

Recorded at Cedar Land Title Inc.  
Request of

Date OCT - 8 1985 Time 1 pm

262820

Fee 21.00 Book 337 Page 625-630

By CORA J. HULET, IRON COUNTY RECORDER

Ret'd ☐

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Proof ☐

SUPPLEMENT TO

# DECLARATION OF CONDOMINIUM

FOR SHINGLE BROOK CONDOMINIUMS,

AN EXPANDABLE CONDOMINIUM PROJECT

This Supplement to Declaration of Condominium is made and executed this 7 day of October, 1985, by Shingle Brook, Inc., a Utah corporation ("Declarant").

## R E C I T A L S:

A. Declarant has heretofore executed and recorded in the office of the County Recorder of Iron County, Utah, each of the following instruments:

	<u>Recorded</u>	<u>Entry No.</u>	<u>Book, Pages</u>
1. "Record of Survey Map for Shingle Brook Condominiums"	3/7/85	258346	329, 234
2. "Declaration of Condominium for Shingle Brook Condominiums, an Expandable Condominium Project"	3/19/85	258572	329, 741-796

The Record of Survey Map identified above as item 1 is hereinafter referred to as the "Original Record of Survey Map." The Declaration of Condominium identified above as item 2 is hereinafter referred to as the "Original Declaration."

B. By virtue of the recordation of the Original Record of Survey Map and the Original Declaration there was created and is currently in existence the Shingle Brook Condominium Project (the "Project").

C. The Original Declaration describes, in Exhibit "C" thereof, certain additional land onto which the Project may be expanded. Article 14 of the Original Declaration describes the Declarant's rights in relation to that additional land and expressly reserves the Declarant's right to expand the Project onto that additional land, and to construct improvements thereon for the purpose of adding additional units to the Project.

D. Declarant desires hereby to exercise its right to expand the Project onto a portion, but less than all, of the

BOOK 337 PAGE 625

additional land, and for the purpose of completing the expansion has executed and shall record this Supplement to Declaration of Condominium for Shingle Brook Condominiums (hereafter "Supplement to Declaration") along with that certain Supplement to Record of Survey Map for Shingle Brook Condominiums (hereafter "Supplement to Record of Survey Map"), executed and acknowledged by Declarant on the 27th day of September, 1985.

E. Declarant intends that the provisions of the Utah Condominium Act (hereinafter "the Act") apply to the property described herein and hereby submits the property to the provisions of the Act.

NOW, THEREFORE, for the foregoing purposes and pursuant to the Utah Condominium Ownership Act and to the provisions of the Original Declaration, Declarant executes this Supplement to Declaration and hereby declares as follows:

1. Description of Additional Land. This expansion is being made onto a portion, but less than all, of the additional land described in the Original Declaration. Declarant is the owner of said additional land. The portion of the additional land to which this Supplement to Declaration and the Supplement to Record of Survey Map described herein applies is hereafter sometimes referred to as "This Additional Land," and is more particularly described as follows:

Beginning at the Southeast corner Block 1, Plat A, Parowan City Survey, Iron County, Utah; thence North 89°25'00" East, 415.95 feet; thence South 82.51 feet; thence North 89°25'00" East, 183.00 feet along the Southerly line of 300 South Street; thence South 18°14'50" East, 116.00 feet along the Westerly line of Highway U-143 to the TRUE POINT OF BEGINNING; thence South 18°14'50" East, 105.11 feet along the Westerly right-of-way line of U-143 to the P.C. of a 1,456.63 foot radius curve; thence counter-clockwise along the arc of said curve, a distance of 138.72 feet; thence South 66°17'47" West, 98.16 feet; thence North 29°03'39" West, 66.63 feet; thence North 46°27'13" West, 155.06 feet; thence North 43°32'47" East, 20.00 feet; thence South 46°27'13" East, 2.50 feet; thence North 43°32'47" East, 92.27 feet; thence North 71°45'10" East, 76.78 feet to the TRUE POINT OF BEGINNING. Containing 0.730 acres of land. Located in 23,T34S,R9W.

2. Description of Improvements on Additional Land. The significant improvements located or to be located on the Additional Land added in this expansion include one (1) Building

BOOK 337 PAGE 626  
#262820

(the building designation of which is "B") containing a total of twelve (12) Units, portions of asphalt roadways and parking areas, related storage spaces, and certain Limited Common Areas appurtenant to the Units contained in said Building. The location and configuration of the improvements referred to in the foregoing sentence is depicted on the Supplement to Record of Survey Map. Also located or to be located on This Additional Land are improvements such as fences, concrete sidewalks and/or walkways, outdoor lighting, and landscaping, all of which are to be of the type and in the location reasonably determined to be appropriate by Declarant. The Supplement to Record of Survey Map shows the basements (if any), the number of stories, and the number of Units which are or shall be contained in the Building located or to be located on This Additional Land. Said Building is composed of the materials described in the Supplement to Record of Survey Map.

3. Remaining Additional Land. The remainder of the Additional Land, as set forth in the Original Declaration, shall be unaffected by this Supplement to Declaration and the Supplement to Record of Survey Map, and Declarant shall retain all of its rights in relation thereto, as set forth in the Original Declaration.

4. Description of Units. The Units which through this Supplement to Declaration and the Supplement to Record of Survey Map are being created within This Additional Land are Unit Nos. 1B through 12B, inclusive. The Supplement to Record of Survey Map shows the Unit Number of each such Unit, its location, dimensions from which its size may be determined, and the Common Areas and Facilities to which it has immediate access.

