

8424370

WHEN RECORDED RETURN TO:  
VIVANTEDEVELOPMENT, L.C.  
Wayne H. Corbridge  
758 South 400 East  
Orem, Utah 84097

8424370  
11/18/2002 02:10 PM 127.00  
Book - 8685 Pg - 8469-8477  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
WEST VALLEY CITY  
3600 CONSTITUTION BLVD  
WVC UT 84119-3720  
BY: RDJ, DEPUTY - MI 9 P.

**TWELFTH SUPPLEMENT TO THE  
DECLARATION OF CONDOMINIUM FOR VIVANTE**  
an expandable Utah condominium project

This TWELFTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR VIVANTE, an expandable Utah condominium project, is made and executed by VIVANTE DEVELOPMENT, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097, and ANN T. KERR, a married woman, of 758 South 400 East, Orem, Utah 84097 (collectively, "Declarant").

**RECITALS**

Whereas, the original Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15th day of October, 2001 as Entry No. 8029557 in Book 8511 at Page(s) 2515 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase I of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15th day of October, 2001 as Entry No. 8029559 in Book 8511 at Page( s) 2640 of the Official Records of the County Recorder of Salt Lake County, Utah (the "First Supplement").

Whereas, the related Plat Map(s) for Phase II of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Second Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15 day of October, 2001 as Entry No. 8029561 in Book 8511 at Page(s) 2547 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Second Supplement").

Whereas, the related Plat Map(s) for Phase III of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Third Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15th day of October, 2001 as Entry No. 8029563 in Book 8511 at Page(s) 2655 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Third Supplement").

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Whereas, the related Plat Map(s) for Phase IV of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fourth Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 10th day of June, 2002 as Entry No. 6259687 in Book 8607 at Page 6480 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Fourth Supplement").

Whereas, the related Plat Map(s) for Phase V of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fifth Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 10th day of June, 2002 as Entry No. 6259689 in Book 8607 at Page 6488 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Fifth Supplement").

Whereas, the related Plat Map(s) for Phase VI of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Sixth Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 10th day of June, 2002 as Entry No. 6259691 in Book 8607 at Page 6495 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Sixth Supplement").

Whereas, the related Plat Map(s) for Phase VII of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Seventh Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 10th day of June, 2002 as Entry No. 6259693 in Book 8607 at Page 6504 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Seventh Supplement").

Whereas, the related Plat Map(s) for Phase VIII of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Eighth Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 10th day of June, 2002 as Entry No. 6259695 in Book 8607 at Page 6513 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Eighth Supplement").

Whereas, the related Plat Map(s) for Phase X of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Ninth Supplement to the Declaration of Condominium for VIVANTE was

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recorded in the office of the County Recorder of Salt Lake County, Utah on the 18<sup>th</sup> day of November, 2002 as Entry No. 8424364 in Book 8685 at Page 8439 of the official records (the "Ninth Supplement").

Whereas, the related Plat Map(s) for Phase IX of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Tenth Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 18<sup>th</sup> day of November, 2002 as Entry No. 8424366 in Book 8685 at Page 8449 of the official records (the "Tenth Supplement").

Whereas, the related Plat Map(s) for Phase XI of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Eleventh Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 18<sup>th</sup> day of November as Entry No. 8424368 in Book 8685 at Page 8459 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Eleventh Supplement").

Whereas, the related Plat Map(s) for Phase XII of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 45 of the Declaration, Declarant reserved an option, until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser, to expand the Project in accordance with the Act.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-13" attached hereto and incorporated herein by this reference (the "Phase XIII Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right, subject to the approval of the Department of Veterans Affairs, to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the Phase XIII Property a residential condominium development.

Whereas, Declarant now intends that the Phase XIII Property shall become subject to the Declaration.

## A G R E E M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this TWELFTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR VIVANTE.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. Twelfth Supplement to the Declaration shall mean and refer to this TWELFTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR VIVANTE.

