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After recordation, return to:

Canyon Glen Town Homes
2230 N. University Pkwy Ste 2F
Provo, UT 84604

ENT 72458:2004 PG 1 of 8
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 Jun 24 10:33 am FEE 26.00 BY SFS
RECORDED FOR SPANISH FORK CITY CORPORATI

**SECOND SUPPLEMENT TO
DECLARATIONS OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
CANYON GLEN TOWN HOMES**

A Planned Unit Development (Expandable)

Spanish Fork, Utah County, Utah

THIS SECOND SUPPLEMENTAL TO DECLARATION is made as of this 6th day of February 2004, by CANYON GLEN TOWNHOMES, LLC., a Utah limited liability company (the "Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of Canyon Glen Town Homes, an expandable Planned Unit Development in Spanish Fork, Utah (The "Development").
- B. On Jan 24, 2003, Declarant caused to be recorded as Entry No. 11315:2003, in the office of the Recorder of Utah County, Utah, that certain **Declaration of Easements, Covenants, Conditions and Restrictions of Canyon Glen Town Homes, A Planned Unit Development (Expandable), Spanish Fork, Utah County, Utah** (the "Declaration") relating to the Development.
- C. Pursuant to 3.03 of the Declaration, Declarant is permitted to annex into the Development additional real property ("Additional Land") as set forth and described in the Declaration (including any exhibit thereto) for purpose of development into additional Lots and Common Areas, if any, consistent with the existing Phase I of the Development and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Development for development as Phase "II" of the Development.

NOW, THEREFORE, Declarant hereby declares as follows:

- 1. All defined terms as used in this Second Supplement to Declaration shall have the same meaning as those set forth and defined in the Declaration.
- 2. The following described real property situated in the city of Spanish Fork, Utah County, Utah, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed into the Development to be held, transferred, sold, conveyed and occupied as a part thereof:

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property, whether or not the same are reflected on the Plat.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under, the said property and any improvements (including buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in manner which is reasonable and consistent with the provisions of the Declaration): (i) to construct and complete each of the Buildings and Units and all of the other improvements described in the Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper on connection therewith; (ii) to construct and complete on the Additional Land or any portion thereof such improvements as

Declarant shall determine to build in its sole discretion (and whether or not the Additional Land or any portion thereof has been or hereafter will be added to the Development); and (iii) to improve portions of the said property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners and Declarant may reasonably

determine to be appropriate. If, pursuant to the foregoing reservations, the said property of 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 reservations hereby effected shall, unless, sooner terminated in accordance with their terms, expire ten (10) years after the date on which the Declaration is filed of record in the office of the County Recorder of Utah County, Utah.

ALL FOREGOING IS SUBJECT TO all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described real property or any portion thereof, including, without limitation, any Mortgage (and nothing in the paragraph shall be deemed to modify or amend such Mortgage); all visible easements and rights-of-way, encroachments, or discrepancies shown on or revealed by the Plat or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the said property at such time as construction of all Development improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cables, wires, utility lines, and similar facilities; AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THIS DECLARATION.

3. Section 3.02 of the Declaration is amended in its entirety to read as follows:

3.02 Subdivision into Lots. The Development is hereby subdivided into Fifty Five (55) Lots, as set forth and described in the Plats, each with appurtenant and equal rights and easements of use and enjoyment in and to any Common Areas, as well as appurtenant obligations, all as set forth in this Declaration.

4. Except as amended by the provisions of this Second Supplement to Declarations, the Declaration shall remain unchanged and, together with this Second Supplement to Declaration shall constitute the Declarations of Easements, Covenants, Conditions and Restrictions for the Development as expanded by the annexation of the Additional Land described herein.

5. This Second Supplement to Declaration shall be recorded concurrently with the Plat entitled Phase II, Canyon Glen Town Homes, A Planned Unit Development (Expandable), City of Spanish Fork, Utah County, Utah, prepared and certified to by Gary Wier (a duly registered Utah Land Surveyor holding Certificate No. 333098), executed and acknowledged by Declarant, accepted by Spanish Fork City, and filed for record in the office of the County Recorder of Utah County.

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

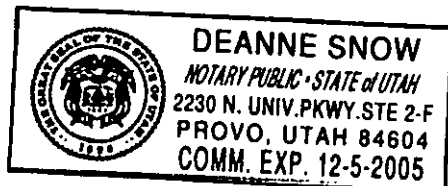
DECLARANT:
Canyon Glen Townhomes, LLC
A Utah limited Liability Company

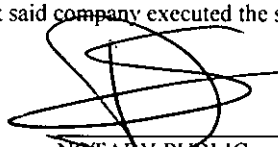
By: 
LeGrand Woolstenhulme, Manager

State of Utah)
: ss.

