

When Recorded Mail to:

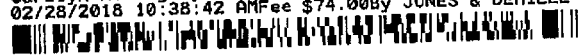
Paul M. King, Hoole & King, L.C.  
4276 South Highland Drive  
Salt Lake City, Utah 84124-2634

Affects Tax Parcels:

3-273-17  
3-273-18  
3-273-19  
3-273-20  
3-273-21  
3-293-1  
3-293-2  
3-293-3  
3-293-4  
3-293-5  
3-293-22  
3-293-23  
3-293-24  
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3-293-28

**DOC # 00403240**

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**Resolution to Remove Property from the Provisions of  
the Utah Condominium Act, Vacate Condominium Plats and  
Withdraw Declaration of Covenants, Conditions, and Restrictions  
for the**

**CENTENNIAL PLAZA PLANNED UNIT DEVELOPMENT BUSINESS UNITS**

THIS RESOLUTION is made and executed by the undersigned, being all of the unit owners and holders of any ownership interest in that certain real property comprising or known as the CENTENNIAL PLAZA PLANNED UNIT DEVELOPMENT BUSINESS UNITS, including all found in Phase 1 and 2 thereof (the "Business Units"). There are no mortgages, liens or other similar interests affecting said units and property. Said Business Units and the property comprising the same, as described below, pursuant to the provisions of Utah Code § 57-8-22, are hereby removed from the provisions of the Utah Condominium Ownership Act generally, Utah Code §§ 57-8-1, *et seq* (the "Act").

**1. RECITALS**

a. On or about March 30, 2004, Declarant Walnut Grove Development, L.L.C. ("Declarant") caused to be recorded that certain "Declaration of Covenants, Conditions and

Restrictions for Centennial Plaza Planned Unit Development Business Units" (the "Declaration") as Entry No. 00324220 in Book 00488 at Pages 00473 to 00535 of the Official Records of the Sevier County Recorder's Office.

b. The Declaration submitted two tracts of real property, situate in Sevier County, Utah, to the Act, as follows:

i. Referred to herein as "Phase I Parcel 3a", described in the Declaration as follows:

Tract #1: Parcel No. 3a Centennial Plaza Planned Unit Development - Phase I & Condominium Plat also described as:

BEGINNING AT A POINT LOCATED NORTH 2033.25 FEET AND EAST 1363.11 FEET FROM THE SOUTHWEST CORNER OF SECTION 24, T.23S., R.3W., S.L.B. & M.; THENCE AROUND A 123.50 FOOT RADIUS CURVE TO THE LEFT 77.93 FEET, SAID CURVE HAVING A CHORD BEARING OF S52°15'30"W AND A CHORD LENGTH OF 76.65 FEET; THENCE S34°10'48"W 121.31 FEET; THENCE AROUND A 76.50 FOOT RADIUS CURVE TO THE RIGHT 78.84 FEET, SAID CURVE HAVING A CHORD BEARING OF S63°42'14"W AND A CHORD LENGTH OF 75.40 FEET; THENCE AROUND A 223.50 FOOT RADIUS CURVE TO LEFT 49.41 FEET, SAID CURVE HAVING A CHORD BEARING S86°53'37"W AND A CHORD LENGTH OF 49.31 FEET; THENCE N02°03'51"W 209.75 FEET; THENCE N30°34'32"W 8.50 FEET; THENCE N59°25'28"E 52.95 FEET; THENCE N39°35'32"E 81.58 FEET; THENCE S50°24'28"E 73.00 FEET; THENCE S39°35'32"W 10.44 FEET; THENCE S69°37'05"E 105.43 FEET; THENCE S19°39'49"E 34.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.055 ACRES.

ii. Referred to herein as "Phase I Parcel 4", described in the Declaration as follows:

Tract #2: Parcel No. 4 Centennial Plaza Planned Unit Development - Phase I & Condominium Plat also described as:

