

**DOC # 20190016402**

Restrictive  
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Russell Shirts Washington County Recorder  
05/01/2019 02:45:40 PM Fee \$ 16.00  
By ZITER JAMES



When Recorded Return To:  
James C. Ziter, Attorney at Law  
339 East 3900 South, Suite 260  
Salt Lake City, Utah 84107

**NOTICE OF SUPPLEMENTAL ANNEXATION TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS OF TUSCAN HILLS A  
TOWNHOUSE AND SINGLE FAMILY HOME PROJECT**

This Notice of Supplemental Annexation to Declaration of Covenants, Conditions and Restrictions of Tuscan Hills a Townhouse and Single Family Home Project (“Supplemental Annexation Notice”) is executed by Haskell Homes, Inc., a Utah Corporation, effective the date last written below.

**RECITALS**

- A) WHEREAS, Haskell Homes Inc., (“HHI” or “Declarant”) is the “Declarant” under that certain “Declaration of Covenants, Conditions and Restrictions of Tuscan Hills a Townhouse and Single Family Home Project” (the “Declaration”), which relates to an expandable residential subdivision located in Washington County, St. George City, Utah; and,
- B) WHEREAS, the Declaration is recorded as Entry No. 00992451 in Book 1826 beginning at Page 0931 in the official records of the Washington County Recorder, and governs the Tuscan Hills development and all related parcels to be annexed into that development (the “Subdivision”); and,
- C) WHEREAS, HHI has acquired certain real property (the “Development Property” a description of the Development Property is attached as Exhibit “A”) proximate to one or more of the developed or developing phases of the Subdivision; and,
- D) WHEREAS, Article 17 of the Declaration states in pertinent part: *“Declarant may acquire and annex into this Declaration which right is now expressly reserved, other contiguous property containing additional Units or Lots”*; and,
- E) WHEREAS, Declarant and desires to annex the Development Property into the Declaration to be developed by the Declarant; and,
- F) WHEREAS, in order to accomplish such annexation, Declarant desires to execute and record this Supplemental Annexation and record a conforming plat (the “Plat”) subject to all municipal approval.

**NOW THEREFORE**, HHI hereby states and declares as follows, incorporating by reference all of the foregoing as if fully set forth hereafter:

- 1) **ANNEXATION.** HHI hereby annexes into the Declaration, effective upon recording this Supplemental Annexation Notice and corresponding Plat in the office of the Clerk of the Washington County Recorder, the Development Property listed in Exhibit "A".
- 2) **DESIGNATION OF NEW UNITS OR LOTS.** Each separately identified Lot or Unit on the Development Property identified on the Plat is a Unit or Lot within the definitions of the meanings of those terms in the Declaration.
- 3) **AMENDMENT TO PLATS.** The Plat shall be deemed an amendment to the plat or plats memorializing property annexed into the Subdivision and subject to the Declaration. Such Plat shows the real property described in paragraph 1 above and made subject to the Declaration by this Supplemental Annexation Notice.
- 4) **DECLARANT DEVELOPMENT RIGHTS.** Subject to the rights and obligations of the Declaration, all development rights and Declarant rights wherever found in the Declaration shall apply to the Development Property identified on Exhibit "A".
- 5) **AFFIRMATION OF DECLARATION.** Upon the effective date hereof, all provisions of the Declaration, as supplemented and amended by this Supplemental Annexation Notice, shall apply to the Development Property.

IN WITNESS WHEREOF, HHI for itself and as the Declarant under the Declaration hereby duly executes this Supplemental Annexation Notice.

DATED THIS 4<sup>th</sup> day of April 2019.

Haskell Homes, Inc. (for itself and as Declarant)

By: Guy M. Haskell  
Guy M. Haskell  
ITS: President

**ACKNOWLEDGMENT**

STATE OF UTAH )  
 ) ss:  
Davis COUNTY )

On the 4 day of April, 2019, Guy M. Haskell who is either known to me or produced sufficient evidence of identity, appeared before me and acknowledged the foregoing instrument before me, on behalf of Haskell Homes Inc., and as the Declarant under the Declaration Of Covenants, Conditions and Restrictions of Tuscan Hills A Townhouse and Single Family Home Project, after being duly sworn.

Kelly Rasmussen  
NOTARY PUBLIC

Residing at: Beautiful Utah  
My Commission Expires: 12-3-19

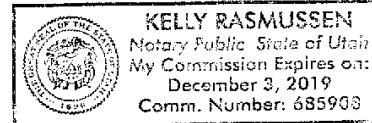


EXHIBIT "A"

DEVELOPMENT PROPERTY DESCRIPTION

PROPERTY LOCATED IN WASHINGTON COUNTY, UTAH

**TUSCAN HILLS PHASE 4 SUBDIVISION**

AND THAT SAID TRACT OF LAND HAS BEEN SUBDIVIDED INTO LOTS AND PUBLIC STREETS, AND EASEMENTS AND SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BOUNDARY DESCRIPTION**

Commencing at the North  $\frac{1}{4}$  Corner of Section 2, Township 43 South, Range 16 West, Salt Lake Base and Meridian; Thence South  $89^{\circ}22'47''$  East along the Section line a distance of 750.98 feet; Thence South  $00^{\circ}00'00''$  East, a distance of 240.02 feet to the Point of Beginning; Thence South  $89^{\circ}22'47''$  East 233.66 feet; Thence South  $72^{\circ}35'31''$  East 154.27 feet; Thence South  $16^{\circ}58'45''$  West 194.70 feet to the Northwesterly Corner of Tuscan Hills Phase 2 Amended as shown by Document #20110020259, Official Washington County Records; Thence South  $16^{\circ}58'44''$  West, along the West line of said Tuscan Hills Phase 2 Amended, a distance of 539.88 feet; Thence South  $32^{\circ}24'46''$  West, along said line, a distance of 28.46 feet, to the Northeasterly Corner of Tuscan Hills Phase 3, as shown by Document #20150000839, Official Washington County Records; Thence North  $81^{\circ}46'07''$  West, along the north line of said Tuscan Hills Phase 3, a distance of 142.55 feet; Thence South  $71^{\circ}51'00''$  West, along said line, a distance of 49.09 feet; Thence North  $87^{\circ}25'41''$  West, along said line, a distance of 151.59 feet, to the Southeasterly Corner of said Tuscan Heights Subdivision; Thence North  $04^{\circ}02'55''$  East, along the Easterly line of said Tuscan Heights Subdivision, a distance of 228.20 feet; Thence North  $38^{\circ}11'42''$  East, along said line a distance of 75.89 feet; Thence North  $23^{\circ}35'52''$  East, along said line, a distance of 28.58 feet; Thence North  $23^{\circ}17'28''$  East, along said line, a distance of 86.23 feet; Thence North  $23^{\circ}22'03''$  East, along said line, a distance of 40.42 feet; Thence North  $12^{\circ}04'26''$  East, along said line, a distance of 6.38 feet; Thence North  $12^{\circ}06'00''$  East, along said line, a distance of 146.24 feet to the Northeasterly Corner of Tuscan Heights Subdivision, as shown by Document #201438337 Official Washington County Records; Thence North  $11^{\circ}35'23''$  East 170.72 feet; Thence North  $9^{\circ}19'34''$  West 17.34 feet to the Point of Beginning.

Containing: 6.48 acres, more or less