



\*W1830330\*

**DECLARATION OF CONDOMINIUM OF LAKESIDE VILLAGE (PHASE 3)**  
*and*  
**AMENDMENTS TO DECLARATIONS OF CONDOMINIUM OF  
 LAKESIDE VILLAGE (PHASE 2) AND SKI LAKE VILLAGE RESORT  
 CONDOMINIUM – PHASE 1 (FORMERLY  
 KNOWN AS FOUR SEASONS RESORT CONDOMINIUM)**

\*\*\*\*\*

**THIS DECLARATION** is made and executed in Weber County, Utah, by Legacy Properties, LC, a Utah limited liability company, hereinafter designated and referred to as “Declarant”, pursuant to the Utah Condominium Ownership Act (the “Act”).

**W I T N E S S E T H:**

**WHEREAS**, Declarant is the owner of the following described real property (the “Property”) situate in Weber County, State of Utah, described as follows, to-wit:

20-079-0001 - 0009  
 20-078-0001 - 0006  
 20-053-0001 - 0012

A part of the Southwest quarter of Section 13, Township 6 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:  
 Beginning at a point on the North right of way line of Pineview - Huntsville Highway (State Highway U-39) which is 1158.53 feet South 89°36'57" East along the quarter section line and 40.00 feet North 0°23'03" East from the Southwest corner of said Section 13; running thence North 36°43'57" West 181.91 feet to the most Southerly corner of Lakeside Village (Phase 2), A Condominium project in Weber County, Utah; thence North 56°18'51" East 95.90 feet along the Southerly boundary of said Condominium project; thence Southeasterly along the arc of a 174.50 foot radius curve to the left a distance of 9.28 feet (Central angle equals 3°02'44" and Long Chord bears South 35°12'35" East 9.28 feet); thence South 36°43'57" East 141.83

E# 1830330 BK2212 PG2711  
 DOUG CROFTS, WEBER COUNTY RECORDER  
 27-FEB-2002 2:27 PM FEE \$33.00  
 REC FOR: GARDON.LAND.TITLE

feet; thence South 0°08'27" East 78.15 feet to said North right of way line;  
thence North 89°36'57" West 61.37 feet to the point of beginning.

and,

**WHEREAS**, Declarant is the owner of a condominium type building and certain other improvements heretofore or hereafter to be constructed upon the Property; and,

**WHEREAS**, the said building and other improvements aforesaid have been or will be constructed in accordance with the plans and drawings set forth in the Record of Survey Map filed and recorded herewith; and

**WHEREAS**, Declarant desires by filing this Declaration and the aforesaid Record of Survey Map to submit the above described Property, building and other improvements to the provisions of the Act as a condominium project; and

**WHEREAS**, the said Property, building and improvements are sometimes hereinafter referred to as Phase 3; and

**WHEREAS**, Declarant (as successor Declarant to previous declarants) has heretofore filed of record Declaration and Record of Survey Map of Lakeside Village (Phase 2) (formerly known as Ski Lake Village Resort Condominium; formerly known as Four Seasons Resort Condominium) with the County Recorder of Weber County as follows, to-wit:

PHASE 1:

**DECLARATION:** Dated October 29, 1981; recorded November 3, 1981, in Book 1392, Page 760 et. seq. of Records as Entry No. 846630.

**RECORD OF SURVEY MAP:** Dated June 22, 1984; recorded August 2, 1984, in Book 26, Pages 29 and 30 of Plats as Entry No. 915207.

**FIRST AMENDMENT TO DECLARATION:** Dated August 1, 1984; recorded August 2, 1984, in Book 1451, Page 161 et. seq. of records as Entry No. 915208.

E# 1830330 BK22 12 PG27 12

SECOND AMENDMENT TO DECLARATION: Dated November 2, 1987; recorded November 12, 1987, in Book 1529, Page 1866 et. seq. of records as Entry No. 1030786.

THIRD AMENDMENT TO DECLARATION: Dated May 30, 1995; recorded June 2, 1995, in Book 1759, Page 571 et. seq. of records as Entry No. 1348199.

FOURTH AMENDMENT TO DECLARATION: Dated April 18, 2001; recorded May 23, 2001, in Book 2140, Page 2381 et. seq. of records as Entry No. 1772007.

PHASE 2:

DECLARATION: Dated January 24, 2002; recorded February 5, 2002, in Book 2207, Page 1919 et seq. of records as Entry No. 1825549.

