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Book - 10597 Pg - 7079-7083  
ADAM GARDINER  
RECORDER, SALT LAKE COUNTY, UTAH  
ITH LLC  
1099 W SOUTH JORDAN PKWY  
SOUTH JORDAN UT 84095  
BY: DCP, DEPUTY - WI 5 P.

When Recorded Return to:  
ITH, LLC  
c/o Bryan Flamm  
1099 W. South Jordan Pkwy  
South Jordan, UT 84095

**SUPPLEMENTAL DECLARATION  
FOR  
INDEPENDENCE AT THE POINT  
An Expandable Planned Unit Development**

This SUPPLEMENTAL DECLARATION FOR INDEPENDENCE AT THE POINT ("**Supplemental Declaration**") is executed and adopted by 4 Independence, LLC, a Utah limited liability company ("**Declarant**").

**RECITALS**

- A. This Supplemental Declaration shall modify and supplement the Declaration of Covenants, Conditions, Easements and Restrictions for Independence at the Point, recorded with the Salt Lake County Recorder's Office on February 22, 2016 as Entry No. 11493945 in Book 10067, and beginning at Page 3032 ("**Declaration**").
- B. 4 Independence, LLC is the Declarant as identified and set forth in the Declaration.
- C. ITH, LLC is the owner of the real property subject to this Supplemental Declaration as identified on Exhibit A attached hereto.
- D. Under the terms of the Declaration, Declarant reserved the right to expand the Property by the addition of all or a portion of the Additional Land described in the Declaration.
- E. Declarant desires to add a portion of the Additional Land as hereinafter provided for.

**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 the Additional Land (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. Cobalt Village Plat "B". 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 Cobalt Village Plat "B" Subdivision Map, which Plat Map shall be recorded with the Salt Lake County Recorder.

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. Neighborhood. The Cobalt Village Townhome Project shall be a "Neighborhood" as that term is used in the Declaration and is subject to the rights and limitations set forth therein.

5. Land Use Classification. The Lots within the Cobalt Village Townhome Project shall be limited to single family residential use consisting of attached dwelling units.

6. Membership. The Owner of each Lot or Parcel within the Subject Property shall be a member of the Independence at the Point Master Owners Association, Inc. and shall be entitled to all benefits of such membership and shall be subject to the Declaration.

7. Allocation of Assessments. Each Lot within the Subject Property shall be apportioned a share of the Community Expenses attributable to the Independence at the Point Master Owners Association, Inc. as provided in the Declaration.

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

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 and adopted this Supplemental Declaration.

DATED this 13<sup>th</sup> day of July, 2017.

**DECLARANT**

**4 Independence, LLC**  
a Utah Limited Liability Company

By: \_\_\_\_\_

Name: Nathan D Shipp

Title: Manager

STATE OF UTAH )  
 ) ss.  
COUNTY OF Salt Lake )

On the 13<sup>th</sup> day of July, 2017, personally appeared before me Nathan D Shipp who by me being duly sworn, did say that she/he is an authorized representative of 4 Independence, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.



\_\_\_\_\_  
Notary Public

IN WITNESS WHEREOF, the Subject Property Owner has executed this Supplemental Declaration and consents to subjecting its property to the terms and conditions set forth herein.

DATED this 13<sup>th</sup> day of July, 2017.

**SUBJECT PROPERTY OWNER**  
**ITH, LLC**  
a Utah limited liability company

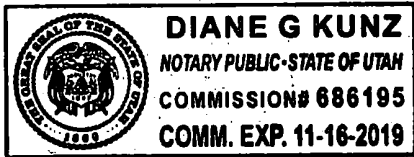
By: \_\_\_\_\_

Name: Nathan D Shipp

Title: Manager

STATE OF UTAH            )  
  ) ss.  
COUNTY OF Salt Lake )

On the 13<sup>th</sup> day of July, 2017, personally appeared before me Nathan D Shipp who by me being duly sworn, did say that she/he is an authorized representative of ITH, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.



\_\_\_\_\_  
Notary Public

**EXHIBIT A**  
**SUBJECT PROPERTY/ADDITIONAL LAND**  
**(Legal Description)**

**All of Cobalt Village Plat "B"**, according to the official plat thereof, on file in the office of the Salt Lake County Recorder.

More particularly described as:

A PORTION OF THE EAST 1/2 OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF HERITAGE CREST WAY, SAID POINT BEING LOCATED N89°46'54"E ALONG THE SECTION LINE 183.79 FEET AND SOUTH 2569.27 FEET FROM THE NORTH 1/4 CORNER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE S27°25'43"E 140.56 FEET; THENCE N62°32'01"E 15.08 FEET; THENCE ALONG THE ARC OF A 8.00 FOOT RADIUS CURVE TO THE RIGHT 12.57 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" (CHORD: S72°27'59"E 11.31 FEET); THENCE S27°27'59"E 124.81 FEET; THENCE ALONG THE ARC OF A 5.00 FOOT RADIUS CURVE TO THE RIGHT 7.86 FEET THROUGH A CENTRAL ANGLE OF 90°00'51" (CHORD: S17°32'26"W 7.07 FEET); THENCE S62°32'52"W 9.40 FEET; THENCE S27°27'08"E 38.00 FEET; THENCE S62°32'52"W 54.91 FEET; THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT 23.57 FEET THROUGH A CENTRAL ANGLE OF 90°01'07" (CHORD: S17°32'18"W 21.22 FEET); THENCE S27°28'16"E 10.16 FEET; THENCE S57°27'59"E 20.00 FEET; THENCE S27°27'59"E 17.54 FEET; THENCE S62°32'01"W 48.00 FEET; THENCE N27°27'59"W 96.97 FEET; THENCE S70°42'53"W 21.08 FEET; THENCE S62°31'39"W 61.40 FEET; THENCE N27°27'59"W 66.00 FEET; THENCE N62°31'39"E 7.59 FEET; THENCE S87°27'59"E 20.00 FEET; THENCE N62°31'39"E 35.43 FEET; THENCE N27°27'56"W 79.86 FEET; THENCE S62°32'04"W 51.08 FEET; THENCE N27°27'56"W 22.00 FEET; THENCE ALONG THE ARC OF A 8.00 FOOT RADIUS NON-TANGENT CURVE (RADIUS BEARS: N27°27'56"W) TO THE LEFT 12.57 FEET THROUGH A CENTRAL ANGLE OF 90°00'03" (CHORD: N17°32'02"E 11.31 FEET); THENCE N27°27'59"W 90.66 FEET; THENCE N27°25'43"W 20.00 FEET TO THE SOUTHERLY LINE OF HERITAGE CREST WAY; THENCE N62°34'17"E ALONG SAID LINE 164.33 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±1.23 ACRES

Parcel #: 33 14 401 003