BEGINNING AT A POINT LOCATED NORTH 1856.62 FEET AND EAST 1475.99 FEET FROM THE SOUTHWEST CORNER OF SECTION 24, T.23S., R.3W., S.L.B. & M.; THENCE S20°24'58"W 145.00 FEET; THENCE S00°21'31"W 10.81 FEET; THENCE N89°38'29"W 31.63 FEET; THENCE N61°42'39"W

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212.29 FEET; THENCE AROUND A 123.50 FOOT RADIUS CURVE TO THE LEFT 84.09 FEET, SAID CURVE HAVING A CHORD BEARING OF N53°41'10"E AND A CHORD LENGTH OF 82.47 FEET; THENCE N34°10'48"E 93.99 FEET; THENCE S61°42'39"E 170.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.746 ACRES.

c. On or about March 30, 2004, Declarant caused to be recorded that certain "Centennial Plaza Planned Unit Development Phase 1 & Condominium Plat" (referred to hereinafter as "Plat 1") as Entry No. 00324217 in Book 00488 at Pages 00402 to 00403 of the Official Records of the Sevier County Recorder's Office.

d. Plat 1 identified the location for Phase 1 Parcel 3a, identified above, on which Building E-3 was to be constructed, from which Business Units E-3-1 through E-3-8 were to be created. They are sometimes referred to, and have been assigned tax parcel numbers by the Sevier County Recorder's and Assessor's offices as follows:

<u>Unit No.</u>	<u>Building No.</u>	<u>Sevier County Tax Parcel No.</u>
1	E-3	A part of 3-273-17
2	E-3	A part of 3-273-17
3	E-3	A part of 3-273-17
4	E-3	A part of 3-273-17
5	E-3	A part of 3-273-17
6	E-3	A part of 3-273-17
7	E-3	A part of 3-273-17
8	E-3	A part of 3-273-17

e. Plat 1 further identified the location for Phase 1 Parcel 4, identified above, on which Buildings OF-1 and OF-2 were to be constructed, from which Business Units OF-1A and OF-1B, and OF-2A and OF-2B, respectively, were to be created. They are sometimes referred to, and have been assigned tax parcel numbers by the Sevier County Recorder's and Assessor's offices as follows:

<u>Unit No.</u>	<u>Building No.</u>	<u>Sevier County Tax Parcel No.</u>
A	OF-1	3-273-18
B	OF-1	3-273-19
A	OF-2	3-273-20
B	OF-2	3-273-21

f. On or about April 18, 2006, the Declarant recorded that certain "Centennial Plaza Planned Unit Development Phase 2 & Condominium Plat" (referred to hereinafter as "Plat 2"), as Entry No. 00339267, in Book 00541 at Pages 00769 to 00770 of the Official Records of the Sevier County Recorder's Office.

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g. Plat 2 identified parcels in Phase 2, Parcels 1, 2, 3, 3a and 4 respectively.

h. Although identified as being allocated to Business Units on Plat 2, no declaration was filed by the Declarant submitting Phase 2 Parcels 1, 3a or 4 to the provisions of the Act, creating said Business Units. Said business parcels are that certain real property situate in Sevier County, Utah, described as follows:

i. Referred to herein as "Phase 2 Parcel 1", described on Plat 2 as follows:

BEGINNING AT A POINT LOCATED NORTH 1203.89 FEET AND EAST 1102.86 FEET FROM THE SOUTHWEST CORNER OF SECTION 24, T.23S., R.3W., S.L.B. & M.; THENCE NORTH 203.05 FEET; THENCE EAST 83.89 FEET; THENCE SOUTH 3.10 FEET; THENCE EAST 55.73 FEET; THENCE SOUTH 222.09 FEET; THENCE N76°49'32"W 33.31 FEET; THENCE AROUND A 569.68 FOOT RADIUS CURVE TO THE LEFT 108.33 FEET, SAID CURVE HAVING A CHORD BEARING OF N82°16'23"W AND A CHORD DISTANCE OF 108.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.674 ACRE.