RECORD OF SURVEY MAP: Dated January 24, 2002; recorded February 5, 2002, in Book 55, Pages 28-30 of Plats as Entry No. 1825548.

and,

**WHEREAS**, Declarant desires and intends to sell the fee title to the condominium units contained in said Phase 3, together with the undivided ownership interests in the common areas and facilities as is hereinafter more specifically provided for to various purchasers, subject to the covenants, restrictions and limitations reserved to be kept and observed; and

**WHEREAS**, pursuant to the Declarations relating to Ski Lake Village Resort Condominium - Phase 1 (hereinafter "Phase 1") and Lakeside Village (Phase 2) (hereinafter "Phase 2"), Declarant desires to amend said Declarations to provide that the common areas and facilities of Phase 3 shall be included in the common areas and facilities of Phases 1 and 2 and the common areas and facilities of Phases 1 and 2 shall be included in the common areas and facilities of Phase 3, and to establish one condominium project of Phases 1, 2, and 3;

**NOW, THEREFORE**, Declarant hereby publishes and declares as follows:

E: 1830330 BK22 12 PG27 13

**1. RECITALS**

1.1 Declarant is the owner of the Property heretofore described as well as the building and improvements located thereon.

1.2 Declarant, by recording this Declaration submits the Property and building and improvements to the provisions of the Act.

1.3 The covenants, conditions, and restrictions contained in this Declaration shall be enforceable equitable servitudes and shall run with the land.

1.4 Declarant has herewith filed a Record of Survey Map, designated as Lakeside Village (Phase 3), depicting the location and dimensions of the submitted land and plans of each structure that contains all or part of any unit or units.

1.5 The Property and the building and improvements located on the Property shall be known as Lakeside Village (Phase 3).

1.6 Phases 1, 2, and 3 shall be one condominium project.

**2. DEFINITIONS**

Paragraph 2 of the Declaration of Phases 1 and 2, as amended, is adopted herein by reference as Paragraph 2.

**3. DESCRIPTION OF THE CONDOMINIUM**

3.1 The land on which the building and improvements are or will be located is described above as the Property.

3.2 Lakeside Village (Phase 3) consists of one eightplex structure. The structure has one three-story unit on each end. Between the two three-story units, the structure is three and one-half stories above grade and one-half story below grade. None of the units have basements but the two middle lower level units, which have two levels and have one-half story below grade, have

walkout patios on their lower level. The building is a wood frame structure with a concrete foundation and flatwork, exterior walls of concrete siding, rock, and stucco, asphalt shingle roofs, and double-pane, insulated windows. The interior floors are concrete or plywood construction with carpet or tile floor coverings. The building is supplied with electricity, natural gas, water, sewer, and garbage collection service. Each unit is equipped with individual heating and air conditioning equipment. The Record of Survey Map identifies, describes and locates the building, units, limited common areas and common areas and facilities included within Lakeside Village (Phase 3).

3.3 Lakeside Village (Phase 3) includes a total of eight (8) condominium units. Each of the units is described in the Record of Survey Map. Each unit depicted in the Record of Survey Map is identified by a specific numeral designation. The Record of Survey Map also describes the limited common areas and facilities that are reserved for the exclusive use of one or more of the units, and the common areas to which each unit has immediate access. All units shall be capable of being independently owned, encumbered, and conveyed. A condominium unit shall include that portion of the building containing the unit that lies within the boundaries of the unit, which boundaries shall be determined in the following manner:

- a. The upper boundary shall be the plane of the lower surface of the uppermost ceiling;
- b. The lower boundary shall be the plane of the upper surface of the lowermost floor;  
and
- c. The vertical boundaries shall be the interior surfaces of the perimeter walls of the building that bound the unit.

3.4 Except as otherwise provided in the Declaration, as amended, the common areas and facilities shall consist of the areas and facilities described in Paragraph 2 and in the Record of Survey Map and constitute in general all parts of the Property except the units. Without limiting the generality of the foregoing, the common areas and facilities shall include the following, whether located within the bounds of the unit or not:

- a. The land within Lakeside Village (Phase 3);
- b. All structural parts of the buildings, including, without limitation, foundations, perimeter and bearing walls, joists, beams, supports, ceilings and roofs;
- c. Driveways, parking spaces, entryways, porches, doorsteps, patios, balconies, carports, landscaped and planted areas, sidewalks, fences, walls, common storage areas, recreational facilities, exterior lighting and roadways located within the Property;
- d. Any utility pipe or line or system servicing more than a single unit, and all ducts, wires, conduits and other accessories used therewith;
- e. The limited common areas and facilities herein described;
- f. The common areas and facilities of Phases 1 and 2; and
- g. All repairs and replacements of the foregoing.

