

When recorded, mail to:  
Home Center Construction  
2264 Williamsburg Circle  
West Jordan, Utah 84088

10766672  
7/31/2009 11:18:00 AM \$236.00  
Book - 9750 Pg - 9237-9256  
Gary W. Ott  
Recorder, Salt Lake County, UT  
FIRST AMERICAN NCS  
BY: eCASH, DEPUTY - EF 20 P.

## ASSIGNMENT OF DECLARANT'S RIGHTS UNDER THOSE CERTAIN CC&R'S

THIS ASSIGNMENT OF DECLARANT'S RIGHTS UNDER THOSE CERTAIN CC&R'S (this "Assignment"), is made this 30<sup>th</sup> day of July, 2009, by Sterling Savings Bank, a Washington State stock banking corporation ("**Declarant**"), in favor of Home Center Construction at High Point, Phases 1, 4, 5, 3, and 6, L.L.C., a Utah limited liability company ("**Assignee**").

### RECITALS

WHEREAS, on July 1, 2008, the original Declarant recorded that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for South Jordan High Pointe P.U.D., as entry number 10468704 at Book No. 9623, and Page 1395 as an encumbrance to the real property described as Exhibit "A" hereto (the "**Property**"), amending the original Declaration recorded as Entry No. 9719762, Book 9292, Page 4521, as later amended by an amendment recorded as Entry No. 9936982, Book 9393, Page 2029 (the "**Declaration**"), which Declaration also provides for the potential annexation, at the election of the Declarant or the Declarant's successors and assigns, of the land described in Exhibit "B," hereto, pursuant to Section 7.1 of the Declaration.

WHEREAS, by that certain Assignment of Declarant's Rights Under Those Certain CC&R's, dated June 4, 2009, and recorded on June 11, 2009, in Book 9734, Page 3054-3071, as Entry Number 10726206, Sterling Savings Bank, assignor hereunder, was named as Declarant under the Declaration.

WHEREAS, Assignee has purchased from Declarant, all of Declarant's rights title and interest in and to the Property.

WHEREAS, the parties desire to substitute Assignee for Declarant under the Declaration.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration:

1. Declarant hereby unconditionally assigns to Assignee and designates Assignee as its successor to, all of Declarant's rights, privileges and powers as "**Declarant**" under the Declaration, including without limitation, with respect to Declarant's right to amend the Declaration in accordance with Section 15.2 thereof.

2. Declarant represents and warrants to Assignee (i) that Declarant is the "Declarant" under the Declaration, and (ii) that Declarant has not heretofore transferred, conveyed or assigned its rights as Declarant under the Declaration to any other person prior to the date hereof, and the individual executing this Assignment on behalf of Declarant has full authority to and that such is binding on Declarant. Declarant further agrees that it shall execute and deliver such further documents and assurances as Assignee may reasonably request to evidence the effectiveness of the assignment effectuated hereby.

3. This Assignment shall be binding upon Declarant and its successors and assigns and shall inure to the benefit of Assignee and its successors and assigns. Time is of the essence with respect to this Assignment. In the event a dispute shall arise regarding the enforcement of any provision of this Assignment, the prevailing party shall be entitled to reimbursement from the other party for all reasonable cost and expenses (including without limitation, attorneys' fees and court costs).

IN WITNESS WHEREOF, the Declarant has caused this Assignment to be duly executed and acknowledged as of the day and year first written above.