(1) Said Phase 2 Parcel 1 identified on Plat 2 refers to buildings or units, to which have been assigned tax parcel numbers by the Sevier County Recorder's and Assessor's offices as follows:

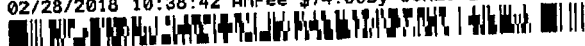
<u>Unit No.</u>	<u>Building No.</u>	<u>Sevier County Tax Parcel No.</u>
1	RT-1	3-293-1
2	RT-1	3-293-2
3	RT-1	3-293-3
4	RT-1	3-293-4
5	RT-1	3-293-5

ii. Referred to herein as "Phase 2 Parcel 3a", described on Plat 2 as follows:

BEGINNING AT A POINT LOCATED NORTH 1859.65 FEET AND EAST 867.56 FEET FROM THE SOUTHWEST CORNER OF SECTION 24, T. 23 S., R. 3 W., S.L.B. & M.; THENCE N10°17'01"E 73.38 FEET; THENCE N16°31'03"E 76.12 FEET; THENCE N60°21'59"E 49.10 FEET; THENCE N85°43'05"E 166.09 FEET; THENCE S02°03'51"E 191.74 FEET; THENCE AROUND A 223.50 FOOT RADIUS CURVE TO THE LEFT 129.57 FEET, SAID CURVE HAVING A CHORD BEARING OF S63°57'12"W

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AND A CHORD DISTANCE OF 127.77 FEET; THENCE N39°19'16"W 62.75 FEET; THENCE N79°42'59"W 96.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.039 ACRES.

(1) Said Phase 2 Parcel 3a identified on Plat 2 refers to buildings or units, to which have been assigned tax parcel numbers by the Sevier County Recorder's and Assessor's offices as follows:

<u>Unit No.</u>	<u>Building No.</u>	<u>Sevier County Tax Parcel No.</u>
A	OF-3	3-293-22
B	OF-3	3-293-23
A	OF-4	3-293-24
B	OF-4	3-293-25
A	OF-5	3-293-26
B	OF-5	3-293-27

iii. Referred to herein as "Phase 2 Parcel 4", described on Plat 2 as follows:

BEGINNING AT A POINT LOCATED NORTH 1856.62 FEET AND EAST 1475.99 FEET FROM THE SOUTHWEST CORNER OF SECTION 24, T.23S., R.3W., S.L.B. & M.; THENCE N61°42'39"W 170.29 FEET; THENCE N34°10'48"E 27.32 FEET; THENCE AROUND A 76.50 FOOT RADIUS CURVE TO THE RIGHT 112.21 FEET, SAID CURVE HAVING A CHORD BEARING OF N76°11'59"E AND A CHORD DISTANCE OF 102.42 FEET; THENCE S61°46'51"E 72.12 FEET; THENCE S69°35'02"E 6.05 FEET; THENCE S20°24'58"W 97.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.327 ACRE.

(1) Said Phase 2 Parcel 4 identified on Plat 2 refers to buildings or units, to which have been assigned tax parcel numbers by the Sevier County Recorder's and Assessor's offices as follows:

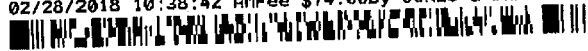
<u>Unit No.</u>	<u>Building No.</u>	<u>Sevier County Tax Parcel No.</u>
2	RP	3-293-28

i. The undersigned, by various mesne conveyances, constitute all of the unit owners and holders of any ownership interest in that certain real property comprising or known as the Business Units, or otherwise comprising those certain parcels identified above as:

i. Phase 1 Parcel 3a:

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- ii. Phase 1 Parcel 4;
- iii. Phase 2 Parcel 1;
- iv. Phase 2 Parcel 3a; and
- v. Phase 2 Parcel 4

Collectively, these parcels are hereinafter referred to as the "Vacated Parcels."

j. Richfield Centennial, LLC. is the owner and holder of fee title to Business Units OF-1B and OF-1A, assigned Sevier County Parcel number as set forth below, created from Phase 1 Parcel 4, as identified above.

