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SECOND SUPPLEMENTARY DECLARATION  
TO THE  
COVENANTS, CONDITIONS AND RESTRICTIONS OF  
THE ESSEX COURT CONDOMINIUM PROJECT  
(An Expandable Condominium)

(Phase Three)

4650  
REF  
C. Wayne Moberly  
Warranty Construction Company

JUL 25 1980  
9 11 AM '80

Gene L. Dixon, Salt Lake County Recorder

THIS SECOND SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("this or the Second Supplementary Declaration") is made and executed this 28<sup>th</sup> day of MARCH, 1980, by CONTOUR DEVELOPMENT CORPORATION, a Utah corporation, a successor in interest of Warranty Construction Company, Inc. (hereinafter referred to as "Declarant").

R E C I T A L S:

A. On April 24, 1979, Warranty Construction Company, Inc., as Declarant, herein also referred to as Declarant where the context so admits, made and executed a Declaration of Covenants, Conditions and Restrictions of Essex Court Condominium Project (hereinafter referred to as "the Declaration") as a part of a plan for the Essex Court Condominium Project ("the Project"), which Declaration was recorded in the office of the County Recorder of Salt Lake County, State of Utah, on May 3, 1979 in Book 4856 at page 488 et seq. as Entry No. 3274083. The related Record of Survey Map of Phase One was recorded concurrently with the Declaration in Book 79-5 at page 173 as Entry No. 3274082. The Declaration and the Phase One Map submitted to the provisions of the Act the following described real property situated in Salt Lake County, State of Utah, to-wit:

Beginning at a point that is South 131.514 feet and East 2344.864 feet from the NW corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence North 149.598 feet, thence S87°27'22" W 126.125 feet; thence South 8.732 feet, thence S87°06'49" W 187.265 feet, thence N4°07'07" E 102.257 feet, thence N87°47'04" E 152.962 feet; thence N0°02" W 61.000 feet thence S89°58" W 181.000 feet, thence N0°02" W 45.000 feet,

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thence S89°52'20" W 17.000 feet, thence  
N0°01'40" W 84.051 feet, thence N89°52'20" E  
38.725 feet, to a point of a 140.00 foot radius  
curve to the right (bearing to center curve  
bears S0°07'40" E), thence Southeasterly  
44.295 feet along the arc of said curve,  
thence S72° E 75.004 feet, thence N18° E  
42.298 feet, thence N11°10'05" E 94.372 feet,  
thence S72° E 110.000 feet, thence S18° W  
136.000 feet, thence S72° E 55.000 feet, thence  
N 18° E 12.563 feet, thence S54°18' E 59.441 feet,  
thence N35°42' E 138.00 feet, thence S66° E  
53.940 feet, thence S53° E 40.00 feet, thence  
S30° E 21.802 feet, thence East 13.664 feet,  
thence S52°35'18" W 140.341 feet, thence S35°42'  
W 12.067 feet; thence S46°36'03" E 29.762 feet,  
thence S24°33' E 31.000 feet, thence N65°27' E  
133.000 feet, thence S18° E 37.474 feet, thence  
S33° E 75.000 feet, thence S77°09'16" W 110.488  
feet, thence S65°27' W 26.284 feet, thence  
S24°33' E 47.073 feet, thence South 8.76 feet,  
thence S30°36'37" E 34.857 feet, thence S 18° E  
70.000 feet, thence West 204.11 feet, to the  
point of beginning. Contains 3.5125 acres.

B. Section 19 of Article III of the Declaration  
was amended by the recording of an instrument headed "Amendment  
to the Declaration of Condominium of Essex Court Condominium  
Project" executed and acknowledged by Declarant on September 14,  
1979 and recorded in the official records of Salt Lake County,  
State of Utah, on September 17, 1979 in Book 4945 at page 284  
as entry no. 3337709.

C. By an instrument stlyed "Supplementary  
Declaration of Covenants, Conditions and Restrictions of  
Essex Court Condominium Project (Phase Two)", hereinafter  
the "Supplementary Declaration", which was duly executed  
and acknowledged by Declarant on May 21, 1979 and recorded  
in the Official Records of Salt Lake County, Utah, on  
May 24, 1979 in Book 4868 at Page 548 et seq. as Entry

No. 3284555 and by the recordation simultaneously therewith of the related Record of Survey Map of Phase Two in Book 79-5-201 as Entry No. 3284554, Declarant expanded the Project to include 24 additional Condominium Units. The Supplementary Declaration and said Record of Survey Map of Phase Two submitted to the provisions of the Act the following described real property in Salt Lake County, State of Utah:

PARCEL ONE:

Beginning at a point that is North 292.132 feet and East 1993.927 feet from the NW corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence  $N0^{\circ}01'40''$  W 163.000 feet, thence  $S72^{\circ}$  E 194.584 feet, thence  $S11^{\circ}10'05''$  W 94.372 feet, thence  $S18^{\circ}$  W 42.298 feet; thence  $N72^{\circ}$  W 75.004 feet to a point of a 140.00 feet radius curve to the left (bearing to center curve bears  $S18^{\circ}07'40''$  W), thence Northwesterly 44.295 feet along the arc of said curve, thence  $S89^{\circ}52'20''$  W 38.725 feet, to the point of beginning. Contains 0.772 acres.

PARCEL TWO:

Beginning at a point that is North 231.673 feet and East 2241.500 feet from the NW corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence  $N18^{\circ}$  E 136.000 feet, thence  $S72^{\circ}$  E 58.050 feet, thence  $S66^{\circ}$  E 96.060 feet, thence  $S35^{\circ}42'$  W 138.000 feet, thence  $N54^{\circ}18'$  W 59.441 feet, thence  $S18^{\circ}$  W 12.563 feet, thence  $N72^{\circ}$  W 55.000 feet, to the point of beginning. Contains 0.4059 acres.

PARCEL THREE:

Beginning at a point that is North 144.054 feet and East 2413.759 feet from the NW corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence  $N35^{\circ}42'$  E 12.067 feet, thence  $N52^{\circ}35'18''$  E 140.341 feet, thence East 8.230 feet, thence  $S18^{\circ}$  E 93.000 feet, thence  $S65^{\circ}27'$  W 133.000 feet, thence  $N24^{\circ}33'$  W 31.000 feet, thence  $N46^{\circ}36'03''$  W 29.762 feet, to the point of beginning. Contains 0.2601 acres.

PARCEL FOUR:

Beginning at a point that is North 96.317 feet and East 2039.182 feet from the NW corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence N4°07'07" E 67.000 feet, thence N89°58' E 148.000 feet, thence S0°02' E 61.000 feet, thence S87°47'04" W 152.962 feet, to the point of beginning. Contains 0.2205 acres.

D. Under Section 23 of Article III of the Declaration, Declarant reserved the right until the seventh anniversary of the recording of the Declaration to expand the Condominium Project from time to time in compliance with Section 57-8-13.6 of the Utah Condominium Ownership Act.

E. Declarant is the fee simple owner of that certain real property described in Article II of this Second Supplementary Declaration. Declarant desires to further expand the Project by creating on the real property described in Article II the third and final phase of the Project.

F. Under the provisions of the Declaration, Declarant expressly reserved the absolute right to add to the Project any or all portions of the Additional Land. Accordingly, Declarant now intends that the real property described in Article II of the Second Supplementary Declaration shall become subject to the Declaration. To this end and for the benefit of the Project and the Owners thereof, Declarant desires to adopt this Second Supplementary Declaration pursuant to the provisions of Article III of the Declaration.

I. DEFINITIONS

Except as otherwise defined herein or as may be required by the context, all terms defined in Article I of the Declaration shall have such defined meanings when

subject to the Declaration which upon recordation of the Second Supplementary Declaration and the Phase Three Map shall constitute and effectuate the expansion of the Project, making the real property described in Article II of the Second Supplementary Declaration subject to the functions, powers, rights, duties and jurisdiction of the Association of Unit Owners.

#### IV. DESCRIPTION OF IMPROVEMENTS

The improvements included in Phase Three of the Project are now or will be located on the property described in Article II, and all such improvements are described on the Phase Three Map. The significant improvements contained in the Project include six Buildings numbered 9, 10, 12, 13, 14 and 15 each containing four Units, asphalt roadways, twenty-four (24) fully enclosed two-car garages, concrete sidewalks or walkways. The Project also contains other improvements of a less significant nature such as outdoor lighting and landscaping. The Phase Three Map indicates the basements, the number of stories, the number of Units which are contained in said six Buildings. The Buildings are composed of the following materials: wood frame with load and non-load bearing walls studded with wood; basement floor of concrete; first floor of wooden joists; second floor of wooden joists; roof of trusses and rafter combination; roofs surfaced with asphalt shingles; interior walls surfaced with gypsum board; and exterior surfaced with brick veneer and aluminum siding.

V. UNITS CREATED BY EXPANSION

As shown on the Phase Three Map, twenty-four (24) additional Units are created in the Project on the real property described in Article II hereof. Said additional Units are located within a portion of the Additional Land. Upon the recordation of the Phase Three Map and this Second Supplementary Declaration, the total number of Units in the Project will be seventy two. The said additional Units are substantially similar in construction and design to the Units in Phase One and also in Phase Two of the Project.

VI. REALLOCATION OF PERCENTAGE INTERESTS

1. Reallocation. Under the Act and by Article III of the Declaration, in connection with an amendment such as that accomplished by this instrument, Declarant is required to amend the Declaration so as to reallocate the Percentage Interest appurtenant to each Unit. Accordingly, Exhibit "B" attached to the Declaration and Revised Exhibit "B" of the Supplementary Declaration are amended in their entirety to read as does the "Revised Exhibit "B" attached to this Second Supplementary Declaration and made a part hereof by reference. The reallocated Percentage Interests which are contained in said Revised Exhibit "B" attached hereto have been computed on the basis of the par value that each of the Units bears to the total par value of all the Units pursuant to the provisions of Section 5 of Article III of the Declaration. The Percentage Interest appurtenant to each Unit in Buildings 9, 10, 12, 13, 14 and 15 are also set forth in said Revised Exhibit "B" annexed hereto.

VII. REAL PROPERTY COMPRISING THE PROJECT

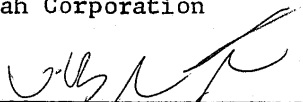
The Project as fully expanded by the recordation of the Phase Three Map and this Second Supplementary Declaration consists of the real property described in Recitals A, C and Article II of this Second Supplementary Declaration.

VIII. EFFECTIVE DATE

The effective date of this Second Supplementary Declaration shall be the date on which it is filed for record in the office of the County Recorder of Salt Lake County, State of Utah. From and after said date the constituent documents of Essex Court Condominium Project, unless hereafter amended, shall consist of (i) the Declaration, as amended, and the Record of Survey Map of Essex Court Phase One, (ii) the Supplementary Declaration and the Phase Two Map, and (iii) the Second Supplementary Declaration and the Phase Three Map.

IN WITNESS WHEREOF, Declarant has executed this instrument on the day and year first above written.

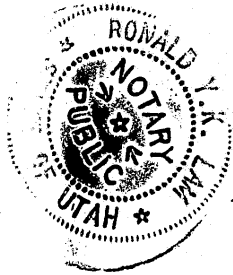
CONTOUR DEVELOPMENT CORPORATION  
A Utah Corporation

By:   
V. BLAINE TURNER  
Its President

STATE OF UTAH                    )  
  : ss.  
County of Salt Lake            )

On the 28<sup>th</sup> day of MARCH, 1980, personally appeared before me V. BLAINE TURNER who, on oath did say that he is the President of Contour Development Corporation, and that the within and foregoing instrument was signed in

behalf of said corporation by authority of a resolution of  
its Board of Directors and the said V. BLAINE TURNER duly  
acknowledged to me that said corporation executed the same.



*Ronald V. Turner*

NOTARY PUBLIC  
Residing at Salt Lake City, Utah

My Commission Expires:

SEPT 29, 1981



CONSENT OF MORTGAGEE

AMERICAN SAVINGS AND LOAN ASSOCIATION, a Corporation of the ~~United States of America~~, being a Mortgagee of the real property comprising Phase Three of the Project, does hereby consent to the recordation by Contour Development Corporation, a Utah corporation, of the "Second Supplementary Declaration to the Covenants, Conditions and Restrictions of Essex Court Condominium Project (An Expandable Condominium Program) (Phase Three)" and the related Record of Survey Map of Phase Three in the Official Records of Salt Lake County, State of Utah, provided, however, that this Consent shall not be deemed to render the undersigned a declarant or developer under the Utah Condominium Ownership Act, this Second Supplementary Declaration, or otherwise, or in any way render the undersigned liable for any obligations of the Declarant or Developer.

DATED this 5 day of MAY, 1980.

AMERICAN SAVINGS AND LOAN ASSOCIATION

By *Robert L. Ford*  
Its Senior Vice President

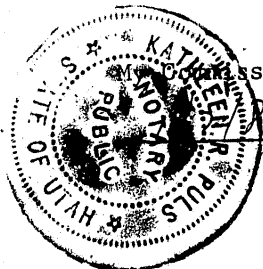
ATTEST:

*Marie P. GioVengo*  
Asst. Secretary

STATE OF UTAH                    )  
  : ss.  
County of Salt Lake            )

On the 5th day of May, 1980, personally appeared before me Robert L. Ford and Marie P. GioVengo, who being by me duly sworn, did say that he, Robert L. Ford is the Senior Vice President, and she, Marie P. GioVengo is the Assistant Secretary, of American Savings and Loan Association, a Corporation, and that the foregoing instrument was signed by them in behalf of said Corporation by authority of its by-laws or of a resolution of its Board of Directors, and they each duly acknowledged to me that the said corporation executed the same and that the seal affixed is the seal of said Corporation.

*Kathleen R. Puls*  
NOTARY PUBLIC  
Residing at: Salt Lake City, UT



Commission Expires: \_\_\_\_\_

CONSENT OF MORTGAGEE

KAY MEMMOTT, being a Mortgagee of the real property constituting Phase Three of the Essex Court Condominium Project, does hereby consent to the recordation by Contour Development Corporation, a Utah corporation, of the instrument entitled "Second Supplementary Declaration to the Covenants, Conditions and Restrictions of the Essex Court Condominium Project (an Expandable Condominium) (Phase Three)", to which this Consent is attached, and the related Record of Survey Map of Phase Three in the official records of Salt Lake County, State of Utah, provided, however, that this Consent shall not be deemed to render the undersigned a declarant or developer under the Utah Condominium Ownership Act, this Second Supplementary Declaration, or otherwise, or in any way render the undersigned liable for any obligations of the Declarant or Developer.

DATED this 3rd day of April, 1980.

*[Signature]*

*[Signature]*  
KAY MEMMOTT

STATE OF UTAH )  
  ) : ss.  
County of Salt Lake )

On the 3rd day of APRIL, 1980, personally appeared before me KAY MEMMOTT, the signer of the foregoing instrument, who duly acknowledged to me that he executed the



*[Signature]*  
NOTARY PUBLIC  
Residing at: SALT LAKE COUNTY

My Commission Expires:  
SEPT 29, 1981

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REVISED EXHIBIT "B"

OF

ESSEX COURT CONDOMINIUM PROJECT

(An Expandable Condominium)

(Annexed to the Second Supplementary Declaration)

<u>Building</u>	<u>Unit</u>	<u>Par Value (based on points)</u>	<u>Percentage Interest</u>
1	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
2	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
3	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
4	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
5	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
6	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
7	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
8	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
9	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
10	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.572%
11	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.571%

<u>Building</u>	<u>Unit</u>	<u>Par Value (based on points)</u>	<u>Percentage Interest</u>
12	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.571%
13	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.571%
14	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.571%
15	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.571%
16	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.571%
17	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.571%
18	a	398.4	1.328%
"	b	"	"
"	c	"	"
"	d	471.6	1.571%

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100%

used in this Second Supplementary Declaration.

## II. PROPERTY DESCRIPTION

The Tract which is hereby submitted to the provisions of the Act and which shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration consists of the following described real property situated in Salt Lake County, State of Utah:

### PARCEL ONE:

Beginning at a point that is South 131.514 feet and East 2022.776 feet from the Northwest Corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence N4°07'07" E 126.164 feet; thence N87°06'49" E 187.265 feet; thence North 8.732 feet; thence N87°27'22" E 126.125 feet; thence South 149.598 feet; thence West 322.098 feet to the point of beginning. Contains 0.9983 Acres.

### PARCEL TWO:

Beginning at a point that is South 131.514 feet and East 2548.976 feet from the Northwest corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence N 18° W 70.00 feet; thence N30°36'37" W 34.857 feet; thence North 8.76 feet; thence N24°33' W 47.073 feet; thence N65°27' E 26.284 feet; thence N77°09'16" E 110.488 feet; thence S33° E. 94.220 feet; thence S 18° E. 110.00 feet; thence West 158.00 feet to the point of beginning. Contains 0.612 Acres.

## III. EFFECT OF FOREGOING SUBMISSION

Declarant hereby declares that the real property described in Article II of the Second Supplementary Declaration and in the Record of Survey Map of Phase Three (the "Phase Three Map") recorded simultaneously with the Second Supplementary Declaration shall be annexed to and become