**DECLARANT:**

**STERLING SAVINGS BANK**, a Washington State stock  
banking corporation

By Brenda Vander Does, VP  
Name: Brenda Vander Does  
Its: Vice President

# EXHIBIT A

**EXHIBIT B**

**EXHIBIT A**

**PROPERTY DESCRIPTION PARCEL A (PHASE 1):**

COMMENCING AT A FOUND REBAR AND CAP AT THE WEST QUARTER CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 0°00'01" EAST, ALONG THE WESTERLY LINE OF SAID SECTION, AS MONUMENTED, A DISTANCE OF 986.01 FEET AND NORTH 89°59'59" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION AND ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 4000 WEST STREET; THENCE THE FOLLOWING SIX COURSES ALONG THE SOUTHERLY RIGHT-OF-WAY OF RUSHTON VIEW DRIVE: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, WITH A RADIUS OF 25.00 FEET, THE CENTER OF WHICH BEARS NORTH 89°59'59" EAST, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FEET, SAID ARC SUBTENDED BY A CHORD BEARING NORTH 45°00'28" EAST, A DISTANCE OF 33.36 FEET; THENCE NORTH 89°59'59" EAST, A DISTANCE OF 51.79 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 436.00 FEET, THROUGH A CENTRAL ANGLE OF 41° 11' 00", A DISTANCE OF 313.39 FEET, SAID ARC SUBTENDED BY A CHORD BEARING NORTH 69°24'29" EAST, A DISTANCE OF 306.69 FEET; THENCE NORTH 48°48'59" EAST, A DISTANCE OF 147.52 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, WITH A RADIUS OF 264.00 FEET, THROUGH A CENTRAL ANGLE OF 55°07'16", A DISTANCE OF 253.98 FEET, SAID ARC SUBTENDED BY A CHORD BEARING NORTH 76°22'40" EAST, A DISTANCE OF 244.30 FEET; THENCE SOUTH 76°03'39" EAST, A DISTANCE OF 223.96 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS OF 25.00, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FEET, SAID ARC SUBTENDED BY A CHORD BEARING SOUTH 58°56'21" WEST, A DISTANCE OF 35.36 FEET; THENCE SOUTH 13°56'21" WEST, A DISTANCE OF 181.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 481.00, THROUGH A CENTRAL ANGLE OF 03°22'52", A DISTANCE OF 28.39 FEET, SAID ARC SUBTENDED BY A CHORD BEARING SOUTH 12°14'55" WEST, A DISTANCE OF 28.38 FEET; THENCE SOUTH 76°03'39" EAST, A DISTANCE OF 96.47 FEET; THENCE SOUTH 00°08'39" WEST, A DISTANCE OF 105.68 FEET; THENCE SOUTH 89°59'59" WEST, A DISTANCE OF 139.51 FEET; THENCE NORTH 00°00'01" WEST, A DISTANCE OF 11.03 FEET; THENCE NORTH 89°44'59" WEST, A DISTANCE OF 98.50 FEET; THENCE SOUTH 00°00'01" EAST, A DISTANCE OF 184.71 FEET; THENCE NORTH 89°47'13" WEST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°00'01" EAST, A DISTANCE OF 89.05 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1,019.00 FEET AND A CENTRAL ANGLE OF 00°32'53"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 9.75 FEET, SAID ARC SUBTENDED BY A CHORD BEARING NORTH 89°38'05" WEST, A DISTANCE OF 9.75 FEET; THENCE NORTH 89°47'13" WEST, A DISTANCE OF 45.25 FEET; THENCE SOUTH 00°00'01" EAST, A DISTANCE OF 137.03 FEET; THENCE NORTH 89°47'13" WEST, A DISTANCE OF 167.00 FEET; THENCE NORTH 00°00'01" WEST, A DISTANCE OF 20.09 FEET; THENCE NORTH 89°47'13" WEST, A DISTANCE OF 431.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 4000 WEST STREET SECTION; THENCE NORTH 00°00'01" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 494.16 FEET TO THE POINT OF BEGINNING.

CONTAINS 58 LOTS  
CONTAINS 11.872 ACRES, MORE OR LESS.

-BK 9734 PG 3058-

**PROPERTY DESCRIPTION PARCEL B (OPEN SPACE):**

COMMENCING AT A FOUND REBAR AND CAP AT THE WEST QUARTER CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°46'02" EAST, ALONG THE WEST-EAST CENTER QUARTER SECTION LINE, AS MONUMENTED, 1416.32 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 89°36'02" EAST, ALONG SAID WEST-EAST CENTER QUARTER SECTION LINE, A DISTANCE OF 105.71 FEET; THENCE SOUTH 35°58'41" EAST, A DISTANCE OF 43.47 FEET; THENCE SOUTH 23°40'38" EAST, A DISTANCE OF 67.66 FEET; THENCE SOUTH 20°55'38" EAST, A DISTANCE OF 157.80 FEET; THENCE SOUTH 30°46'03" EAST, A DISTANCE OF 36.85 FEET; THENCE SOUTH 39°52'35" EAST, A DISTANCE OF 89.63 FEET; THENCE SOUTH 45°57'25" EAST, A DISTANCE OF 102.54 FEET; THENCE SOUTH 41°14'29" EAST, A DISTANCE OF 112.45 FEET; THENCE SOUTH 31°29'29" EAST, A DISTANCE OF 74.57 FEET; THENCE SOUTH 18°25'35" EAST, A DISTANCE OF 77.04 FEET; THENCE SOUTH 07°43'40" EAST, A DISTANCE OF 109.08 FEET; THENCE SOUTH 83°46'51" WEST, A DISTANCE OF 80.03 FEET; THENCE NORTH 07°43'40" WEST, A DISTANCE OF 99.48 FEET; THENCE NORTH 18°25'35" WEST, A DISTANCE OF 60.39 FEET; THENCE NORTH 31°29'29" WEST, A DISTANCE OF 58.58 FEET; THENCE NORTH 41°14'29" WEST, A DISTANCE OF 102.33 FEET; THENCE NORTH 45°57'25" WEST, A DISTANCE OF 103.49 FEET; THENCE NORTH 39°52'35" WEST, A DISTANCE OF 100.23 FEET; THENCE NORTH 30°46'03" WEST, A DISTANCE OF 50.11 FEET; THENCE NORTH 20°55'38" WEST, A DISTANCE OF 162.77 FEET; THENCE NORTH 23°40'38" WEST, A DISTANCE OF 57.12 FEET; THENCE NORTH 35°58'41" WEST, A DISTANCE OF 99.11 FEET; THENCE NORTH 43°33'25" WEST, A DISTANCE OF 38.77 FEET TO THE POINT OF BEGINNING. CONTAINS 1.618 ACRES, MORE OR LESS.

