

WHEN RECORDED RETURN TO:
10705 S Jordan Gateway, Ste 150
South Jordan, UT 84095

12946729
3/8/2019 2:36:00 PM \$62.00
Book - 10759 Pg - 425-430
RASHELLE HOBBS
Recorder, Salt Lake County, UT
SURETY TITLE
BY: eCASH, DEPUTY - EF 6 P.

ASSIGNMENT OF DECLARANT'S RIGHTS

This Assignment of Declarant's Rights is made by Chocolate Homes Westgate, LLC, a Utah limited liability company ("Declarant") to Alpine Homes, LLC, a Utah limited liability company ("Successor Declarant").

RECITALS

A. Declarant is named as "Declarant" pursuant to a Neighborhood Declaration of Covenants, Conditions, and Restrictions for Chocolate Homes at Westgate recorded on June 1, 2016, as Entry No. 12291652 in the Salt Lake County Recorder's Office ("Declaration").

B. The Declaration is binding on real property more particularly described in Exhibit "A" (the "Project").

C. Successor Declarant purchased Lots 142-161 in the Project. These Lots were transferred on September 26, 2018, and constitute 50% of the Lots in the Project.

D. Pursuant to Section 1.9 of the Declaration, the "Declarant," as the term is defined in the Declaration, "means Chocolate Homes Westgate, LLC, its successor or assigns, or any entity who purchase[s] unimproved land in bulk for the purpose of developing it for resale to the public or in bulk to homebuilders."

E. Successor Declarant purchased unimproved land in bulk for the purpose of developing it for resale.

F. Additionally, as part of the purchase and the time the purchase was closed, Declarant assigned all declarant rights and its status as Declarant under the Declaration to Successor Declarant. This document is a written memorialization of the prior assignment.

G. Declarant desires to memorialize the assignment of all rights reserved to it in the Declaration to Successor Declarant.

NOW, THEREFORE, Declarant for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agrees as follows:

1. As of the date Declarant transferred Lots 142-161 to Successor Declarant, Declarant assigns, transfers, and grants to the Successor Declarant any rights or interest

Declarant had, has, or hereafter may have as reserved and identified in the Declaration, as amended, supplemented, or replaced from time to time.

2. Declarant hereby warrants and represents, for the benefit of Successor Declarant, that Declarant is "Declarant", as defined in the Declaration, having full right and power to assign Declarant's rights as set forth in the Declaration. Declarant further warrants and represents that there has been no prior assignment of Declarant's rights as set forth in the Declaration to any other person or entity.

3. Successor Declarant hereby accepts the assignment and assumes all of the rights and obligations as defined in the Declaration from the date of the transfer of Lots 142-161 going forward into the future. Successor Declarant does not assume any prior obligations or liabilities of Declarant, including without limitation: home warranties; express or implied warranties; defects in the design or construction of the Common Areas, Lots, Units, or any Improvements constructed thereon; for unpaid monetary obligations; for the completion of the Common Areas; or prior breaches of the Declaration by Declarant. Successor Declarant releases Declarant from liability for unpaid obligation for any lot owners.

4. This Assignment shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.

5. Successor Declarant, in its sole discretion, may reassign the Declarant's rights.

6. Declarant warrants and represents that the person signing this Assignment is the authorized signer for Declarant and is authorized to sign this Assignment and legally bind Declarant. By signing this Assignment through the person signing this Assignment, Declarant is legally bound to its provisions.

7. Electronic transmission (including email and fax) of a signed copy of this Assignment and the retransmission of any signed electronic transmission shall be the same as delivery of an original. The Assignment may be executed in counterparts. Electronically transmitted copies and counterparts shall be considered the same as originals.

IN WITNESS WHEREOF Declarant and Successor Declarant, intending to be legally bound, have executed this Assignment on the dates expressed below.

SIGNATURES ON FOLLOWING PAGES

DECLARANT:
CHOCOLATE HOMES WESTGATE, LLC



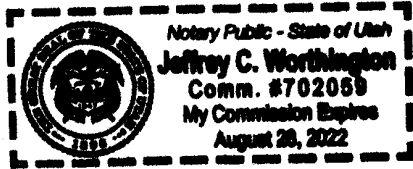
By: _____

Its: _____

Dated: March 5th, ~~2018~~ 2019

STATE OF Utah
County of Salt Lake :SS

On the 7 day of March, ~~2018~~ 2019, personally appeared Ross Holliday who, being first duly sworn, did that say that he is the authorized signer for Declarant and that said instrument was signed on behalf of Declarant by authority of its members; and he acknowledged said instrument to be his voluntary act and deed.


Notary Public

SUCCESSOR DECLARANT:
ALPINE HOMES, LLC

[Handwritten signature]

By: S. Ross Mitchell

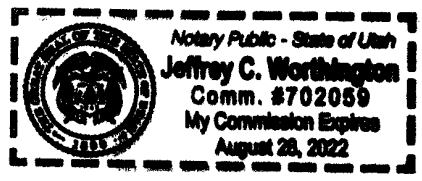
Its: Vice President

Dated: 3/8/2019, ~~2018~~ 2019

STATE OF Utah)

County of Salt Lake) :SS

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[Handwritten signature]
Notary Public

EXHIBIT "A"
LEGAL DESCRIPTION

The Land and Lot or Units referred to in the foregoing notice is located in Salt Lake County, Utah and is more particularly described as follows:

Lots

Lots 142 through 181 of Westgate Aclaime at Independence Subdivision as said lots are shown on the official map thereof, as amended or supplemented, on file with the Salt Lake County Recorder, Utah.

