

When Recorded Return To:
Parkview at Towne Center, LLC
126 Segoe Lily Dr., Ste 250
Sandy, UT 84070

12762145
4/27/2018 3:03:00 PM \$42.00
Book - 10669 Pg - 3670-3674
ADAM GARDINER
Recorder, Salt Lake County, UT
MILLER HARRISON LLC
BY: eCASH, DEPUTY - EF 5 P.

**SUPPLEMENT TO THE FIRST AMENDED
AND RESTATED TRACT DECLARATION
FOR
PARKVIEW TOWNHOMES
(Parkview Townhomes Phase 3)**

This Supplement to the First Amended and Restated Tract Declaration for Parkview Townhomes (“**Supplemental Declaration**”) is executed and adopted by Parkview at Towne Center, LLC, a Utah limited liability company (“**Declarant**”).

RECITALS

A. The Tract Declaration for Parkview Townhomes was recorded in the office of the Salt Lake County Recorder on August 8, 2015 as Entry No. 12122263, in Book 10356, and beginning at Page 8982.

B. The First Amended and Restated Tract Declaration for Parkview Townhomes was recorded in the office of the Salt Lake County Recorder on August 9, 2017 as Entry No. 12593094, in Book 10586, and beginning at Page 7491 (the “**Declaration**”).

C. This Supplemental Declaration shall modify and supplement the Declaration through the annexation of Additional Property as provided herein.

D. Parkview at Town Center, LLC is the Declarant as identified and set forth in the Declaration.

E. Holmes Homes, Inc. is the owner of the real property subject to this Supplemental Declaration.

F. Under the terms of the Declaration, Declarant reserved the right to expand the Property by the annexation of Additional Property as described in the Declaration.

G. Declarant desires to add a portion of the Additional Property to the Parkview at Towne Center Owners Association as hereinafter provided for.

H. Capitalized terms shall have the same meaning as defined in the Declaration.

ANNEXATION

NOW THEREFORE, in consideration of the recitals set forth above, the Declarant hereby declares and certifies as follows:

1. Annexation of Additional Land. Declarant hereby annexes in and submits the following described portion of Additional Property (herein referred to as "**Subject Property**") to the Declaration, including, without limitation, the Declaration's terms, conditions, restrictions, covenants, assessments, and easements:

ALL PROPERTY IDENTIFIED ON EXHIBIT "A" ATTACHED HERETO.

TOGETHER WITH: (i) all buildings, if any, improvements, and structures situated on or comprising a part of the above-described Subject Property, whether now existing or hereafter constructed; (ii) all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying said Subject Property; and (iii) all articles of personal property intended for use in connection with said Subject Property.

ALL OF THE 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; any mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described Subject Property or any portion thereof, including, without limitation, any mortgage or deed of trust, The Declaration (as amended, supplemented and/or restated from time to time); all visible easements and rights-of-way; all easements and rights-of-way of record; any easements, 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 above-described Subject Property at such times as construction of all 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.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under the above-described Land and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant or for any assignee or successor of Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (i) to construct and complete all of the improvements described in this Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; and (ii) to improve portions of the Subject Property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all Owners, as Declarant or as such assignee or successor may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the above-described Land or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for 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 this Supplemental Declaration is filed for record in the Salt Lake County records.

2. Plat Maps. The real properties described in Paragraph 1, and the improvements to be constructed thereon, all of which are submitted to the terms and conditions of the Declaration, are more particularly set forth on the **Parkview Townhomes Phase 3 Subdivision Amending Lot B Herriman Towne Center Plat F Phase 2, Greenwood Village Subdivision Phase 4A Amending Herriman Towne Center Plat F Phase 2 Lot C & D, and Greenwood Village Subdivision Phase 4B Amending Herriman Towne Center Plat F Phase 2 Lot C & D** plat maps, which plat maps are recorded with Salt Lake County.

3. Submission. The Subject Property shall hereinafter be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration and all supplements and amendments thereto.

4. Membership. The Owner of each Lot or parcel within the Subject Property shall be a Member of the Parkview at Towne Center Owners Association and is allotted one vote in such Association per Lot owned.

