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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
MCARTHUR HOMES
9962 S REDWOOD RD
SOUTH JORDAN UT 84095
BY: KAN, DEPUTY - M I S P.

WHEN RECORDED, RETURN TO:

Richards & Kimble, P.C.
2040 East Murray-Holladay Rd., Suite 102
Salt Lake City, UT 84117
(801) 274-6800

**FIFTH DECLARATION OF ANNEXATION
FOR AMBERLEY CONDOMINIUMS
(PHASE 6)**

THIS FIFTH DECLARATION OF ANNEXATION is made this ____ day of _____ 2007 by McArthur Homes at Legacy Ranch Towns, LC, a Utah limited liability company ("Declarant").

RECITALS

A. Declarant is the owner and developer of Amberley Condominiums Phase 1, an expandable condominium project in West Jordan City, Salt Lake County, Utah (the "Development");

B. On or about _____, 2007, Declarant recorded Amberley Condominiums Phase 1 Declaration of Covenants, Conditions and Restrictions as Entry No. _____ in the Salt Lake County Recorder's Office (the "Declaration");

C. Pursuant to Article III, Section 3.1 of the Declaration, Declarant is permitted to expand the Development by the annexation into the Development of additional real property that is part of the Additional Property as set forth and described in the Declaration for purposes of development of additional Units and Common Areas, if any, consistent with the existing Phase 1 of the Development and with the Declaration;

D. Declarant desires to annex land into the Development for development as Phase 6 of the Development.

E. Pursuant to Article III, Section 3.4 of the Declaration and the provisions of the Utah Condominium Ownership Act, Utah Code Annotated, Section 57-8-1 et seq., this Fifth Declaration of Annexation re-calculates the percentage interests in the common areas of each Unit taking into consideration the number of new Units being so annexed.

NOW THEREFORE, Declarant hereby declares as follows:

1. All defined terms as used in this Declaration of Annexation shall have the same meaning as those set forth and defined in the Declaration.

2. The following described real property situated in West Jordan City, Salt Lake County, Utah, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed in to the Development and is to be held, transferred, sold, conveyed, and occupied

as a part of the Development and bound by the provisions of the Utah Condominium Ownership Act, Utah Code Annotated, Section 57-8-1, et seq.;

See attached "Exhibit A"

3. Except as amended by the provisions of this Fifth Declaration of Annexation, and any previous Declarations of Annexation, the Declaration shall remain unchanged and, together with this Declaration and any previous Declarations, shall constitute the Declaration of Covenants, Conditions and Restrictions for the Development as further expanded by the annexation of the Additional Property described herein.

4. The Project is hereby divided into fifty-one (51) Condominium Units as set forth on the Map, each such Condominium Unit consisting of a Unit and an appurtenant undivided but equal percentage interest in and to the Common Areas and Facilities. Such Units comprise the minimum number of Units in the Project and give each Owner a maximum ownership interest in the Common Areas and Facilities. The re-calculated percentage interests in the Common Areas of each Unit, including the Units annexed by this Declaration, are set forth in **Exhibit B**, attached hereto.

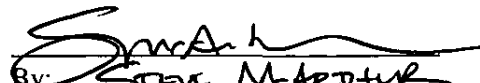
5. This Fifth Declaration of Annexation shall be recorded in the Salt Lake County Recorder's Office concurrently with the Plat entitled Amberley Condominiums Phase 6, located in the City of West Jordan, Salt Lake County, Utah, prepared and certified to by Gregory A. Cates (a registered land surveyor with certificate no. 161226), executed and acknowledged by Declarant, and accepted by the City of West Jordan.

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

DECLARANT

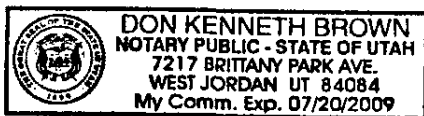
MCARTHUR HOMES AT
LEGACY RANCH TOWNS, LC

By: McArthur Homes, Inc., its Manager


By: Steve McArthur
Its: Co-President

STATE OF UTAH)
)ss:
County of Salt Lake)

The foregoing Declaration of Annexation was acknowledged before me on this 7 day of August, 2007 by Steve McArthur, Co-President of McArthur Homes, Inc.