<u>Unit No.</u>	<u>Building No.</u>	<u>Sevier County Tax Parcel No.</u>
A	OF-1	3-273-18
B	OF-1	3-273-19

k. Deer Run Timber, L.L.C. is the owner and holder of fee title of all other interests in the Vacated Parcels and all Business Units created or intended to be created therein.

## 2. RESOLUTION

a. It is hereby resolved that, pursuant to Utah Code § 57-8-22 and other relevant provisions of the Act, that the Vacated Parcels, and all Business Units created or intended to be created therein, are hereby removed from the provisions of the Act.

b. It is further resolved that vacation plats demonstrating said removal of the Vacated Parcels from the provisions of the Act be prepared and recorded, to demonstrate said removal.

c. The Vacated Parcels shall be hereafter, pursuant to Utah Code § 57-8-22(2), deemed to be owned by the undersigned as Tenants in Common. The undivided interest in the Vacated Parcels which shall appertain to each of the undersigned owners shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities comprising the Vacated Parcels.

d. The Declaration, as identified above, is hereby withdrawn, to be hereafter null and void and of no effect upon the Vacated Parcels.

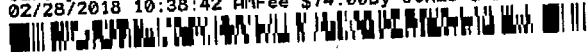
## 3. SEVERABILITY AND APPLICABILITY

a. The invalidity of any one or more phrases, sentences, subparagraphs, paragraphs, sections or articles hereto shall not affect the remaining portions of this instrument nor any part thereof, and in the event that any portion or portions of this instrument should be found to be invalid or should operate to render this instrument invalid,

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this instrument shall be construed as if such invalid phrase or phrases, sentence or sentences, subparagraph or sub- paragraphs, paragraph or paragraphs, section or sections, or article or articles had not been inserted.

b. In the event that any Declaration can be found, inferred or otherwise applied to Phase 2, Parcels 1, 3a and 4 as set forth above, this Resolution shall be applied to remove said parcels and any Business Units so created from the provisions of the Act as otherwise set forth herein.

4. **TOPICAL HEADINGS.** The topical headings contained in this Resolution are for convenience only and do not define, limit or construe the contents of the Resolution.

5. **EFFECTIVE DATE.** This Resolution shall take effect upon recording.

IN WITNESS WHEREOF, the undersigned have executed this Resolution on the dates indicated below:

DEER RUN TIMBER, LLC:

By: *John Bennett*  
John Bennett  
Its: Manager  
Date: 11 DEC 17

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RICHFIELD CENTENNIAL, LLC:

By: *Gail E. Paxton*  
Gail E. Paxton  
Its: Manager

By: *Carolyn Paxton*  
Carolyn Paxton  
Its: Manager

State of Utah )  
                          §  
County of Utah )

On this 11 day of December, 2017 before me personally appeared John Bennett, personally known or satisfactorily proved to me on the basis of satisfactory evidence, and who by me duly sworn or affirmed, did say that he is the Manager of Deer Run Timber, L.L.C., and that said document was signed by him on behalf of said entity by authority of its Operating Agreement, and acknowledged to me that said entity executed the same.

S  
E  
NOTARY PUBLIC  
CHERYL S CAZIER  
687452  
COMMISSION EXPIRES  
MARCH 01, 2020  
STATE OF UTAH

*Cheryl S. Cazier* Notary Public

NOTARY PUBLIC  
CHERYL S CAZIER  
687452  
COMMISSION EXPIRES  
MARCH 01, 2020  
STATE OF UTAH

State of Utah )  
                                  §  
County of Utah )

On this 11 day of December, 2017 before me personally appeared Gail E. Paxton and Carolyn Paxton, personally known or satisfactorily proved to me on the basis of satisfactory evidence, and who by me duly sworn or affirmed, did say that they are the Managers of Richfield Centennial, LLC., and that said document was signed by them on behalf of said entity by authority of its Operating Agreement, and acknowledged to me that said entity executed the same.

S  
E  
A  
NOTARY PUBLIC  
CHERYL S CAZIER  
687452  
COMMISSION EXPIRES  
MARCH 01, 2020  
STATE OF UTAH

*Cheryl S. Cazier* Notary Public

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