

SUPPLEMENTAL DECLARATION
GARDENS SOUTH CONDOMINIUMS
PHASE III

REQUEST SOUTHERN UTAH TITLE
BOOK 407 PAGE 404-408
SEE 902 ADS
1985 MAR 31 AM 11:18
DOCUMENT 291572
HERBERT S BENLLEY
WASHINGTON CT / ALCONDER
n 284

GARDENS SOUTH DEVELOPMENT, INC., a Utah corporation, Declarant under that certain Declaration of Condominium of Gardens South Condominiums, Phase I, filed of record on November 16, 1984, as Entry No. 268617, Book 363, Pages 40-85, of the Official Washington County Records, as amended under that certain Amendment to Declaration of Condominium of Gardens South Condominiums, Phase I, dated October 4, 1985, recorded October 4, 1985 as Entry No. 282520, Book 389, Pages 935 - 943 of the Official Washington County Records, ~~as amended by Amendment to Declaration of Condominium dated _____, recorded _____ as Entry No. _____, Book _____, Pages _____ to _____ of Official Washington County Records~~ as supplemented by the Supplemental Declaration and Record of Survey Map for Phase II dated October 3, 1985 recorded October 4, 1985 as Entry No. 282522, Book 389, Pages 945 to 950 of the Official Washington County Records, hereby exercises its rights and privileges under said Declaration as follows:

1. Declarant hereby annexes to Gardens South Condominiums, Phase I and Phase II, that certain property known as Gardens South Condominiums, Phase III, which is the following described property located in the City of St. George, County of Washington, State of Utah, (said property being inclusive of land reserved for expansion in the Declaration):

291572

See Exhibit A attached hereto.

2. Declarant further states that said addition contains a total of one architecturally compatible building to be known as Building E for a total of 12 additional units as more particularly described on Exhibit B attached hereto, as more further particularly described on the Record of Survey Map of Gardens South Condominiums, Phase III, filed concurrently herewith.

3. Declarant further amends the undivided interest of each unit in the common areas of the total Gardens South project (as allowed in such Declaration and under the Utah Condominium Act), from 1/38 to 1/50, 50 being the total platted units in the project to date. All units shall share in common expenses according to their undivided interests which is hereby amended, subject to the rights of Declarant as set forth in the Declaration. Declarant continues to reserve all rights to expand and such other rights as are conferred in the Declaration as amended.

4. Pursuant to Declarant's rights under amended paragraph 35(o)(iv), Declarant hereby amends the Declaration of Condominium referred to above (as amended and supplemented) as follows: The word "may" as it appears in the first line of paragraph 20(e), shall be deleted and in its place the word "shall" shall be inserted.

The purpose of this Amendment is to provide for mandatory reserves for repair and replacement of common areas and facilities, as required by the guidelines of major secondary market lending

291572

sources for the project.

DATED this 27 day of March, 1986.

"Declarant"

GARDENS SOUTH DEVELOPMENT, INC.,
a Utah corporation

Edward M. Burgess Pres.
Edward M. Burgess, President

Joseph C. Burgess
Joseph C. Burgess, Secretary

STATE OF UTAH)
) ss
COUNTY OF WASHINGTON)

On this 27 day of March, 1986, personally appeared before me Edward M. Burgess and Joseph C. Burgess, known to me to be the President and Secretary, respectively, of Gardens South Development, Inc., a Utah corporation, who being by me duly sworn did say that they are the President and Secretary, respectively, of said corporation, and that the foregoing instrument was signed by them on behalf of said corporation by authority of the Bylaws or a Resolution of its Board of Directors, and acknowledged to me that said corporation executed the same.

Janet L. Smith
Notary Public

My Commission Expires:

2-28-89

Residing In:

726 South 75 East
Cedar City

406

291572

EXHIBIT "A"

Beginning at a point North $0^{\circ}54'43''$ West 612.29 feet along the Section line and West 277.10 feet from the East $1/4$ Corner of Section 36, Township 42 South, Range 16 West, Salt Lake Base and Meridian and running thence South $54^{\circ}05'17''$ West 22.87 feet; thence South $89^{\circ}05'17''$ West 5.57 feet; thence South $14^{\circ}49'40''$ West 24.10 feet; thence North $75^{\circ}10'20''$ West 53.03 feet; thence North $10^{\circ}30'00''$ East 70.45 feet; thence South $89^{\circ}05'17''$ West 105.00 feet; thence North $0^{\circ}54'43''$ West 75.00 feet; thence North $89^{\circ}05'17''$ East 116.00 feet; thence North $0^{\circ}54'43''$ West 32.50 feet; thence North $89^{\circ}05'17''$ East 100.52 feet; thence South $14^{\circ}49'40''$ West 160.65 feet to the point of beginning.

* * *

EXHIBIT B

SCHEDULE OF UNIT NUMBERS, PARKING, AND UNDIVIDED INTERESTS

Unit No.	Covered Parking Assignment	Undivided Interest in Common Areas
<u>Building E</u>		
1	1E	1/50
2	2E	1/50
3	3E	1/50
4	4E	1/50
5	5E	1/50
6	6E	1/50
7	7E	1/50
8	8E	1/50
9	9E	1/50
10	10E	1/50
11	11E	1/50
12	12E	1/50

The covered parking stalls referred to above are a limited common area, and appurtenant to the units designated above, and need not be referred to in any unit deed.

The unit numbers and covered parking stall numbers listed above, correspond to the same unit numbers and covered parking stall numbers referred to on the Record of Survey Map.

The Declarant reserves unto itself the right to change parking assignments for any unit owned by itself, or with the permission of affected owners, any other covered parking space. This shall be accomplished by the filing of a Supplemental Declaration indicating the change together with any necessary approval.

Parking Stall numbers 1-F to 6-F as shown on the Record of Survey Map are reserved as limited Common Area, reserved for future use of proposed Building F. Until Building F is added, Declarant reserves the right to alter this parking by filing an appropriate Supplemental Declaration.