B. Twelfth Supplemental Map or Phase XII Map shall mean and refer to the Twelfth Supplemental Plat Map for Phase XII of the Project, prepared and certified to by Gary Wier, a duly registered Utah Land Surveyor holding Certificate No. 333098, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Twelfth Supplement to the Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. Legal Description. The real property described in Exhibit A-13 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, as supplemented.

3. Annexation. Declarant hereby declares that the Phase XIII Property shall be annexed to and become subject to the Declaration, which upon recordation of this Eleventh Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-13 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Units Revised. As shown on the Phase XIII Map, a Building and twelve (12) additional Units are or will be constructed and/or created in the Project on the Phase XIII Property. The additional Building and Units are located within a portion of the Additional Land. Upon the recordation of the Phase XIII Map and this Twelfth Supplement to the Declaration, the total number of Units in the Project will be one hundred and two (102). The additional Building and Units are substantially similar in construction, design and quality to the Buildings and Units in the prior Phases.

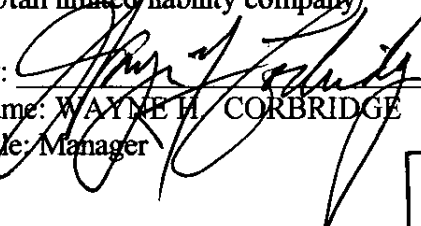
5. Percentage Interest Revised. Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Eleventh Revised Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Twelfth Revised Exhibit 'C,'" attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

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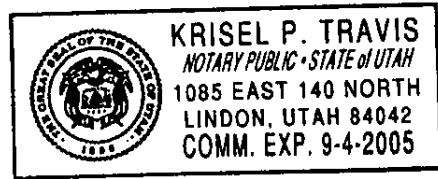
6. Effective Date. The effective date of this Twelfth Supplement to the Declaration and the Phase XIII Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

EXECUTED the 4 day of September, 2002.

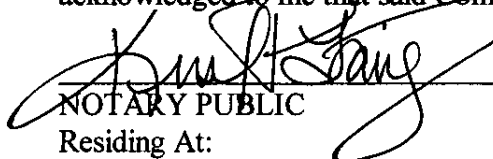
VIVANTE DEVELOPMENT, L.C.,  
a Utah limited liability company


By:   
Name: WAYNE H. CORBRIDGE  
Title: Manager

STATE OF UTAH       )  
                              )ss:  
COUNTY OF UTAH   )




On the 4 day of September, 2002 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of VIVANTE DEVELOPMENT, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.

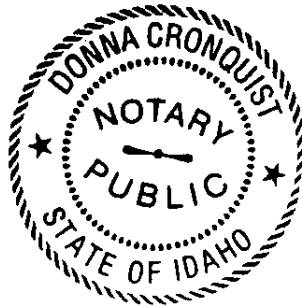
  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing At:  
Commission Expires:

  
\_\_\_\_\_  
ANN T. KERR

STATE OF IDAHO     )  
                              )ss:  
COUNTY OF         )

On the 12 day of September, 2002 personally appeared before me ANN T. KERR, who by me being duly sworn, did say that she signed the foregoing instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing At: Blackfoot, ID  
Commission Expires: 12-2-2004



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**Exhibit "A-13"**

**VIVANTE PHASE XIII  
LEGAL DESCRIPTION**

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 27,  
TOWNSHIP 1 SOUTH, RANGE 1 WEST, S.L.B.&M., SALT LAKE COUNTY, UTAH, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE CENTER 1/4 CORNER OF  
SAID SECTION 27; THENCE N. 89°53'42" E. ALONG THE 1/4 SECTION LINE, A  
DISTANCE OF 510.57 FEET AND S. 00°06'16" E. A DISTANCE OF 358.79 FEET TO THE REAL  
POINT OF BEGINNING;