5. Apportionment of Common Expenses. In accordance with Article 4 of the Declaration, Common Expenses shall be equally apportioned among the Owners, including the Owners of Lots submitted to the Property and Association through this Supplemental Declaration.

6. Master Association Membership. the Owner of each Lot or Parcel within the Subject Property shall also be a member of the Herriman Towne Center Homeowners Association and shall be entitled to all benefits of such membership and shall be subject to the *Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (with Association Bylaws) Herriman Towne Center Master Planned Community* recorded in the Salt Lake County Recorder's Office on August 26, 2010 as Entry No. 11018444, in Book 9852, beginning at Page 4948 and any supplements and amendments thereto.

7. Representations of Declarant. Declarant represents that the annexed real property is part of the Additional Property described in the Declaration.

8. Reservation of Declarant's Rights. Pursuant to the Declaration, all rights concerning the Property reserved to Declarant in the Declaration are hereby incorporated and reserved to Declarant with respect to the Subject Property. The exercise of Declarant's rights concerning such Subject Property shall be governed by the same terms, provisions and limitations set forth in the Declaration regarding the exercise of such rights.

9. Effective Date. This Supplemental Declaration shall take effect upon being recorded with the Salt Lake County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Declaration this 27th day of April, 2018.

DECLARANT
Parkview at Towne Center, LLC
A Utah Limited Liability Company

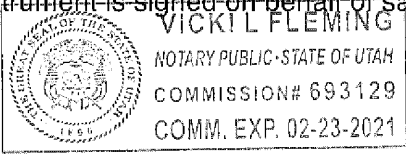
By: [Signature]

Name: DARON SMITH

Title: CFO / SECRETARY

STATE OF UTAH)
COUNTY OF Salt Lake ss.

On the 27th day of April, 2018, personally appeared before me Daron Smith who by me being duly sworn, did say that she/he is an authorized representative of Parkview at Towne Center, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.



[Signature]
Notary Public

The recording of this Supplemental Declaration is consented to by Holmes Homes, Inc. as the owner of the lots subject to this Supplemental Declaration:

Dated this ___ day of _____, 2018

HOLMES HOMES, INC.
a Utah corporation

By: [Signature]

Name: DARON SMITH

Its: CFO / SECRETARY

STATE OF UTAH)
COUNTY OF Salt Lake ss.

On the 27th day of April, 2018, personally appeared before me Daron Smith, who by me being duly sworn, did say that she/he is an authorized representative of Holmes Homes, Inc., and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.



Notary Public [Signature]

EXHIBIT A
(Legal Description)

The following lots within **Parkview Townhomes Phase 3 Subdivision Amending Lot B Herriman Towne Center Plat F Phase 2**, according to the official plat thereof, on file in the office of the Salt Lake County Recorder as Entry Number 12608257.

<u>Parcel Numbers</u>	<u>Lot</u>
26364550450000	TH 12-35
26364550460000	TH 12-34
26364550470000	TH 12-33
26364550480000	TH 11-32
26364550490000	TH 11-31
26364550520000	TH 23-67
26364550530000	TH 23-68
26364550540000	TH 23-69
26364550550000	TH 23-70
26364550560000	TH 24-71
26364550570000	TH 24-72
26364550580000	TH 24-73
26364550590000	TH 25-74
26364550600000	TH 25-75
26364550610000	TH 25-76
26364550620000	TH 26-77
26364550630000	TH 26-78
26364550640000	TH 26-79
26364550650000	TH 27-80
26364550660000	TH 27-81
26364550670000	TH 27-82

The following lots within **Greenwood Village Subdivision Phase 4A Amending Herriman Towne Center Plat F Phase 2 Lot C & D**, according to the official plat thereof, on file in the office of the Salt Lake County Recorder as Entry Number 12413738.

<u>Parcel Numbers</u>	<u>Lot</u>
26364030140000	GV 1/43
26364030150000	GV 1/44
26364030160000	GV 1/45

Lot GV-TH3-49 in the **Greenwood Village Subdivision Phase 4B Amending Herriman Towne Center Plat F Phase 2 Lot C & D**, according to the official plat thereof, on file in the office of the Salt Lake County Recorder as Entry Number 12308514.

<u>Parcel Number</u>
26364580120000