

E 2816946 B 6075 P 709-713
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
8/6/2014 3:01:00 PM
FEE \$54.00 Pgs: 5
DEP eCASH REC'D FOR FIRST AMERICAN TITLE

WHEN RECORDED, RETURN TO:
Villas Development, Inc.
C/O SKY Properties
585 West 500 South, #110
Bountiful, UT 84010

Parcel No's: 01-439-0001 through 01-439-0011;
01-440-0012 through 01-440-0020;
01-442-0211 through 01-442-0218;
01-442-0221 through 01-442-0228;
01-442-0231 through 01-442-0238; and
01-107-0114.

**PARTIAL TERMINATION OF
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
BELLA VIDA AT EAGLEWOOD**
(a Planned Unit Development)
(Expandable)

This Partial Termination of Declaration of Covenants, Conditions and Restrictions of Bella Vida at Eaglewood, a Planned Unit Development (this "Partial Termination") is hereby executed as of the 4th day of August, 2014 by **BVE, LLC** a Utah limited liability company ("Declarant") and **BELLA VIDA AT EAGLEWOOD HOMEOWNERS ASSOCIATION, INC.**, a Utah non-profit corporation (the "Association"); in contemplation of the following facts and circumstances:

A. On March 12, 2009, that certain AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BELLA VIDA AT EAGLEWOOD ("Declaration") was recorded as Entry No. 2431524, in Book 4731, at Pages 271-349 in the official records of the Davis County Recorder in order to amend and replace that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BELLA VIDA AT EAGLEWOOD ("Original Declaration") that was recorded as Entry No. 2278252, in Book 4300, at Pages 473-536 in the official records of the Davis County Recorder.

B. A portion of the real property described in the attached Exhibit "A" (the "Terminated Property") was listed in the Declaration as an optional Expansion Area (as that term is described in the Declaration) that could be added to the Association at the Declarant's sole option.

C. Declarant never expanded the Declaration to include any portion of the Terminated Property and the Terminated Property has since been included in and developed as part of the Villas at Bella Vida, a neighboring planned unit development.

D. The Declarant and the Association desire to confirm that Terminated Property is not part of the Association and not subject to the Declaration.

NOW, THEREFORE, the Declarant and the Association hereby state the following:

1. **Terminated Property Not Subject to the Declaration.** The Terminated Property is not subject to the Declaration or the Original Declaration and the Association has no obligations to nor any interest in the Terminated Property.

2. **Declaration in Full Force and Effect.** The Declaration shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated by the recording of this Partial Termination whose sole purpose is to clarify that the Terminated Property is not subject to the Declaration.

IN WITNESS WHEREOF, this Partial Termination is hereby executed as of the date first written above by the Declarant and the Association.

DECLARANT:

BVE, LLC

a Utah limited liability company

By: Its Manager

Excel Investment Corporation

a Utah corporation

By:

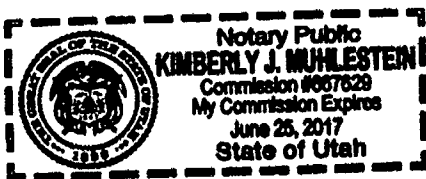
W Scott Kjar
W. Scott Kjar, Its Vice President

STATE OF UTAH)

:ss.

COUNTY OF DAVIS)

On this 4th day of August, 2014, personally appeared before me **W. SCOTT KJAR**, and who, being by me duly sworn, says that he is the Vice President of **EXCEL INVESTMENT CORPORATION**, which corporation is the manager of **BVE, LLC**, the limited liability company that executed the above and foregoing instrument and that said instrument was signed by him/her by authority of its by-laws, (or by authority of a resolution of its board of directors, as the case may be) in behalf of said corporation in its capacity of manager of said limited liability company.



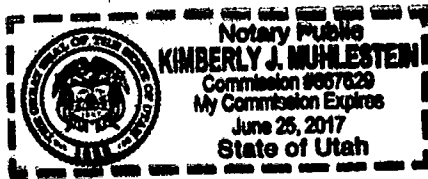
Kimberly J. Muhlestein
NOTARY PUBLIC

ASSOCIATION:
BELLA VIDA AT EAGLEWOOD HOMEOWNERS
ASSOCIATION, INC.,
a Utah non-profit corporation

By: *Charles Ralston*
Name: CHARLES RALSTON
Title: PRESIDENT

STATE OF UTAH)
 :SS.
COUNTY OF DAVIS)

On this 4th day of August 2014, personally appeared before me Charles Ralston and who, being by me duly sworn, says that he/she is the President of BELLA VIDA AT EAGLEWOOD HOMEOWNERS ASSOCIATION, INC., the non-profit corporation that executed the above and foregoing instrument and that said instrument was signed by him/her in behalf of said corporation by authority of its by-laws, (or by authority of a resolution of its board of directors, as the case may be) and said Charles Ralston acknowledged to me that said non-profit corporation executed the same.