**PROPERTY DESCRIPTION PARCEL C (OPEN SPACE):**

COMMENCING AT A 4"X4" CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°00'00" WEST, ALONG THE WEST SECTION LINE, AS MONUMENTED, A DISTANCE OF 1821.95 FEET; THENCE NORTH 89°46'59" EAST A DISTANCE OF 1863.41 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 83°46'51" EAST, A DISTANCE OF 80.74 FEET; THENCE SOUTH 13°45'48" EAST, A DISTANCE OF 18.71 FEET; THENCE SOUTH 76°40'12" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 13°45'48" WEST, A DISTANCE OF 29.64 FEET TO THE POINT OF BEGINNING. CONTAINS 0.044 ACRES, MORE OR LESS.

—BK 9734 PG 3059—

## **EXHIBIT B**



### PHASE 4 BOUNDARY DESCRIPTION

COMMENCING AT A FOUND BRASS CAP REPRESENTING THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°50'52" EAST, ALONG THE WESTERLY LINE OF SAID SECTION, AS MONUMENTED 853.12 FEET; THENCE NORTH 0°09'08" EAST, 660.52 FEET TO THE POINT OF BEGINNING; THENCE NORTH 12°58'02" EAST, 90.00 FEET; THENCE NORTH 77°01'58" WEST, 28.50 FEET; THENCE NORTH 12°58'02" EAST, 408.50 FEET; THENCE SOUTH 77°01'58" EAST, 232.00 FEET; THENCE SOUTH 12°58'02" WEST, 28.50 FEET; THENCE SOUTH 77°01'58" EAST, 303.27 FEET; THENCE NORTH 12°58'02" EAST, 43.64 FEET; THENCE SOUTH 69°46'47" EAST, 115.46 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 146.00 FEET AND A CENTRAL ANGLE OF 3°07'11"; NORTHERLY 7.95 FEET (CHORD BEARS NORTH 18°39'37" EAST, 7.95 FEET); THENCE SOUTH 72°53'58" EAST, 38.00 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 184.00 FEET AND A CENTRAL ANGLE OF 14°09'47"; THENCE EASTERLY ALONG THE ARC 45.48 FEET (CHORD BEARS NORTH 10°01'09" EAST, 45.37 FEET); THENCE SOUTH 87°03'45" EAST, 102.70 FEET; THENCE NORTH 07°06'08" EAST, 16.35 FEET; THENCE NORTH 89°41'42" EAST, 139.15 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 427.50 FEET AND A CENTRAL ANGLE OF 4°16'57"; THENCE EASTERLY ALONG THE ARC 31.95 FEET (CHORD BEARS SOUTH 1°50'10" WEST, 31.94 FEET); THENCE SOUTH 81°10'19" EAST, 139.16 FEET; THENCE SOUTH 26°14'08" WEST, 71.70 FEET; THENCE SOUTH 29°46'00" WEST, 108.85 FEET; THENCE SOUTH 24°26'25" WEST, 108.27 FEET; THENCE SOUTH 17°08'23" WEST, 54.97 FEET; THENCE SOUTH 7°11'09" WEST, 54.95 FEET; THENCE SOUTH 2°19'01" WEST, 105.96 FEET; THENCE SOUTH 3°31'51" WEST, 104.20 FEET; THENCE SOUTH 1°12'43" WEST, 138.72 FEET; THENCE SOUTH 17°32'14" WEST, 44.33 FEET; THENCE SOUTH 39°51'51" WEST, 39.86 FEET; THENCE SOUTH 77°05'19" WEST, 35.16 FEET; THENCE NORTH 55°35'32" WEST, 36.06 FEET; THENCE NORTH 22°14'51" WEST, 99.81 FEET; THENCE NORTH 35°41'16" WEST, 55.07 FEET; THENCE NORTH 50°33'34" WEST, 59.37 FEET; THENCE

