

E 131916 B 312 P 512  
Date 28-Apr-2014 10:28AM  
Fee: \$98.00 ACH  
Filed By: CB  
BRENDA NELSON, Recorder  
MORGAN COUNTY  
For: BONNEVILLE SUPERIOR TITLE COMP  
Recorded Electronically by Simplifile

WHEN RECORDED, RETURN TO:

Oakwood Homes of Utah LLC  
4908 Tower Road  
Denver, CO 80249  
Attn: Robert J. Sanderman  
Executive Vice President

Order Nos. 01459-5255 and 01459-4591

Tax IDs - See Attached

**ASSIGNMENT OF DECLARANT RIGHTS  
WHISPER RIDGE AT STONE CANYON**

THE UNDERSIGNED, Henry Walker Land, LLC n/k/a Henry Walker Land of Northern Utah, LLC, a Delaware limited liability company ("*Assignor*"), in connection with the sale and transfer to Oakwood Homes of Utah LLC, a Delaware limited liability company ("*Assignee*"), of all of the right, title and interest of Assignor, Henry Walker Construction of Northern Utah, LLC, a Utah limited liability company, and HWD Whisper Ridge, LLC, a Utah limited liability company (collectively, "*Sellers*"), in and to the real property that is fully described in **EXHIBIT A** that is attached hereto and incorporated herein by this reference (the "*Property*"), does hereby assign, transfer, set over and grant to Assignee, all of the right, title, interest, claim and benefits of Assignor as the "*Declarant*," insofar as such rights, title, interest, claim and benefits relate to the Property, under that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Whisper Ridge at Stone Canyon, recorded on December 11, 2012, as Entry No. 127826 of the records of the Morgan County Recorder, Assignor having succeeded to all rights of Declarant pursuant to that Assignment of Declarant's Rights recorded on December 11, 2012, as Entry No. 127827 (collectively, the "*Declaration*"). This assignment shall be deemed effective as it pertains to future sales and transfers to Assignee of other real property subject to the Declaration, if any, as of the date Assignee acquires fee title ownership of such other real property.

Assignor warrants and represents that it has all necessary right, power and authority to execute this assignment and to become bound thereby and that it has not, in any way, transferred, assigned, conveyed or contracted to transfer, assign or convey the rights and benefits subject hereof to any other person or party unless and to the extent any such transfer, assignment or conveyance has been re-assigned or otherwise reversed without any continuing right or interest in such transferee, assignee or grantee. This assignment may be recorded in the real estate records of the Morgan County Recorder.

Assignee hereby accepts the assignment and assumes all of the rights and obligations as defined in the Declaration with respect to the Property from the date this Assignment is executed going forward into the future.

This assignment is made under and shall be governed by the laws of the State of Utah. In the event that for any reason, Assignee must take any action to enforce, perfect or otherwise secure the rights, benefits and interests that are assigned hereunder, Assignee shall be entitled to recover from Assignor all reasonable costs and expenses incurred in taking such action, including reasonable attorneys' fees.

**\*\*Signature on the following page\*\***

DATED the 18<sup>th</sup> day of April, 2014.

**ASSIGNOR:**

**HENRY WALKER LAND, LLC n/k/a HENRY WALKER LAND OF NORTHERN UTAH, LLC, a Delaware limited liability company**

By: Henry Walker Homes of Northern Utah, LLC,  
a Delaware limited liability company

Its: Manager


By: Henry Walker Homes Group, Inc.,  
a Utah corporation

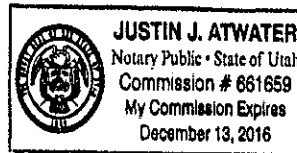
Its: Manager

  
\_\_\_\_\_  
Colin H. Wright, Chief Executive Officer

STATE OF UTAH                    )  
  ss.  
COUNTY OF Davis            )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of April, 2014, by Colin H. Wright, Chief Executive Officer of Henry Walker Homes Group, Inc., the Manager of Henry Walker Homes of Northern Utah, LLC, the Manager of Henry Walker Land, LLC n/k/a Henry Walker Land of Northern Utah, LLC.

  
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NOTARY PUBLIC









**EXHIBIT A  
TO  
ASSIGNMENT OF DECLARANT RIGHTS  
WHISPER RIDGE AT STONE CANYON**

The "Property" is the following described real property located in Morgan County, State of Utah:

1273484 - Whisper Ridge 1B & 2 - (01459-5255 and -4591)

**Exhibit A**

**Legal Description**

LOTS 101 THROUGH 105, 107 THROUGH 164, AND PARCELS A THROUGH F, WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE MORGAN COUNTY RECORDER'S OFFICE.