THENCE SOUTH A DISTANCE OF 70.37 FEET; THENCE EAST A DISTANCE OF 150.48  
FEET TO A POINT OF A 28.00-FOOT NON-TANGENT CURVE TO THE RIGHT; THENCE  
SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 18.09 FEET,  
THROUGH A CENTRAL ANGLE OF 37°01'12" AND HAVING A CHORD THAT BEARS  
S. 41°29'24" W. A DISTANCE OF 17.78 FEET; THENCE SOUTH A DISTANCE OF 45.52  
FEET TO A POINT OF A 28.00-FOOT NON-TANGENT CURVE TO THE RIGHT; THENCE  
SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 8.61 FEET, THROUGH  
A CENTRAL ANGLE OF 17°36'30" AND A CHORD THAT BEARS S. 51°11'45" E. A  
DISTANCE OF 8.57 FEET; THENCE WEST A DISTANCE OF 333.96 FEET; THENCE  
N. 00°08'45" W. A DISTANCE OF 134.58 FEET; THENCE EAST 188.92 FEET TO THE  
POINT OF BEGINNING, CONTAINING 0.790 ACRES. TOTAL UNITS = 12

15-27-403-605

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**TWELFTH REVISED EXHIBIT "C"**

**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
1	Q	1	0.9803%
1	Q	2	0.9803%
1	Q	3	0.9803%
1	Q	4	0.9803%
1	Q	5	0.9803%
1	Q	6	0.9803%
2	D	1	0.9803%
2	D	2	0.9803%
2	D	3	0.9803%
2	D	4	0.9803%
2	D	5	0.9803%
2	D	6	0.9803%
2	D	7	0.9803%
2	D	8	0.9803%
2	D	9	0.9803%
2	D	10	0.9803%
2	D	11	0.9803%
2	D	12	0.9803%
3	J	1	0.9803%
3	J	2	0.9803%
3	J	3	0.9803%
3	J	4	0.9803%
3	J	5	0.9803%
3	J	6	0.9803%
4	A	1	0.9803%
4	A	2	0.9803%
4	A	3	0.9803%
4	A	4	0.9803%
4	A	5	0.9803%
4	A	6	0.9803%
4	A	7	0.9803%

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4	A	8	0.9803%
4	A	9	0.9803%
4	A	10	0.9803%
4	A	11	0.9803%
4	A	12	0.9803%
5	L	1	0.9803%
5	L	2	0.9803%
5	L	3	0.9803%
5	L	4	0.9803%
5	L	5	0.9803%
5	L	6	0.9803%
6	P	1	0.9803%
6	P	2	0.9803%
6	P	3	0.9803%
6	P	4	0.9803%
6	P	5	0.9803%
6	P	6	0.9803%
7	B	1	0.9803%
7	B	2	0.9803%
7	B	3	0.9803%
7	B	4	0.9803%
7	B	5	0.9803%
7	B	6	0.9803%
7	B	7	0.9803%
7	B	8	0.9803%
7	B	9	0.9803%
7	B	10	0.9803%
7	B	11	0.9803%
7	B	12	0.9803%
8	K	1	0.9803%
8	K	2	0.9803%
8	K	3	0.9803%
8	K	4	0.9803%
9	M	1	0.9803%
9	M	2	0.9803%
9	M	3	0.9803%
9	M	4	0.9803%
10	C	1	0.9803%

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10	C	2	0.9803%
10	C	3	0.9803%
10	C	4	0.9803%
10	C	5	0.9803%
10	C	6	0.9803%
10	C	7	0.9803%
10	C	8	0.9803%
10	C	9	0.9803%
10	C	10	0.9803%
10	C	11	0.9803%
10	C	12	0.9803%
11	N	1	0.9803%
11	N	2	0.9803%
11	N	3	0.9803%
11	N	4	0.9803%
11	N	5	0.9803%
11	N	6	0.9803%
12	O	1	0.9803%
12	O	2	0.9803%
12	O	3	0.9803%
12	O	4	0.9803%
13	E	1	0.9803%
13	E	2	0.9803%
13	E	3	0.9803%
13	E	4	0.9803%
13	E	5	0.9803%
13	E	6	0.9803%
13	E	7	0.9803%
13	E	8	0.9803%
13	E	9	0.9803%
13	E	10	0.9803%
13	E	11	0.9803%
13	E	12	0.9803%

TOTAL:

100.0%

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