexed into the Project to be held, developed, transferred, sold, conveyed and occupied as a part of the Covered Property:

Beginning at a point which is North 89°27'54" East along the Section Line 964.55 feet and South 1794.88 feet from the North 1/4 Corner of Section 3, Township 7 South, Range 2 East, Salt Lake Base and Meridian; thence East 225.99 feet; thence South 00°17'13" West 202.34 feet; thence South 89°59'55" West 224.97 feet; thence North 202.34 feet to the point of beginning. Containing 1.0475 acres (Westgate Townhomes Plat "E")

3. Except as amended by the provisions of this Fifth Supplement to Master Declaration, the Master Declaration shall remain unchanged and, together with this Fifth Supplement to Master Declaration, and all similar prior Supplements, shall constitute the Master Declaration of Protective Covenants, Conditions, Easements, Reservations and Restrictions for the Project as expanded by the annexation of the above-described Expansion Property.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above set forth.

DECLARANT:

**WESTGATE DEVELOPMENT, L.C., a  
Utah Limited Liability Company**

By: [Signature]  
David K. Gardiner, Co-Manager

By: [Signature]  
H. M. Magleby, Co-Manager

STATE OF UTAH )  
 ) ss.  
COUNTY OF UTAH )

On the 14th day of May, 1993, personally appeared before me David K. Gardiner and H. M. Magleby, who, being by me duly sworn, did say that they are the Co-managers of WESTGATE DEVELOPMENT, L.C., a Utah limited liability company; that the within and foregoing instrument was signed in behalf of said limited liability company by authority of its Articles of Organization and pursuant to its Operating Agreement; and they did further acknowledge to me that said limited liability company executed the same.

[Signature]  
NOTARY PUBLIC  
SANDRA STEERE  
Notary Public  
STATE OF UTAH  
My Commission Expires  
December 3, 1993  
561 N 300 E, Orem, UT 84057