Parcel Nos.: 00-0075-1101 thru 1105, 1107-1164, 03-WHRIDI-0101 thru 0105, 03-WHRIDI-0107 thru 0184, Parcel A thru F

31  
Amended Whisper Ridge at Stone Canyon Declaration  
2018

E 127826 B 382 P1455

Exhibit B  
Additional Land

Escrow No. 201-8028728 (3e)  
A.P.N.: 06-0073-8288 / Serial No. 03-008-017-10

PROPOSED WHISPER RIDGE PHASE 2:

THIS PARCEL BEING LOCATED IN SECTION 22 AND SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNSING THENCE SOUTH 00°13'00" WEST 108.00 FEET ALONG THE SECTION LINE; THENCE NORTH 89°11'57" WEST 818.44 FEET; THENCE NORTHWESTERLY 11.00 FEET ALONG THE ARC OF A 385.00 FOOT RADIUS CURVE TO THE LEFT; CHORD BEARS NORTH 00°24'30" WEST 11.00 FEET; THENCE NORTHWESTERLY 37.21 FEET ALONG THE ARC OF A 124.00 FOOT RADIUS CURVE TO THE RIGHT; CHORD BEARS NORTH 02°11'40" WEST 37.00 FEET; THENCE SOUTH 04°21'30" WEST 96.49 FEET; THENCE SOUTH 73°21'00" WEST 102.36 FEET; THENCE NORTH 00°30'20" EAST 100.40 FEET TO THE SECTION LINE; THENCE NORTH 80°24'23" WEST 807.36 FEET ALONG THE SECTION LINE; THENCE NORTH 00°30'20" EAST 281.04 FEET; THENCE SOUTH 82°00'00" EAST 112.00 FEET; THENCE SOUTH 07°00'00" EAST 102.00 FEET; THENCE SOUTH 70°30'00" EAST 374.28 FEET; THENCE SOUTH 02°24'00" EAST 207.34 FEET; THENCE SOUTH 00°10'20" EAST 409.39 FEET; THENCE SOUTH 80°30'47" EAST 518.76 FEET TO THE SECTION LINE; THENCE SOUTH 00°04'30" WEST 1133.80 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

ANY ADDITIONAL PROPERTIES WITHIN ONE MILE OF PHASES 1 AND 2 WHISPER RIDGE AT STONE CANYON.

North Lots:

A parcel of land situate in the Southwest Quarter of Section 22, Township 5 North, Range 1 East, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at a point which is N18°24'35"W along the section line 1318.16 feet and N00°35'27"E along the quarter section line 1425.75 feet from the South Quarter Corner of said Section 22, and running thence N00°35'27"E 537.29 feet; thence S12°00'00"E 111.80 feet; thence S67°00'00"E 182.00 feet; thence S77°35'39"E 374.28 feet; thence S63°24'00"E 207.34 feet; thence N00°10'20"E along said West line 409.39 feet; thence N18°18'47"W 518.76 feet; thence N0°00'36"W 11.11 feet to a point on a 25.00 foot radius curve to the right; thence northwesterly along the arc of said curve 22.66 feet through a central angle of 67°55'10" (chord bears N33°54'13"E 27.93 feet) to a point of reverse curvature on a 55.00 foot radius curve to the left; thence along the arc of said curve 217.48 feet through a central angle of 226°31'20" (chord bears N45°18'28"W 101.04 feet) to a point of non-angularity; thence S63°29'00"W 144.93 feet to the point of beginning.

Contains 9.293 acres.



Tax ID: 03-WHRID1-0121 & 00-0075-1121, 03-WHRID1-0123 & 00-0075-1123, 03-WHRID1-0128 & 00-0075-1128, 03-WHRID1-0130-A1 & 00-0075-1130, 03-WHRID1-0136 & 00-0075-1136, 03-WHRID1-0137 & 00-0075-1137, 03-WHRID1-0141 & 00-0075-1141, 03-WHRID1-0142 & 00-0075-1142, 03-WHRID1-0143 & 00-0075-1143, 03-WHRID1-0144 & 00-0075-1144, 03-WHRID1-0147 & 00-0075-1147, 03-WHRID1-0148 & 00-0075-1148, 03-WHRID1-0150-A2 & 00-0075-1150, 03-WHRID1-0154 & 00-0075-1154, 03-WHRID1-0155 & 00-0075-1155, 03-WHRID1-0156 & 00-0075-1156, 03-WHRID1-0161 & 00-0075-1161, 03-WHRID1-0164 & 00-0075-1164, 03-WHRID1-0103 & 00-0075-1103, 03-WHRID1-0139 & 00-0075-1139, 03-WHRID1-0129 & 00-0075-1129, 03-WHRID1-0133 & 00-0075-1133, 03-WHRID1-0134 & 00-0075-1134, 03-WHRID1-0135 & 00-0075-1135, 03-WHRID1-0138 & 00-0075-1138, 03-WHRID1-0122 & 00-0075-1122, and 03-WHRID1-0153 & 00-0075-1153

03-005-015

00-0003-3330

03-005-015-01

00-0005-3056