~~BK 9754 PG 3864~~

NORTH 60°59'45" WEST, 55.58 FEET; THENCE  
NORTH 75°40'29" WEST, 58.54 FEET; THENCE  
SOUTH 89°11'58" WEST, 57.41 FEET; THENCE  
SOUTH 65°44'34" WEST, 56.00 FEET; THENCE  
SOUTH 58°15'10" WEST, 56.43 FEET; THENCE  
NORTH 61°48'10" WEST, 96.32 FEET; THENCE  
NORTH 10°23'34" EAST, 155.845 FEET; THENCE  
NORTH 77°01'58" WEST, 129.495 FEET; THENCE  
SOUTH 12°58'02" WEST, 34.995 FEET; THENCE  
NORTH 77°01'58" WEST, 313.905 FEET TO THE POINT OF BEGINNING.

CONTAINS 591,017 SQUARE FEET OR 13.568 ACRES.  
CONTAINS 62 LOTS

~~BK 9734 PG 3862~~

**SJHP PHASE 4 OPEN SPACE BOUNDARY DESCRIPTION**  
COMMENCING AT THE SOUTHWEST CORNER OF SECTION  
17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE  
BASE AND MERIDIAN; THENCE SOUTH 89°50'52" EAST  
ALONG SAID SECTION LINE, A DISTANCE OF 1,970.33  
FEET; THENCE NORTH 0°09'08" EAST, A DISTANCE OF  
854.70 FEET TO A POINT ON THE EAST LINE OF  
WELBY JACOB CANAL AND THE POINT OF BEGINNING;  
THENCE ALONG SAID EAST LINE THE FOLLOWING 2  
COURSES:

1. NORTH 29°46'00" EAST, 77.90 FEET;
2. NORTH 26°14'08" EAST, 149.30 FEET; THENCE  
SOUTH 71°49'39" EAST, A DISTANCE OF 293.77 FEET  
TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT  
ALONG THE EAST LINE OF SAND DUNES, LLC; THENCE  
ALONG SAID EAST LINE OF WHICH THE RADIUS POINT  
LIES NORTH 71°49'39" WEST, A RADIAL DISTANCE OF  
2,795.74 FEET; THENCE SOUTHERLY ALONG THE ARC,  
THROUGH A CENTRAL ANGLE OF 5°11'41", A DISTANCE  
OF 253.48 FEET (CHORD BEARS SOUTH 20°46'12"  
WEST A DISTANCE OF 253.39 FEET); THENCE LEAVING  
SAID RIGHT OF WAY AND RUNNING  
NORTH 66°37'57" WEST, A DISTANCE OF 320.20 FEET  
TO THE POINT OF BEGINNING.

CONTAINS 73,576 SQUARE FEET OR 1.689 ACRES,  
MORE OR LESS.

~~BK 9754 PG 3083~~

**SJHP PHASE 5 BOUNDARY DESCRIPTION**

COMMENCING AT A FOUND BRASS CAP REPRESENTING THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 0°07'15" EAST, ALONG THE WESTERLY LINE OF SAID SECTION, AS MONUMENTED 697.75 FEET; THENCE NORTH 89°52'45" EAST, 42.50 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°07'15" WEST, 102.50 FEET; THENCE SOUTH 89°50'48" WEST, 2.50 FEET; THENCE NORTH 0°07'15" WEST, 372.11 FEET; THENCE SOUTH 89°54'27" EAST, 458.00 FEET; THENCE SOUTH 00°07'15" EAST, 20.09 FEET; THENCE SOUTH 89°54'27" EAST, 167.00 FEET; THENCE SOUTH 89°45'18" EAST, 110.55 FEET; THENCE SOUTH 85°23'16" EAST, 57.30 FEET; THENCE SOUTH 77°01'58" EAST, 105.00 FEET; THENCE SOUTH 12°58'02" WEST, 380.00 FEET; THENCE SOUTH 77°01'58" EAST, 28.50 FEET; THENCE SOUTH 12°58'02" WEST, 90.00 FEET; THENCE NORTH 77°01'58" WEST, 68.50 FEET; THENCE SOUTH 88°42'33" WEST, 348.18 FEET FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 181.00 FEET AND A CENTRAL ANGLE OF 18°52'08"; THENCE WESTERLY ALONG THE ARC 59.61 FEET (CHORD BEARS NORTH 24°06'22" WEST, 59.34 FEET); THENCE SOUTH 75°19'42" WEST, 143.71 FEET; THENCE NORTH 11°08'31" WEST, 16.51 FEET; THENCE SOUTH 89°52'45" WEST, 98.55 FEET; THENCE SOUTH 0°07'15" EAST, 1.47 FEET; THENCE SOUTH 89°52'45" WEST, 134.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 405,308 SQUARE FEET OR 9.304 ACRES.  
CONTAINS 52 LOTS