Parcel Nos. 33-11-379-120 through 33-11-379-150

Wildcat Ridge Drive/Kanarra Creek Lane/Parking Lot

BEG N 89°40'00" E 1919.10 FT & N 343.07 FT FR THE SW COR OF SEC 11, T4S, R1W, SLM; NE'LY ALG A 23.00 FT RADIUS CURVE TO THE L 13.63 FT (CHD N 16°58'53" E 13.43 FT); N 342.70 FT; NE'LY ALG A 66.08 FT RADIUS CURVE TO THE R 19.29 FT (CHD N 08°20'44" E 19.22 FT); N 89°32'43" E 4.84 FT; NW'LY ALG A 15.00 FT RADIUS CURVE TO THE L 17.00 FT (CHD N 29°04'18" W 16.10 FT); NW'LY ALG A 35.00 FT RADIUS CURVE TO THE L 14.26 FT (CHD N 73°12'04" W 14.16 FT); S 00°27'17" E 18.33 FT; S 89°32'43" W 47.50 FT; N 00°27'17" W 18.50 FT; S 89°32'43" W 30.86 FT; S 00°27'56" E 17.99 FT; S 89°31'53" W 32.00 FT; N 00°27'17" W 18.00 FT; S 89°32'43" W 11.50 FT; N 00°27'17" W 30.00 FT; N 89°32'43" E 16.99 FT; N 00°27'17" W 18.00 FT; N 89°32'43" E 87.00 FT; S 00°27'27" E 18.00 FT; N 89°32'43" E 14.41 FT; SE'LY ALG A 65.00 FT RADIUS CURVE TO THE R 41.41 FT (CHD S 72°14'51" E 40.71 FT); SE'LY ALG A 15.00 FT RADIUS CURVE TO THE L 16.75 FT (CHD S 85°58'39" E 15.89 FT); NE'LY ALG A 61.00 FT RADIUS CURVE TO THE R 29.27 FT (CHD N 75°47'18" E 28.99 FT); N 89°32'07" E 68.30 FT; NE'LY ALG A 4.50 FT RADIUS CURVE TO THE L 7.07 FT (CHD N 44°32'47" E 6.36 FT); N 00°26'33" W 15.55 FT; N 89°33'27" E 131.00 FT; S 00°26'33" E 15.49 FT; SE'LY ALG A 4.50 FT RADIUS CURVE TO THE L 7.07 FT (CHD S 45°27'13" E 6.37 FT); N 89°32'07" E 161.65 FT; NE'LY ALG A 28.00 FT RADIUS CURVE TO THE L 13.29 FT (CHD N 75°56'08" E 13.17 FT); S 51.18 FT; NW'LY ALG A 10.00 FT RADIUS CURVE TO THE L 15.98 FT (CHD N 45°46'20" W 14.33 FT); S 89°32'07" W 388.11 FT; SW'LY ALG A 28.00 FT RADIUS CURVE TO THE L 26.51 FT (CHD S 27°07'13" W 25.53 FT); S 342.09 FT; SE'LY ALG A 28.00 FT RADIUS CURVE TO THE L 13.74 FT (CHD S 14°03'34" E 13.60 FT); S 89°32'43" W 45.23 FT TO BEG. (BEING THE PRIVATE STREETS WILDCAT RIDGE LN & KANARRA CREEK LN WITHIN WESTGATE ACLAIMÉ AT INDEPENDENCE SUBDIVISION) 0.94 AC M OR L.

Parcel No. 33-11-379-162

Private Driveway for Lots 162-181

BEG N 89°40'00" E 1961.03 FT & N 626.17 FT FR THE SW COR OF SEC 11, T4S, R1W, SLM; N 20.00 FT; N 89°32'43" E 410.01 FT; S 20.00 FT; S 89°32'43" W 410.01 FT TO BEG. (BEING A PRIVATE DRIVEWAY WITHIN WESTGATE ACLAIME AT INDEPENDENCE SUBDIVISION). 0.19 AC M OR L.

Parcel No. 33-11-379-163

Albion Meadow Way

BEG N 89°40'00" E 1961.03 FT & N 485.39 FT FR THE SW COR OF SEC 11, T4S, R1W, SLM; N 89.00 FT; SE'LY ALG A 28.00 FT RADIUS CURVE TO THE L 27.21 FT (CHD S 27°50'29" E 26.15 FT); N 89°32'43" E 384.98 FT; NE'LY ALG A 23.00 FT RADIUS CURVE TO THE L 13.63 FT (CHD N 72°33'50" E 13.43 FT); S 45.23 FT; NW'LY ALG A 28.00 FT RADIUS CURVE TO THE L 13.74 FT (CHD N 76°23'43" W 13.60 FT); S 89°32'43" W 369.01 FT; SW'LY ALG A 28.00 FT RADIUS CURVE TO THE L 43.76 FT (CHD S 44°46'22" W 39.44 FT) TO BEG. (BEING THE PRIVATE STREET ALBION MEADOW WY WITHIN WESTGATE ACLAIME AT INDEPENDENCE SUBDIVISION). 0.36 AC M OR L.

Parcel No. 33-11-379-164