5. Limited Common Areas. The Limited Common Areas and Facilities located or to be located on This Additional Land are designated on the Supplement to Record of Survey Map and the Units to which each such area or facility is appurtenant is designated thereon. The exclusive use of each such Limited Common Areas and Facilities is reserved to the Unit with which it is associated.

6. Revised Exhibit "A". Attached to this Supplement to Declaration (and incorporated herein by this reference) is a Revised Exhibit "A" which furnishes the following information with respect to each Unit heretofore contained in the Project and each Unit which through this Supplement to Declaration and the Supplement to Record of Survey Map is being created within This Additional Land: (i) The Unit Number; (ii) The Size of the Unit; (iii) The percentage of undivided ownership interest in the Common Areas which shall be appurtenant to the Unit after the expansion with which this Supplement to Declaration is

BOOK 337 PAGE 627  
#262820

concerned; and (iv) The number of votes allocated to each Unit after the expansion with which this Supplement to Declaration is concerned. Said percentages of undivided ownership interest and voting interest have been computed and derived as set forth in Article 4 of the Original Declaration and in accordance with the Act.

7. Effect of Supplements. Upon recordation of this Supplement to Declaration and the Supplement to Record of Survey Map, the Revised Exhibit "A" attached hereto shall automatically become effective for all purposes and shall completely supersede the Exhibit "A" which was in effect prior to such recordation. And upon the recordation of this Supplement to Declaration and the Supplement to Record of Survey Map they shall automatically supplement the Original Declaration and the Original Record of Survey Map, with the Declaration and Record of Survey Map for the Project thereafter consisting of the Original Declaration and the Original Survey Map as amended and expanded by this Supplement to Declaration and the Supplement to Record of Survey Map.

8. Applicability of Original Declaration. Except to the extent that they may be inconsistent with the contents of this Supplement to Declaration, all of the terms, provisions, covenants, conditions, and restrictions provided for or described in the Original Declaration apply to the Building, the Units, the Limited Common Areas, and the Common Areas which are produced by, described in, contemplated by, and/or created pursuant to this Supplement to Declaration and the Supplement to Record of Survey Map. Specifically, but without limitation, the provisions of the Original Declaration relating to the purposes for which the units are intended, the use restrictions, the name and address of the person designated to receive service of process, the provisions relating to amendment of the Declaration, and all other matters set forth in the Original Declaration shall apply hereto. To the extent that the contents of this Supplement to Declaration are inconsistent with the terms of the Original Declaration, the contents hereof shall control and apply.

9. Interpretation. This Supplement to Declaration has been prepared and executed pursuant to the Original Declaration, and should be read and construed in light of that fact. Any term used herein which is defined in the Original Declaration shall, to the extent permitted by the context hereof, have the meaning ascribed therein. The captions which precede the Sections of this Supplement are for convenience only and shall in no way affect the manner in which any provision hereof is construed. Whenever the context so requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any part thereof, and any gender shall include both other

BOOK 337 PAGE 628  
# 262820

genders. The invalidity or unenforceability of any portion or this Supplement shall not affect the validity or enforceability of the remainder hereof.

10. Effective Date. This Supplement to Declaration and the Supplement to Survey Map shall take effect upon their being filed for record in the office of the County Recorder of Iron County, Utah.

EXECUTED the day and year first above written.

SHINGLE BROOK, INC.

Attest: *Dixie Gregerson*  
Secretary

By *Ned O. Gregerson*  
Its President

STATE OF UTAH       )  
                              : ss.  
COUNTY OF IRON    )

On this 7th day of October, 1985, personally appeared before me NED O. GREGERSON and DIXIE GREGERSON, who being by me duly sworn, did say that they are respectively the President and Secretary of SHINGLE BROOK, INC., a Utah corporation, and that the foregoing instrument was signed on behalf of said Corporation by authority of its Bylaws or a resolution of its Board of Directors and the said NED O. GREGERSON and DIXIE GREGERSON acknowledged to me that such Corporation executed the same.

*Jennifer E. Alger*  
Notary Public

Residing at Cedar City, Utah.

My Commission Expires:

1-19-88

BOOK 337 PAGE 629  
#262820

EXHIBIT "A"  
TO DECLARATION OF CONDOMINIUM (WITH SUPPLEMENT)  
FOR SHINGLE BROOK CONDOMINIUMS

<u>UNIT NO.</u>	<u>UNIT SQUARE FOOTAGE</u>	<u>COMMON AREA OWNERSHIP (%)</u>	<u>NUMBER OF VOTES</u>
1A	616.34	3.212	3.212
2A	439.15	2.288	2.288
3A	932.28	4.859	4.859
4A	616.34	3.212	3.212
5A	439.15	2.288	2.288
6A	932.28	4.859	4.859
7A	1,088.38	5.672	5.672
8A	713.50	3.718	3.718
9A	1,599.81	8.337	8.337
10A	1,088.38	5.672	5.672
11A	713.50	3.718	3.718
12A	1,599.81	8.337	8.337
1B	637.00	3.320	3.320
2B	958.00	4.992	4.992
3B	637.00	3.320	3.320
4B	483.00	2.517	2.517
5B	500.00	2.606	2.606
6B	1,117.00	5.821	5.821
7B	728.00	3.794	3.794
8B	761.00	3.966	3.966
9B	1,100.00	5.732	5.732
10B	728.00	3.794	3.794
11B	<u>761.00</u>	<u>3.966</u>	<u>3.966</u>
TOTAL	19,188.92	100%	100%

BOOK **337** PAGE **630**  
#262820