

SUPPLEMENTAL DECLARATION
GARDENS SOUTH CONDOMINIUMS
PHASE V

REQUESTED BY: DIXIE TITLE CO.
BOOK 442 PAGE 351-356
FEE 12.00 ADS
1987 FEB 19 PM 4:02
DOCUMENT 310166
BY: HERBERT S. BEATTLEY
WASHINGTON COUNTY RECORDER

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 to 943 of the 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, as supplemented by the Supplemental Declaration and Record of Survey Map for Phase III, recorded March 31, 1986, as Entry No. 291572, Book 407, Pages 404 to 408 of the Official Washington County Records, and Amendment to Declaration of Condominium for Phases I-III recorded June 20, 1986 as Entry No. 296764, Book 416, Pages 813 to 816 of the Official County Records, as supplemented by the Supplemental Declaration and Record of Survey Map for Phase IV, dated September 25, 1986, recorded October 3, 1986, as Entry No. 302438, Book 427, Pages 525 to 529 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, Phase II, Phase III, and Phase IV, that certain property known as Gardens South Condominiums, Phase V, 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):

See Exhibit A attached hereto.

2. Declarant further states that said addition contains a total of three architecturally compatible buildings to be known as Building "U", Building "V", and Building "W", for a total of six additional units as more particularly described on Exhibit B attached hereto, and eighteen limited common area garage units (as more particularly dealt with at paragraph 4 below) as further particularly described on the Record of Survey Map of Gardens South Condominiums, Phase V, 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 1/60 to 1/66, 66 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. The eighteen garage units designated as Units G-1 to G-18 are available for sale to unit owners (garage units may not be owned by anyone who is not also a unit owner and garage units shall be deemed limited common area, appurtenant to the unit to which it is associated. In order to transfer a garage ("G") unit to a living unit the Declarant shall execute a deed stating in substance the following:

Unit G-____, as shown on the Record of Survey Map of Garden South Condominiums, Phase V, which shall be limited common area appurtenant to Unit ____ of Garden South Condominiums, subject to the obligation of the owner of said garage unit to pay special assessments as set forth in the Supplemental Declaration Gardens South Condominiums, Phase V.

More than one garage unit may be made appurtenant to a living unit. The limited common area right of exclusive use may be conveyed from one unit to another, by deed in form similar to the language stated above, provided that a garage unit may not be owned independently, or in any different ownership than the unit it is made appurtenant to.

Each unit owner of a living unit to which a garage unit (G-1 to G-18) is assigned hereby covenants to pay a monthly special assessment to cover the cost of maintenance and insurance of the units as is set from time to time by the Association. Said covenant shall be deemed a covenant to run with the land and shall be subject to the same collection and lien rights as are regular assessments. The Association shall have the right to make special assessments to the owners of units with appurtenant G-1 to G-18 garages where

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needed for major repair or replacement, based on the actual cost theory.

DATED this 11 day of February, 1987.

"Declarant"

GARDENS SOUTH DEVELOPMENT, INC.,
a Utah corporation

Edward M. Burgess
Edward M. Burgess, President

James R. Staheli
James R. Staheli, Secretary

STATE OF UTAH)
) ss
COUNTY OF WASHINGTON)

On this 19th day of FEBRUARY, 1987, personally appeared before me Edward M. Burgess and James R. Staheli, 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.

Lois P. Litsch
Notary Public
Residing in:
St. George, Utah

My Commission Expires:

11-6-88

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GALLIAN & WESTFALL
ATTORNEYS AND COUNSELORS AT LAW

EXHIBIT A

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LEGAL DESCRIPTION

GARDENS SOUTH CONDOMINIUMS
PHASE V

BEGINNING at a point N 0°54'43" W 185.83 feet along the Section Line and S 89°05'17" W 269.24 feet from the East 1/4 Corner of Section 36, T 42 S, R 16 W, SLB&M and running thence N 0°54'43" W 186.06 feet to a 10 foot radius curve to the left, thence Northwesterly 23.07 feet along the arc of said curve thence N 43°06'53" W 22.005 feet; thence S 0°54'43" E 114.35 feet; thence S 89°05'17" W 89.43 feet to a point on a 50.47 foot radius curve to the right (Center bears S 79°32'07" E); thence Northeasterly 22.93 feet along the arc of said curve to a 122.41 foot radius reverse curve to the left; thence Northeasterly 44.87 feet along the arc of said curve to the point of tangency; thence N 15°30' E 47.00 feet to a 127.20 foot radius curve to the left; thence Northwesterly 60.42 feet along the arc of said curve, thence S 75°10'20" E 10.85 feet; thence N 10°29'54" E 70.45 feet; thence S 89°05'17" W 98.71 feet to a point on a 99.17 foot radius curve to the left (Center bears N 39°57'04" E); thence Southeasterly 10.15 feet along the arc of said curve to a 102.20 foot radius reverse curve to the right; thence Southeasterly 127.38 feet along the arc of said curve to the point of tangency; thence S 15°30' W 47.00 feet to a 97.41 foot radius curve to the right; thence Southwesterly 35.70 feet to a 75.47 foot radius reverse curve to the left; thence Southerly 49.28 feet along the arc of said curve to the point of tangency thence S 0°54'43" E 236.58 feet, thence N 89°05'17" East 171.93 feet to the point of beginning.

310166**EXHIBIT B****SCHEDULE OF UNIT NUMBERS AND UNDIVIDED INTERESTS**

<u>Unit No.</u>	<u>Garage Parking Assignment</u>	<u>Undivided interest in Common Areas</u>
<u>Building "U"</u>		
1	UG=1	1/66
2	UG=2	1/66
<u>Building "V"</u>		
1	VG=1	1/66
2	VG=2	1/66
<u>Building "W"</u>		
1	WG=1	1/66
2	WG=2	1/66

The garages 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 garage numbers listed above, correspond to the same unit numbers and garage numbers referred to on the Record of Survey map.

The Declarant continues to reserve 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

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