Kimberly J. Muhlestein
NOTARY PUBLIC

EXHIBIT "A"
TO
PARTIAL TERMINATION

Legal Description of the Terminated Property

Villas at Bella Vida Phase 1

ALL OF UNITS 1 THROUGH 11, THE VILLAS AT BELLA VIDA PHASE 1 PLANNED UNIT DEVELOPMENT, according to the official plat thereof as recorded in the office of the Davis County Recorder, State of Utah.

Also,

Villas at Bella Vida Phase 2

ALL OF UNITS 12 THROUGH 20, THE VILLAS AT BELLA VIDA PHASE 2 PLANNED UNIT DEVELOPMENT, according to the official plat thereof as recorded in the office of the Davis County Recorder, State of Utah.

Also,

Former Proposed Bella Vida at Eaglewood Condominiums Phase 2

ALL OF UNITS 211 THROUGH 218, 221 THROUGH 228, 231 THROUGH 238, AND ALL COMMON AREA CONTAINED WITHIN BELLA VIDA AT EAGLEWOOD CONDOMINIUMS PHASE 2, AMENDED, according to the official plat thereof as recorded in the office of the Davis County Recorder, State of Utah and being more particularly described as follows:

Beginning at the Northwest corner of Bella Vida at Eaglewood Condominiums Phase 1, which point is North 00°04'00" East 1,551.93 feet along the quarter section line and West 1,186.36 feet to an existing brass monument at the intersection of Edgewood Drive and Eaglepointe Drive and North 71°54'18" West 520.98 feet from the South quarter corner of Section 12, Township 1 North, Range 1 West, Salt Lake Base and Meridian and running thence along the boundary of said Phase 1 in the following five courses: (i) South 14°23'47" West 135.36 feet, (ii) South 62°25'30" West 43.44 feet, (iii) South 27°34'30" East 53.36 feet, (iv) Southeasterly 46.38 feet along the arc of a 63.50 foot radius curve to the left through a central angle of 41°51'02" (chord bears South 48°30'01" East 45.36 feet), (v) South 69°25'31" East 30.42 feet; thence along the boundary of the Bella Vida Club House at Eaglewood P.U.D. in the following two courses: (i) South 20°34'29" West 101.50 feet and (ii) South 69°25'31" East 16.17 feet; thence along the boundary of The Villas at Bella Vida Phase 1 in the following three courses: (i) South 67°29'55" West 100.87 feet, (ii) North 72°06'00" West 12.51 feet, (iii) North 50°28'11" West 67.83 feet; thence North 12°57'55" West 126.97 feet; thence North 27°36'56" West 45.40 feet; thence Northeasterly 41.13 feet along the arc of a 75.00 foot radius curve to the right through a central angle of 31°25'26" (chord bears North 48°23'07" East 40.62 feet; thence North 17°19'57" West 143.44 feet; thence North 75°30'50" East 15.26 feet; thence South 89°58'06" East 210.07 feet to the point of beginning.

Also,

VILLAS AT BELLA VIDA EXPANSION AREA

Beginning at the Northwest Corner of Bella Vida at Eaglewood Condominiums Phase 2, Amended which point is $N0^{\circ}04'00''E$ 1,551.93 ft. along the Quarter Section Line and West 1,186.36 ft. to an existing brass monument at the intersection of Edgewood Drive and Eagleridge Drive and $N71^{\circ}54'18''W$ 520.98 ft. to the point of beginning of said Phase 2, Amended and along the north boundary of said Phase 2, Amended in the following two courses: $N89^{\circ}58'06''W$ 210.07 ft. and $S75^{\circ}30'50''W$ 15.26 ft. from the South Quarter Corner of Section 12, T.1N., R.1W., S.L.B.& M. and running thence along the boundary of said Phase 2 in the following five courses: (i) $S17^{\circ}19'57''E$ 143.44 ft., (ii) Southwesterly 41.13 ft. along the arc of a 75.00 ft. radius curve to the left through a central angle of $31^{\circ}25'26''$ (chord bears $S48^{\circ}23'07''W$ 40.62 ft.), (iii) $S27^{\circ}36'56''E$ 45.40 ft., (iv) $S12^{\circ}57'55''E$ 126.97 ft., (v) $S50^{\circ}28'11''E$ 39.38 ft. to the Northwest Corner of The Villas at Bella Vida Phase 1; thence along the west boundary of said Villas at Bella Vida Phase 1 in the following three courses: (i) $S30^{\circ}03'40''W$ 75.01 ft., (ii) $S18^{\circ}13'29''W$ 32.25 ft., (iii) $S19^{\circ}17'48''W$ 130.71 ft.; thence $N85^{\circ}39'36''W$ 228.27 ft. along the north boundary of the Villas at Bella Vida Phase 2; thence $N23^{\circ}41'56''W$ 296.61 ft. thence $N27^{\circ}30'32''W$ 192.53 ft.; thence $N75^{\circ}30'50''E$ 448.61 ft. to the point of beginning.