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Robert A. McConnell  
Parr Brown Gee & Loveless  
185 South State Street, Suite 800  
Salt Lake City, Utah 84111

Ent 116140 Bk 276 Pg 1329  
Date: 02-APR-2009 9:02AM  
Fee: \$210.00 Check  
Filed By: CB  
BRENDA NELSON, Recorder  
MORGAN COUNTY  
For: MOUNTAIN VIEW TITLE & ESCROW IN  
C

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Space above for Recorder's use.

### CORRECTION/CLARIFYING AFFIDAVIT

Rulon C. Gardner, being first duly sworn, deposes and states that:

1. I am of adult age and in all respects competent to make this affidavit, and I have personal knowledge of the matters stated herein.
2. I am a Manager of Gardner Cottonwood Creek, L.C., a Utah limited liability company ("GCC").
3. GCC is the Declarant under that certain Declaration of Protective Covenants, Conditions and Restrictions for Cottonwood Meadows (The Cottonwoods at Mountain Green), dated August 9, 2006 and recorded in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104099 in Book 234 at Page 365 (the "Cottonwood Meadows Original Declaration"), and that certain Addendum 1 to the Original Declaration, dated July 19, 2007 and recorded in the office of the Morgan County Recorder on August 8, 2007 as Entry No. 108787 in Book 251 at Page 810 ("Cottonwood Meadows Addendum 1"), which Cottonwood Meadows Addendum 1 was recorded for the purpose of adding Phase III to the Project identified in the Cottonwood Meadows Original Declaration.
4. GCC is also the Declarant under that certain Declaration of Protective Covenants, Conditions and Restrictions for Cottonwood Hills (The Cottonwoods at Mountain Green), dated August 9, 2006 and recorded in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104100 in Book 234 at Page 380 (the "Cottonwood Hills Original Declaration")
5. Gardner Cottonwood Creek, L.C. also executed, as the Owner of record and for purposes of the Owner's Dedication, that certain plat of subdivision titled Cottonwood Hills, a P.U.D. Subdivision, recorded in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104098 in Book 234 at Page 359 (the "Phase II Plat"); and that certain plat of subdivision titled Cottonwood Meadows, a P.U.D. Subdivision, recorded in the office of the Morgan County Recorder on August 8, 2007 as Entry No. 10876 in Book 251 at Page 806 (the "Phase III Plat").

6. There are clerical errors in Sections 1.1 and 1.2 and Exhibits A and B of both the Cottonwood Meadows Original Declaration and the Cottonwood Hills Original Declaration, which errors suggest that all of the property in the Phase II Plat is within both the Project identified in the Cottonwood Meadow Original Declaration and the Project identified in the Cottonwood Hills Original Declaration.

7. There are also clerical errors in Section 3 of Cottonwood Meadows Addendum 1, which errors suggest that: (a) Parcel A was not intended to be designated as an "Open Space Parcel" and/or "Common Area"; and (b) Lots L and F were intended to be "Open Space Parcels" and/or "Common Areas." The foregoing suggestion contravenes the intent of GCC, as demonstrated by the fact that: (w) "Parcel A" was identified as a "Parcel" on the Phase III Plat; (x) Note 14 of the Phase III Plat indicates that Parcel A was to be conveyed to the Master Association; (y) Lots L and F were identified as "Lots" on the Phase III Plat; and (z) Note 15 of the Phase III Plat indicates that "Lots F and L are owned by Gardner Cottonwood Creek, L.C. Lot F shall be set aside to Morgan County School District for a school building. Lot L shall be set aside for a church building."

8. Sections 1.1 and 1.2 of the Cottonwood Hills Original Declaration should have originally stated, and are hereby corrected to state that:

1.1 **"Project"** means Cottonwood Hills Neighborhood, within the Cottonwood Hills Subdivision Plat, a Project within The Cottonwoods, consisting of all of the Project Property.

1.2 **"Project Property"** means that portion of the property included within the Plat and identified on Exhibit A attached hereto and by this reference incorporated herein. Additional Property may be annexed to the Project Property in the manner contemplated in the Master Declaration, and any such Additional Property so annexed shall be deemed included within the Project Property from and after the recordation of a plat or supplemental declaration annexing the Additional Property in question.

9. The description of the Project Property identified on Exhibit A to the Cottonwood Hills Original Declaration should have originally stated, and is hereby corrected to state:

All of Lots 21, 22, 47 through 149 and Parcels A, B, D, E, F, J and K identified on that certain plat of subdivision entitled "The Cottonwood Hills, a P.U.D. Subdivision in Mountain Green, Morgan County, Utah" filed in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104098.

10. Sections 1.1 and 1.2 of the Cottonwood Meadows Original Declaration should have originally stated, and are hereby corrected to state that:

1.1 **“Project”** means Cottonwood Meadows Neighborhood, within the Cottonwood Hills Subdivision Plat, a Project within The Cottonwoods, consisting of all of the Project Property.

1.2 **“Project Property”** means that portion of the property included within the Plat and identified on Exhibit A attached hereto and by this reference incorporated herein. Additional Property may be annexed to the Project Property in the manner contemplated in the Master Declaration, and any such Additional Property so annexed shall be deemed included within the Project Property from and after the recordation of a plat or supplemental declaration annexing the Additional Property in question.

11. The description of the Project Property identified on Exhibit A to the Cottonwood Meadows Original Declaration should have originally stated, and is hereby corrected to state:

All of Lots 23 through 46 identified on that certain plat of subdivision entitled “The Cottonwood Hills, a P.U.D. Subdivision in Mountain Green, Morgan County, Utah” filed in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104098.

12. Exhibit B to the Cottonwood Hills Original Declaration and Exhibit B to the Cottonwood Meadows Original Declaration is a copy of the legal description from the Phase II Plat and should not have been attached to the said Declarations and both such Exhibits are hereby deleted in their entirety.

13. Section 3.3.1 of Cottonwood Meadows Addendum 1 should have originally stated, and is hereby corrected to state that:

3.3.1 Common Areas. Parcels A, B, C, D, E, G, H, I, J and M identified on the Plat, Cottonwood Meadows, a P.U.D. Subdivision in Mountain Green, Morgan County, Utah shall be Common Areas as defined in Section 1.6 of the Master Declaration.

14. EXHIBIT A.1 to the Cottonwood Meadows Addendum 1 should have originally stated, and is hereby corrected to state that:

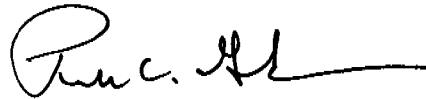
The legal description of the Project Property set forth in that certain Declaration of Protective Covenants, Conditions and Restrictions for Cottonwood Meadows (The Cottonwoods at Mountain Green), dated August 9, 2006 and recorded in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104099 in Book 234 at Page 365 is hereby amended to include:

All of Lots 3001 through 3057, 3078<sup>A</sup> through 3098, and F and L, together with Parcels A, B, C, D, E, G, H, I, J and M, identified on that certain plat of subdivision entitled “Cottonwood Meadows, a P.U.D. Subdivision” filed in the office of the Morgan County Recorder on August 8, 2007 as Entry No. 108786.

15. As noted on the Phase II Plat: (a) Parcel C was conveyed by separate instrument to the Wilkinson Cottonwood Mutual Water Company, and was not intended to be included in the Cottonwood Hills Project Property; (b) Parcels G, H and N were conveyed by separate instrument to Gardner Cottonwood Farm, L.C., and were not intended to be included in the Cottonwood Hills Project Property; (c) Parcels L and M were conveyed by separate instrument to Silver Mountain Cove Owners Association, Inc., and were not intended to be included in the Cottonwood Hills Project Property; and (d) Parcels O and P were retained by and/or conveyed by separate instrument to GCC, and were not intended to be included in the Cottonwood Hills Project Property.

16. As noted on the Phase III Plat: (a) Parcel N was conveyed by separate instrument to Gardner Cottonwood Farm, L.C., and was not intended to be included in the Cottonwood Meadows Project Property; and (b) Parcel K was to be the subject of a separate plat and was not intended to be included in the Cottonwood Meadows Project Property (Parcel K was subsequently made subject to that certain Declaration of Condominium for Meadow Ridge Condominiums).

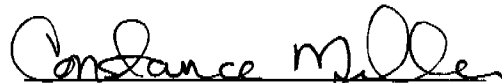
Signed this 30 day of March, 2009.



Rulon C. Gardner, Manager,  
Gardner Cottonwood Creek, L.C.

STATE OF UTAH            )  
                                  ): SS  
COUNTY OF SALT LAKE )

On the 30 day of March, 2009 personally appeared before me Rulon C. Gardner, the signer of this Correction Affidavit, who acknowledged to me that he executed the same.



Notary Public

SERIAL PARCEL NO'S

03- COHILL - 0021  
 " " 0022  
 03- COHILL 0047 TO 0149  
 03- COHILL - 0023 TO 0046

00- 0073 - 6431  
 " " 6432  
 " " 6457 TO 6559  
 " " 6433 TO 6456  
 00- 0075- 1241 TO 1297

03- COM - 3078-A  
 " " 3079-A  
 " " 3080-A  
 " " 3083-A  
 " " 3084-A  
 " " 3085-A

00- 0077- 4448  
 00 - 0077- 4449  
 00 - 0077- 4450  
 " " 4451  
 " " 4452  
 " " 4453

03- COM - CA-NA1  
 " " F-A-NA  
 " " OS-A  
 " " OS-L  
 " " OS-N

00- 0075 - 1363  
 " 0077- 4454  
 " 0074- 8963  
 " " 8701  
 " " 9125