County of Utah)

On this 6th day of FEB, 2004, personally appeared before me LeGrand Woolstenhulme, who being by me duly sworn, did say that he is the Manager of Canyon Glen Townhomes, L.C., a Utah limited liability company, that said instrument was signed by him in behalf of said company pursuant to authority, and that said company executed the same.




NOTARY PUBLIC

**EXHIBIT A
TO
SECOND SUPPLEMENT TO
DECLARATIONS OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
CANYON GLEN TOWNHOMES
A Planned Unit Development (Expandable)
Spanish Fork, Utah County, Utah**

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THIS DESCRIPTION OF THE ADDITIONAL LAND IS SET FORTH AND ATTACHED IN THIS EXHIBIT A TO THE DECLARATION SOLEY FOR PURPOSES OF IDENTIFICATION. THE DECLARATION NOT INTENDED AS AND SHOULD NOT BE DEEMED TO CONSTITUTE ANY LIEN, ENCUMBRANCE, RESTRICTION, OR LIMITATION UPON ANY PORTION OF THE EXPANSION LAND UNLESS AND UNTIL SUCH PORTION IS ADDED TO THE DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF THE DECLARATION.

**CANYON GLEN PHASE 3
BOUNDARY DESCRIPTION**

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 28, T.8S., R.3E., SLB&M., UTAH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE EAST 1/4 CORNER OF SAID SECTION 28; THENCE S.00°11'49"E. ALONG THE SECTION LINE 2245.88 FEET AND WEST 1315.18 FEET TO THE POINT OF BEGINNING;

THENCE N.60°33'43"W. 86.69 FEET; THENCE S.20°19'54"W. 263.96 FEET TO A POINT OF CURVATURE OF A 50.00-FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY 63.86 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 73°10'56" AND BEING SUBTENDED BY A CHORD THAT BEARS S.16°15'29"E. 59.61 FEET TO THE CURVES END; THENCE S.52°50'52"E. 16.03 FEET TO A POINT OF CURVATURE OF A 31.00-FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY 23.89 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 44°08'54" AND BEING SUBTENDED BY A CHORD THAT BEARS S.74°55'25"E. 23.30 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 300.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 44.64 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE 8°31'33" AND BEING SUBTENDED BY A CHORD THAT BEARS S.39°44'33"W. 44.60 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 31.00-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 26.69 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 49°19'24" AND BEING SUBTENDED BY A CHORD THAT BEARS N.28°10'53"W. 25.87 FEET TO THE CURVES END; THENCE N.52°50'52"W. 12.09 FEET TO A POINT OF CURVATURE OF 75.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY 95.79 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE 73°10'39" AND BEING SUBTENDED BY A CHORD THAT BEARS N.16°15'29"W. 89.41 FEET TO THE CURVES END; THENCE N.20°19'54"E. 255.72 FEET; THENCE N.61°52'54"W. 142.82 FEET TO A POINT ON THE BOUNDARY OF CANYON CREST SUBDIVISION PLAT B, AS SHOWN ON THE OFFICIAL PLAT THEREOF, ON FILE WITH THE UTAH COUNTY RECORDERS OFFICE; THENCE ALONG SAID SUBDIVISION THE FOLLOWING FOUR (4) COURSES AND DISTANCES, N.02°45'08"W. 171.63 FEET; 2) THENCE N.47°16'37"E. 129.74 FEET TO A POINT OF CURVATURE OF A 284.00-FOOT RADIUS CURVE TO THE RIGHT; 3) THENCE NORTHEASTERLY 209.46 FEET ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 42°15'26" AND BEING SUBTENDED BY A CHORD THAT BEARS N.68°24'20"E. 204.74 FEET TO THE CURVES END; 4) THENCE N.89°32'03"E. 80.03 FEET; THENCE SOUTH ALONG THE BOUNDARY OF CANYON GLEN PHASE 1, P.U.D. 69.83 FEET; THENCE THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ALONG THE BOUNDARY OF CANYON GLEN PHASE 2 P.U.D., S.54°58'02"W. 47.05 FEET; 2) THENCE N.51°59'08"W. 19.36 FEET; 3) THENCE S.55°17'34"W. 134.44 FEET; 4) THENCE S.34°42'26"E. 85.84 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 245.50-FOOT RADIUS CURVE TO THE LEFT; 5) THENCE SOUTHWESTERLY 18.59 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 4°20'23" AND BEING SUBTENDED BY A CHORD THAT BEARS S.44°24'08"W. 18.59 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; 6) THENCE S.42°47'33"E. 100.33 FEET; 7) THENCE S.48°30'49"E. 13.53 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 433.00-FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY 143.34 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 18°58'00" AND BEING SUBTENDED BY A CHORD THAT BEARS S.33°54'00"W. 142.68 FEET TO THE POINT OF BEGINNING. CONTAINS 2.39 ACRES OF LAND MORE OR LESS.