TOTAL AREA 474,422 SQUARE FBET OR 10.891  
ACRES.  
MORE OR LESS (TO INCLUDE OPEN SPACE)

~~BK 9734 PG 3064~~

**PHASE 5 OPEN SPACE BOUNDARY DESCRIPTION**  
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°50'52" EAST ALONG SAID SECTION LINE, A DISTANCE OF 1,896.22 FEET; THENCE NORTH 00°09'08" EAST, A DISTANCE OF 664.74 FEET TO A POINT ON THE EAST LINE OF WELBY JACOB CANAL AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE THE FOLLOWING 4 COURSES:  
1. NORTH 7°11'09" EAST, 24.78 FEET; THENCE  
2. NORTH 17°08'23" EAST, 47.50 FEET; THENCE  
3. NORTH 24°26'25" EAST, 102.81 FEET; THENCE  
4. NORTH 29°46'00" EAST, 30.17 FEET; THENCE SOUTH 66°37'57" EAST, A DISTANCE OF 320.20 FEET; TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT ALONG THE EAST LINE OF SAND DUNES, LLC; THENCE ALONG SAID EAST LINE OF WHICH THE RADIUS POINT LIES NORTH 66°37'57" WEST, A RADIAL DISTANCE OF 2,795.74 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 4°41'36", A DISTANCE OF 229.01 FEET (CHORD BEARS SOUTH 25°42'51" WEST A DISTANCE OF 228.95 FEET); THENCE LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 61°56'21" WEST, A DISTANCE OF 305.08 FEET TO THE POINT OF BEGINNING.  
  
CONTAINING 69,114 SQUARE FEET OR 1.587 ACRES, MORE OR LESS.

~~BK 9734 PG 3065~~

EXHIBIT "A"

Esrow No. 391-4660976 (Ja)  
A.P.N.: 27-17-300-007-0000

PARCEL 1:

PROPOSED PHASE 3 BOUNDARY DESCRIPTION:

COMMENCING AT A FOUND BRASS CAP REPRESENTING THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°50'52" EAST, ALONG THE SOUTHERLY LINE OF SAID SECTION, AS MONUMENTED 659.51 FEET; THENCE NORTH 00°09'08" EAST, 1153.06 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°07'15" WEST, 137.03 FEET; THENCE SOUTH 89°54'27" EAST, 45.25 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1,019.00 FEET AND A CENTRAL ANGLE OF 00°32'53"; THENCE EASTERLY ALONG THE ARC 9.75 FEET (CHORD BEARS SOUTH 89°38'01" EAST, 9.75 FEET); THENCE NORTH 00°07'15" WEST, 89.05 FEET; THENCE SOUTH 89°54'27" EAST, 25.00 FEET; THENCE NORTH 00°07'15" WEST, 184.71 FEET; THENCE SOUTH 89°52'14" EAST, 98.50 FEET; THENCE SOUTH 00°07'15" EAST, 11.03 FEET; THENCE NORTH 89°52'45" EAST, 139.51 FEET; THENCE NORTH 00°01'25" EAST, 105.68 FEET; THENCE NORTH 76°10'53" WEST, 96.47 FEET TO A POINT ON A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 79°33'45" EAST, A RADIAL DISTANCE OF 481.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 03°22'52", 28.39 FEET (CHORD BEARS NORTH 12°07'41" EAST 28.38 FEET); THENCE NORTH 13°49'07" EAST, 181.63 FEET TO A POINT ON A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 76°10'08" EAST, A RADIAL DISTANCE OF 25.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 89°59'15", 39.27 FEET (CHORD BEARS NORTH 58°49'30" EAST 35.35 FEET); THENCE SOUTH 76°10'54" EAST, 57.98 FEET TO A POINT ON A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 13°49'36" EAST, A RADIAL DISTANCE OF 636.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 23°29'06", 260.69 FEET (CHORD BEARS SOUTH 87°54'57" EAST 258.87 FEET TO A POINT OF REVERSE CURVATURE OF WHICH THE RADIUS POINT LIES SOUTH 9°39'31" EAST, A RADIAL DISTANCE OF 264.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 25°34'38", 117.85 FEET (CHORD BEARS SOUTH 86°52'12" EAST 116.88 FEET); TO THE NORTHWEST CORNER OF THE SOUTH JORDAN HIGH POINTE PHASE 2, THENCE ALONG THE WESTERLY PROPERTY LINE OF SAID PHASE 2 SOUTH 06°20'23" EAST, 531.48 FEET; TO THE SOUTHWEST CORNER OF SAID PHASE 2, THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID PHASE 2 NORTH 83°39'37" EAST, 375.00 TO THE SOUTH EAST CORNER OF SAID PHASE 2; THENCE NORTHERLY ALONG THE EAST BOUNDARY LINE OF THE SOUTH JORDAN HIGH POINTE PHASE 2 SUBDIVISION NORTH 6°20'23" WEST, 409.50; THENCE TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°00'00"; THENCE EASTERLY ALONG THE ARC 39.27 FEET (CHORD BEARS NORTH 38°39'36" EAST, 35.36 FEET); THENCE NORTH 83°39'37" EAST, 4.05 FEET TO A POINT ON THE WEST LINE OF WELBY JACOB CANAL RIGHT OF WAY; THENCE ALONG SAID CANAL THE FOLLOWING 8 COURSES:

1. SOUTH 14°07'12" EAST, 87.73 FEET; THENCE
2. SOUTH 20°20'53" EAST, 109.39 FEET; THENCE
3. SOUTH 20°58'06" EAST, 162.40 FEET; THENCE
4. SOUTH 22°52'12" EAST, 163.48 FEET; THENCE
5. SOUTH 20°27'24" EAST, 160.53 FEET; THENCE
6. SOUTH 04°30'51" EAST, 47.63 FEET; THENCE
7. SOUTH 13°24'39" WEST, 48.07 FEET; THENCE

First American Title Insurance Agency, LLC

01/23/2007

Escrow No.: 301-4660976 (JA)

8. SOUTH 26°14'08" WEST, 90.87 FEET; THENCE LEAVING SAID CANAL AND RUNNING NORTH 81°10'19" WEST, 139.16 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 84°49'55" WEST, A RADIAL DISTANCE OF 427.50 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°16'57", 31.95 FEET (CHORD BEARS NORTH 01°50'10" EAST 31.94 FEET); THENCE SOUTH 89°41'42" WEST, 139.15 FEET; THENCE SOUTH 07°06'08" WEST, 16.35 FEET; THENCE NORTH 87°03'45" WEST, 102.70 FEET TO A POINT ON A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 87°03'45" WEST, A RADIAL DISTANCE OF 184.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14°09'47", 45.48 FEET (CHORD BEARS SOUTH 10°01'07" WEST 45.36 FEET); THENCE NORTH 72°53'58" WEST, 38.00 FEET TO A POINT ON A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 72°54'03" WEST, A RADIAL DISTANCE OF 146.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 03°07'11", 7.95 FEET (CHORD BEARS SOUTH 18°39'33" WEST 7.95 FEET); THENCE NORTH 69°46'47" WEST, 115.46 FEET; THENCE SOUTH 12°58'02" WEST, 43.64 FEET; THENCE NORTH 77°01'58" WEST, 303.27 FEET; THENCE NORTH 12°58'02" EAST, 28.50 FEET; THENCE NORTH 77°01'58" WEST, 232.00 FEET; THENCE SOUTH 12°58'02" WEST, 28.50 FEET; THENCE NORTH 77°01'58" WEST, 105.00 FEET; THENCE NORTH 85°23'16" WEST, 57.30 FEET; THENCE NORTH 89°45'18" WEST, 110.55 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

PHASE 3 OPEN SPACE BOUNDARY DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°50'52" EAST ALONG SAID SECTION LINE, A DISTANCE OF 2,074.48 FEET; THENCE NORTH 00°09'08" EAST, A DISTANCE OF 1,056.52 FEET TO A POINT ON THE EAST LINE OF WELBY JACOB CANAL AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE THE FOLLOWING 8 COURSES:

1. NORTH 26°14'08" EAST, A DISTANCE OF 20.36 FEET; THENCE
  2. NORTH 13°24'39" EAST, A DISTANCE OF 61.44 FEET; THENCE
  3. NORTH 04°30'51" WEST, A DISTANCE OF 62.37 FEET; THENCE
  4. NORTH 20°27'24" WEST, A DISTANCE OF 168.51 FEET; THENCE
  5. NORTH 22°52'12" WEST, A DISTANCE OF 163.70 FEET; THENCE
  6. NORTH 20°58'06" WEST, A DISTANCE OF 161.31 FEET; THENCE
  7. NORTH 20°20'53" WEST, A DISTANCE OF 106.43 FEET; THENCE
  8. NORTH 14°07'12" WEST, A DISTANCE OF 48.61 FEET; THENCE
- NORTH 75°52'58" EAST, A DISTANCE OF 80.00 FEET TO THE WEST LINE OF SAND DUNES, LLC; THENCE ALONG SAID WEST LINE THE FOLLOWING 6 COURSES:

1. SOUTH 14°07'12" EAST, A DISTANCE OF 44.25 FEET; THENCE
  2. SOUTH 20°20'53" EAST, A DISTANCE OF 101.64 FEET; THENCE
  3. SOUTH 20°58'06" EAST, A DISTANCE OF 159.55 FEET; THENCE
  4. SOUTH 22°52'12" EAST, A DISTANCE OF 164.05 FEET; THENCE
  5. SOUTH 20°27'24" EAST, A DISTANCE OF 181.39 FEET; THENCE
  6. SOUTH 04°30'51" EAST, A DISTANCE OF 45.83 FEET; THENCE
- SOUTH 89°59'56" EAST, A DISTANCE OF 236.70 FEET TO THE POINT ON A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 76°10'11" WEST, A RADIAL DISTANCE OF 2,795.74 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°20'32", A DISTANCE OF 211.88 FEET (CHORD BEARS SOUTH 16°00'05" WEST A DISTANCE OF 211.83 FEET); THENCE LEAVING SAID R.O.W. AND RUNNING NORTH 71°49'39" WEST, A DISTANCE OF 293.77 FEET TO THE POINT OF BEGINNING.

~~BK 9734 PG 3067~~

**PHASE 6 BOUNDARY DESCRIPTION**

COMMENCING AT A FOUND BRASS CAP REPRESENTING THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°50'52" EAST, ALONG THE SOUTHERLY LINE OF SAID SECTION, AS MONUMENTED 805.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°09'12" EAST, 142.53 FEET; THENCE SOUTH 89°50'48" EAST, 3.43 FEET; THENCE NORTH 0°09'12" EAST, 98.50 FEET; THENCE SOUTH 89°50'48" EAST, 39.76 FEET; THENCE NORTH 0°09'12" EAST, 157.05 FEET; THENCE NORTH 65°43'26" WEST, 112.02 FEET; THENCE SOUTH 78°49'49" WEST, 39.52 FEET; THENCE NORTH 8°19'11" WEST, 147.80 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 219.00 FEET AND A CENTRAL ANGLE OF 15°39'54"; THENCE WESTERLY ALONG THE ARC 59.88 FEET (CHORD BEARS SOUTH 73°50'52" WEST, 59.69 FEET); THENCE NORTH 32°57'05" WEST, 124.73 FEET; THENCE NORTH 88°42'33" EAST, 226.23 FEET; THENCE SOUTH 77°01'58" EAST, 382.41 FEET; THENCE NORTH 12°58'02" EAST, 35.00 FEET; THENCE SOUTH 77°01'58" EAST, 129.495 FEET; THENCE SOUTH 10°23'34" WEST, 155.845 FEET; THENCE SOUTH 61°48'10" EAST, 96.32 FEET TO THE WELBY JACOB CANAL RIGHT OF WAY THENCE ALONG SAID CANAL RIGHT OF WAY THE FOLLOWING 6 COURSES:

1. SOUTH 58°15'10" WEST, 201.17 FEET; THENCE
2. SOUTH 33°0'45" WEST, 54.95 FEET; THENCE
3. SOUTH 11°45'11" WEST, 154.87 FEET; THENCE
4. SOUTH 21°00'22" WEST, 48.49 FEET; THENCE
5. SOUTH 33°10'27" WEST, 46.96 FEET; THENCE
6. SOUTH 43°58'28" WEST, 12.20 FEET TO THE SOUTH LINE OF SAID SECTION 17, THENCE ALONG SAID SOUTH SECTION LINE WESTERLY NORTH 89°50'52" WEST, 262.35 FEET TO THE POINT OF BEGINNING.

CONTAINS 281,237 SQUARE FEET OR 6.456 ACRES.

~~BK 9734 PG 3068~~



**PHASE 6 OPEN SPACE BOUNDARY DESCRIPTION**

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°50'52" EAST ALONG SAID SECTION LINE, A DISTANCE OF 1886.38 FEET; THENCE NORTH 00°09'08" EAST, A DISTANCE OF 486.22 FEET TO A POINT ON THE EAST LINE OF WELBY JACOB CANAL RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE THE FOLLOWING 3 COURSES:

1. NORTH 3°31'51" EAST, 50.73 FEET; THENCE
2. NORTH 2°19'01" EAST, 104.38 FEET; THENCE
3. NORTH 7°11'09" EAST, 23.75 FEET; THENCE

SOUTH 61°56'22" EAST, 305.08 FEET TO A POINT ON THE BANGERTER HIGHWAY RIGHT OF WAY SAID POINT ALSO LIES ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2795.74 FEET AND A CENTRAL ANGLE OF 3°37'16"; THENCE SOUTHERLY ALONG THE ARC 176.70 FEET (CHORD BEARS SOUTH 29°52'17" WEST, 176.67 FEET); THENCE NORTH 58°19'05" WEST, 225.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 44,892 SQUARE FEET OR 1.030 ACRES, MORE OR LESS.

~~BK 9734 PG 3069~~

**PHASE 6A**  
**BOUNDARY DESCRIPTION**

COMMENCING AT A FOUND BRASS CAP REPRESENTING THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°50'52" EAST, ALONG THE SOUTHERLY LINE OF SAID SECTION, AS MONUMENTED 685.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°09'12" EAST, 89.53 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 42°49'58"; THENCE WESTERLY ALONG THE ARC 11.21 FEET (CHORD BEARS NORTH 21°15'47" WEST, 10.95 FEET); THENCE NORTH 00°09'06" EAST, 43.67 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 70°57'37"; THENCE NORTHERLY ALONG THE ARC 18.58 FEET (CHORD BEARS NORTH 35°08'06" EAST, 17.41 FEET) TO A POINT OF COMPOUND CURVATURE TO THE LEFT HAVING A RADIUS OF 481.00 FEET AND A CENTRAL ANGLE OF 43°52'39"; THENCE WESTERLY ALONG THE ARC, 368.35 FEET (CHORD BEARS NORTH 22° 17'02" WEST, 359.42 FEET); THENCE NORTH 44°13'22" WEST, 29.52 FEET; THENCE NORTH 45°46'38" EAST, 38.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 84°25'52"; THENCE EASTERLY ALONG THE ARC 22.10 FEET (CHORD BEARS SOUTH 86°26'17" EAST, 20.16 FEET) TO A POINT OF REVERSE CURVATURE TO THE RIGHT HAVING A RADIUS OF 219.00 FEET AND A CENTRAL ANGLE OF 30°20'02" THENCE EASTERLY ALONG THE ARC 115.94 FEET (CHORD BEARS NORTH 66°30'48" EAST, 114.60 FEET); THENCE SOUTH 8°19'11" EAST, 147.80 FEET; THENCE NORTH 78°49'49" EAST, 39.52 FEET; THENCE SOUTH 65°43'26" EAST, 112.02 FEET; THENCE SOUTH 0°09'12" WEST, 157.05 FEET; THENCE NORTH 89°50'48" WEST, 39.76 FEET; THENCE SOUTH 0°09'12" WEST, 98.50 FEET; THENCE NORTH 89°50'48" WEST, 3.43 FEET; THENCE SOUTH 0°09'12" WEST, 142.53 FEET; THENCE NORTH 89°50'52" WEST, 120.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 83,331 SQUARE FEET OR 1.913 ACRES.

—BK 9734 PG 3070—

**PHASE 6A**  
**OPEN SPACE**  
**BOUNDARY DESCRIPTION**

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°50'52" EAST ALONG SAID SECTION LINE, A DISTANCE OF 1882.80 FEET; THENCE NORTH 00°09'08" EAST, A DISTANCE OF 408.86 FEET TO A POINT ON THE EAST LINE OF WELBY JACOB CANAL RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE THE FOLLOWING 2 COURSES:

1. NORTH 1°12'43" EAST, 24.47 FEET; THENCE
2. NORTH 3°31'51" EAST, 52.99 FEET; THENCE SOUTH 58°19'05" EAST, 225.09 FEET TO A POINT ON THE BANGERTER HIGHWAY RIGHT OF WAY SAID POINT ALSO LIES ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2795.74 FEET AND A CENTRAL ANGLE OF 1°29'22"; THENCE SOUTHERLY ALONG THE ARC 72.68 FEET (CHORD BEARS SOUTH 32°25'36" WEST, 72.67 FEET); THENCE NORTH 56°49'43" WEST, 186.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,457 SQUARE FEET OR 0.331 ACRES, MORE OR LESS.

~~BK 9734 PG 3074~~

STATE OF WASHINGTON )  
 : ss.  
COUNTY OF SPOKANE )

On the 29<sup>th</sup> day of July, 2009, personally appeared before me Brenda VanderDoes, who, being by me duly sworn, did say that s/he is Vice President of Sterling Savings Bank, a Washington State stock banking corporation, that said instrument was signed in behalf of said Sterling Savings Bank by authority of a resolution of its Board of Directors, and said Brenda VanderDoes acknowledged to me that said Sterling Savings Bank executed the same.

Jennifer Cunningham  
Notary Public  
Residing at Spokane

My Commission Expires:

June 20, 2012