Notary Public for Utah

Exhibit A

Legal Description

Amberley Condominiums – Phase 6

Beginning at a point S00°08'29"E 456.20 feet along the Section Line and East 731.97 feet from the Northwest Corner of Section 30, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence N89°51'46"E 99.84 feet; thence S00°00'15"E 145.17 feet; thence S89°59'45"W 14.37 feet; thence South 122.24 feet; thence West 49.99 feet; thence Northwesterly 108.21 feet along the arc of a 69.00 foot radius curve to the right, chord bears N45°04'14"W 97.46 feet; thence N00°08'29"W 29.85 feet; thence N89°43'18"E 34.00 feet; thence N00°08'29"W 168.34 feet to the point of beginning.

Contains 0.624 acres

Exhibit B

<u>Physical Address of Unit</u>	<u>Bldg/Unit #</u>	<u>Square Feet</u>	<u>Percentage Interest in the Common Areas</u>
Phase 1:			
4708 W. Amberley Way	114-D-6	1432	2.23%
4712 W. Amberley Way	114-D-2	1156	1.80%
4714 W. Amberley Way	114-D-7	1208	1.88%
4722 W. Amberley Way	115-B-5	1416	2.21%
4724 W. Amberley Way	115-B-2	1139	1.78%
4726 W. Amberley Way	115-B-4	1139	1.78%
4732 W. Amberley Way	116-D-6	1432	2.23%
4734 W. Amberley Way	116-D-2	1156	1.80%
4736 W. Amberley Way	116-D-7	1208	1.88%
Phase 2:			
4723 W. Amberley Way	118-D-7	1208	1.88%
4727 W. Amberley Way	118-D-2	1156	1.80%
4729 W. Amberley Way	118-D-6	1432	2.23%
4733 W. Amberley Way	117-D-6	1432	2.23%
4737 W. Amberley Way	117-D-2	1156	1.80%
4739 W. Amberley Way	117-D-7	1208	1.88%
7043 S. Dover Lane	119-B-4	1139	1.78%
7047 S. Dover Lane	119-B-2	1139	1.78%
7049 S. Dover Lane	119-B-5	1416	2.21%
Phase 3:			
4676 W. Amberley Way	112-D-6	1432	2.23%
4678 W. Amberley Way	112-D-2	1156	1.80%
4682 W. Amberley Way	112-D-7	1208	1.88%
4686 W. Amberley Way	113-D-7	1208	1.88%
4688 W. Amberley Way	113-D-2	1156	1.80%
4692 W. Amberley Way	113-D-6	1432	2.23%
Phase 4:			
7052 S. Dover Lane	101-D-7	1208	1.88%
7053 S. Dover Lane	120-D-7	1208	1.88%
7054 S. Dover Lane	101-D-2	1156	2.19%
7056 S. Dover Lane	101-D-6	1432	2.23%
7057 S. Dover Lane	120-D-2	1156	1.80%

7059 S. Dover Lane	120-D-6	1432	2.23%
7062 S. Dover Lane	102-D-7	1208	1.88%
7064 S. Dover Lane	102-D-2	1156	1.80%
7066 S. Dover Lane	102-D-6	1432	2.23%

Phase 5:

7063 S. Dover Lane	121-B-5	1416	2.21%
7067 S. Dover Lane	121-B-2	1139	1.78%
7071 S. Dover Lane	121-B-4	1139	1.78%
7077 S. Dover Lane	122-D-6	1432	2.23%
7079 S. Dover Lane	122-D-2	1156	1.80%
7081 S. Dover Lane	122-D-7	1208	1.88%
7102 S. Dover Lane	123-B-4	1139	1.78%
7104 S. Dover Lane	123-B-2	1139	1.78%
7108 S. Dover Lane	123-B-5	1416	2.21%

Phase 6:

7072 W. Dover Lane	103-D-7	1208	1.88%
7074 W. Dover Lane	103-D-2	1156	1.80%
7076 W. Dover Lane	103-D-6	1432	2.23%
7082 W. Dover Lane	104-D-7	1208	1.88%
7084 W. Dover Lane	104-D-2	1156	1.80%
7086 W. Dover Lane	104-D-6	1432	2.23%
7092 W. Dover Lane	105-D-6	1432	2.23%
7094 W. Dover Lane	105-D-2	1156	1.80%
7096 W. Dover Lane	105-D-7	1208	1.88%

Total Square

Footage

64,124

100%