

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM

OF THE

NEWPORT HEIGHTS CONDOMINIUM  
A UTAH CORPORATION PROJECT

✓ 839710 BK 1261 PG 377  
BOL DEAN PAGE, DAVIS CNTY RECORDER  
1988 OCT 19 10:47 AM FEE 19.00 DEP REC  
REC'D FOR CONSORTIUM INC  
all Newport Hgts Condo #1,243  
& Common  
area

This Fifth Amendment to Declaration of Condominium, hereinafter referred to as the "Fifth Amended Declaration" is made and executed this 11th day of October, 1988, by Leon Peterson and Karen F. Peterson, and FPSA INVESTMENT, LTD. hereinafter referred to jointly as the "Declarant."

RECITALS

A. Amendment to Previously Recorded Original Document. This Document modifies, relates to and refers to the previously recorded original Declaration of Condominium of the Newport Heights Condominium Project, recorded July 18, 1986 at the Davis County Recorder's Office as Instrument No. 0744643, Book No. 1100, p. 725. In the event of a conflict of terms, this Fifth Amendment shall supersede the prior original Declaration and shall be the controlling document.

B. Amendment Supersedes and Has Priority Over Previous Amendments. This Fifth Amendment to Declaration of Condominium of the Newport Heights Condominiums specifically supersedes the previous Amendments to Declaration of Condominium, previously recorded as follows:

- i. Amendment to Declaration of Condominium recorded February 2, 1987 at the Davis County Recorder's Office as Instrument No. 0771265, Book No. 1141, p. 977;
- ii. Amendment to Declaration of Condominium recorded April 16, 1987 at the Davis County Recorder's Office as Instrument No. 0781774, Book No. 1159, p. 929;
- iii. Third Amendment to Declaration of Condominium recorded August 21, 1987 at the Davis County Recorder's Office as Instrument No. 0799010, Book No. 1189, p. 611; and
- iiii. Fourth Amendment to Declaration of Condominium recorded August 31, 1987 at the Davis County Recorder's Office as Instrument No. 0799900, Book 1190, p. 1066.

In the event of a conflict of terms, this Fifth Amendment shall supersede the prior Amendments and shall be the controlling document.

E# 839710 BK 1261 PG 378

**AMENDMENTS TO SPECIFIC PROVISIONS**

The follow Amendment is hereby made to the Declaration of Condominium of the Newport Heights Condominium Project:

Amended Exhibit "A" shall be deleted in its entirety and an Amended Exhibit "A" dated October 11, 1988, attached hereto and made a part hereof by reference, shall be substituted in its place. The Amended Exhibit "A" correctly identifies Unit Numbers and Percentages of Ownership in Phase I-II. Any and all references to Amended Exhibit "A" shall now refer to Amended Exhibit "A" dated October 11, 1988.

AMENDED  
EXHIBIT "A"  
TO

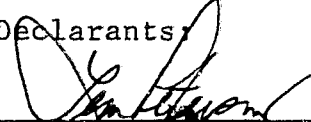
839710 BK 1261 PG 379

DECLARATION OF CONDOMINIUM  
OF THE  
NEWPORT HEIGHTS CONDOMINIUM


01-155-0001-0009  
01-157-0007-0012 + 015-0019  
01-166-0019-0021

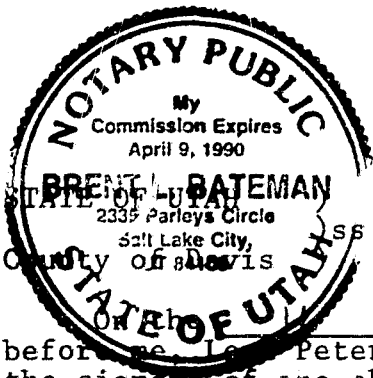
UNIT NO.	OWNERSHIP PERCENTAGE
1	5.5
2	5.5
3	5.5
4	5.5
5	5.5
6	5.5
7	5.5
8	5.5
9	5.5
10	5.5
11	5.5
12	5.5
15	5.5
16	5.5
17	5.5
18	5.5
19	5.5
20	5.5

IN WITNESS WHEREOF, the undersigned Declarants have executed this Amendment this 11 day of October, 1988.

Declarants:  
  
LEON PETERSON

  
KAREN F. PETERSON

FPSA INVESTMENT, LTD.  
  
LEON PETERSON



On this 11 day of October, 1988, personally appeared before me, Leon Peterson and Karen F. Peterson, and FPSA INVESTMENT, LTD. the signers of the above instrument, who duly acknowledged to me that they executed the same.

  
Notary Public

My commission expires: