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Gary W. Ott  
Recorder, Salt Lake County, UT  
FIRST AMERICAN TITLE  
BY: eCASH, DEPUTY - EF 5 P.

**FIRST SUPPLEMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF**

**THE COTTAGES AT THE ROSE GARDENS**

(PHASE III)

THIS FIRST SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE COTTAGE AT THE ROSE GARDENS (PHASE 2), is made and executed this 27<sup>th</sup> day of JUNE, 2014, by **ROSEBUD RANCH, LC SERIES II**, a Utah limited liability company (hereinafter referred to as "**Declarant**").

RECITALS:

A. Declarant is the Declarant as identified and set forth in that certain Declaration of Covenants, Conditions and Restrictions of the Cottages at the Rose Gardens Phase 2, dated January 22, 2010, and recorded in the office of the Salt Lake County Recorder on January 25, 2010 as Entry No. 10884264 in Book 9798 beginning at page 9316 (the "Declaration").

B. Under the terms of the Declaration, Declarant reserved the right to annex certain additional real properties ("Additional Land") to the provisions of the Declaration and now desires to do the same in order to further the intent of the Declarant as expressed in the Declaration.

C. The Association as identified in the Declaration, has been merged into The Cottages at the Rose Gardens Homeowners Association, Inc. (herein the "Association"), by virtue of an Agreement of Merger dated April 12, 2011 and Articles of Merger dated May 13, 2011, and filed with the Utah Department of Commerce, Division of Corporations and Commercial Code on May 24, 2011.

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

1. Submission of Phase III. Declarant hereby submits the following described real properties, and its interests therein, to the terms, conditions, restrictions, covenants and easements to the terms of the Declaration, as amended:

**SEE SCHEDULE "A" ATTACHED HERETO**

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described real property (the real property).

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across and through and under the above-described tract and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant or any assignee of Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (i) to construct a Living Unit on each and every Lot; and (ii) to improve the Common Areas with such facilities, including, but not limited to, roads, recreational facilities, walkways and various landscaped areas, designed for the use and enjoyment of all the Members as Declarant may reasonably determine to be appropriate; and (iii) for the benefit of the Additional Land, however developed or utilized, over the real

property described on Exhibit "B" attached to the Declaration. If, pursuant to the foregoing reservation, the above-described tract or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservation hereby effected shall, unless sooner terminated in accordance with its terms, expire ten (10) years after the date on which the Declaration was filed for record in the office of the County Recorder of Salt Lake County, Utah.

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; all mineral reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described tract or any portion thereof, including without limitation, any mortgage or deed of trust; all visible easements and rights-of-way; and all easements and rights-of-way of record.

2. Supplemental Plat. 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 a supplemental Plat pertaining to the same, which supplemental Plat shall be recorded with this Supplement.

3. Representations of Declarant. Declarant represents as follows:

- a. The annexed real property as identified above, is adjacent to the real property described in the Declaration.
- b. The annexation of the real property has been approved by Sandy City.
- c. Upon annexation of the real property described in paragraph 1, the Owners of the Lots within the annexed property shall become members of the Association with all right, privileges and obligations as all other members as specified in the Declaration.

4. Effective Date. This Supplemental Declaration, and the Supplement Plat relative to this addition, shall take effect upon their being filed for record in the office of the County Recorder of Salt Lake County, Utah.

EXECUTED the day and year first above written.

Declarant:

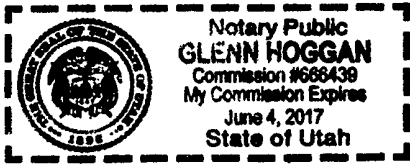
ROSEBUD RANCH, LC SERIES II, a Utah Limited Liability Company

By:

  
\_\_\_\_\_  
Ryan Button, Manager

STATE OF UTAH )  
 : ss  
COUNTY OF SALT LAKE )

On the 21 day of June, 2016, personally appeared before me Ryan Button, who being by me duly sworn did say that he is a Manager of ROSEBUD RANCH, LC SERIES II, and that the within and foregoing instrument was signed in behalf of said limited liability company by authority of a resolution of its Members and the said Ryan Button duly acknowledged to me that said limited liability company executed the same.



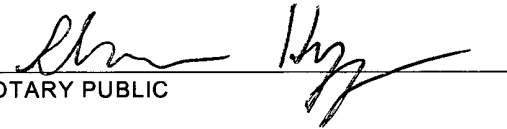
  
NOTARY PUBLIC

EXHIBIT "A"  
LEGAL DESCRIPTION

[to be inserted]

# EXHIBIT "A"

## LEGAL DESCRIPTION

All of Lots 301 through 321, The Cottages at the Rose Garden Phase 3 Subdivision as found and on file with the office of the Salt Lake County Recorder, Book 2013P, Page 229.

Tax Id NO:

28-06-427-041-0000

28-06-427-045-0000

28-06-427-027-0000