3.5 The common areas and facilities of Phases 1 and 2 include the common areas and facilities of Phase 3.

3.6 The limited common areas and facilities appurtenant to the eight (8) units, more fully described in the Record of Survey Map, shall include:

- a. Any patio areas located at the front or rear of each unit;
- b. Any wood deck areas extending from the rear of any unit;
- c. Any entry located at the front and rear of each building;

- d. Any covered parking space associated with a unit; and
  - e. The limited common areas and facilities of Phases 1 and 2 with the uses and restrictions thereto appertaining.

3.7 The limited common areas and facilities of Phases 1 and 2 include the limited common areas and facilities of Phase 3 with the uses and restrictions thereto appertaining.

#### **4. UNIT NUMBER AND PERCENTAGES OF UNDIVIDED INTEREST IN COMMON AREAS AND FACILITIES**

4.1 The proportionate share of the separate owners of the respective condominium units in the common areas and facilities is as indicated on the attached Exhibit "A". Such interest shall be subject to diminution, to accommodate expansion under Paragraph 6. Except as provided in Paragraph 6 and/or as provided by the Act, the percentage of undivided interest in the common areas and facilities appurtenant to any unit shall not be changed except with the unanimous consent of all of the unit owners in Ski Lake Village Resort Condominium – Phase 1 and Lakeside Village (Phases 2 and 3).

4.2 Such percentages have been computed by dividing the square footage of each unit by the total square footage of all twenty-five (25) units now in Ski Lake Village Resort Condominium – Phase 1 and Lakeside Village (Phases 2 and 3).

#### **5-23. ADOPTION OF PROVISIONS OF PHASE 1 AND 2 DECLARATIONS**

Paragraphs Five (5) through and including Twenty-Three (23) of the Declarations of Phases 1 and 2, as amended, are adopted herein by reference as Paragraphs Five (5) through and including Twenty-Three (23).

#### **24. SERVICE OF PROCESS**

Brent McQuarrie, whose address is 3214 N. University Ave. #325, Provo, Utah 84604, is the person to receive service of process in cases authorized by the Act.


**25. EFFECTIVE DATE**

This Declaration of Condominium of Lakeside Village (Phase 3) and Amendments to Declarations of Phases 1 and 2 shall take effect when recorded.

**IN WITNESS WHEREOF**, the undersigned has executed this instrument this 11 day of February, 2002.

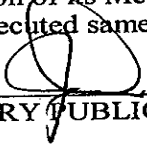
LEGACY PROPERTIES, LC

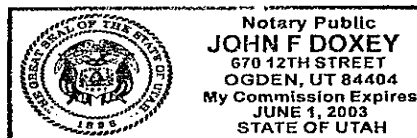
By:

  
Brent McQuarrie,  
Manager

STATE OF UTAH            )  
                                  ss.  
COUNTY OF WEBER    )

On the 11<sup>th</sup> day of February, 2002, personally appeared before me BRENT MCQUARRIE, who being duly sworn did say that he is the Manager of LEGACY PROPERTIES, LC, a Utah limited liability company, and the within and foregoing instrument was signed in behalf of said company by authority of a resolution of its Members and BRENT MCQUARRIE duly acknowledged to me that said company executed same.

  
NOTARY PUBLIC



E# 1830330 BK2212 PG2718



EXHIBIT "A"

Schedule of Percentage of Undivided  
Interest in Common Areas and Facilities

<u>Unit #</u>	<u>Square Footage</u>	<u>% Interest</u>
<u>Phase 1</u>		
1	624.5	1.82 %
2	824.5	2.41 %
3	624.5	1.82 %
4	824.5	2.41 %
5	624.5	1.82 %
6	824.5	2.41 %
7	624.5	1.82 %
8	824.5	2.41 %
9	1,225.5	3.58 %
10	1,225.5	3.58 %
11	1,225.5	3.58 %
12	1,225.5	3.58 %
<u>Phase 2</u>		
22	2,289.0	6.68 %
23	2,277.0	6.65 %
24	1,998.0	5.83 %
25	1,346.0	3.93 %
26	1,371.0	4.00 %
<u>Phase 3</u>		
14	2,289.0	6.68 %
15	2,277.0	6.65 %
16	2,277.0	6.65 %
17	1,998.0	5.83 %
18	1,346.0	3.93 %
19	1,371.0	4.00 %
20	1,346.0	3.93 %
21	1,371.0	4.00 %