

**SUPPLEMENTAL
DECLARATION**

OF

**COVENANTS, CONDITIONS AND
RESTRICTIONS**

FOR

RIVER VALLEY 2 HOA

(a Utah Expandable Residential Community)

April 2020

Supplemental
DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
RIVER VALLEY 2 HOA

This Supplemental Declaration of Covenants, Conditions and Restrictions for River Valley 2 HOA ("Supplemental Declaration") is made and executed by the property owners executing this Supplement Declaration and by J. Burdette Stocking and Luann M. Stocking, Trustees of the J. Burdette and Luann M. Stocking, Revocable Trust, dated the 23rd day of December, 2019, J. Burdette Stocking, River Valley Development, LLC, a Utah limited liability company, collectively referred to herein as "Declarants".

RECITALS:

WHEREAS, on August 7, 2019, the Declaration of Covenants, Conditions and Restrictions for River Valley 2 HOA (hereinafter the "Declaration") as part of a plan for the overall development of the River Valley 4-Plex Subdivision, Phase 2, Lot 22 and 23 Amended, (the "Project"), was recorded in the office of the County Recorder of Box Elder County in Book 1379, beginning on Page 271, as Entry No. 399675; and

WHEREAS, Declarants are fee simple owners of the real property described in Exhibit "A", attached to this Supplemental Declaration, which real property is to be added to and become part of the Project. The property identified in Exhibit "A" is referred to herein as the "Phase 2" property; and

WHEREAS, the Declaration contains provisions declaring the Project to be an expandable subdivision and reserving to Declarants the authority to expand the Project by recording a supplemental Declaration, and Declarants desire to amend the Declaration and expand the Project by adding the Phase 2 property to the Project; and

WHEREAS, the Phase 2 property shall consist of an additional fourteen (14) Lots on land adjacent to the land included in the Project, and it is Declarants' intent to subject the Phase 2 property to the provisions of this Supplemental Declaration to accomplish that purpose.

WHEREAS, by recording this Supplemental Declaration, Declarants are providing notice to the Lot Owners in the Project, which Lot Owners own those Lots described in Exhibit "B", attached hereto, that the Project is being expanded by adding the Phase 2 property; and

NOW, THEREFORE, for such purposes, Declarants hereby execute this Supplemental Declaration and declare that all of the Phase 2 property is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the provisions of the Declaration and the following covenants, conditions, restrictions, uses, limitations and obligations, all of which are declared and agreed to be in furtherance of a plan for the improvement of said property and shall be deemed to run with the land and shall be binding upon the current Lot Owners, all successors and assigns, and any person acquiring or owning an interest in the real property and improvements, their grantees, successors, heirs, executors, administrators, devisees and assigns.

The above Recitals are incorporated herein by reference and made a part hereof.

The Declaration is amended, and the following provisions shall apply to Lots in the Project identified in Exhibits "A" and "B" attached hereto.

ARTICLE I

DESCRIPTION OF ADDITIONAL LAND

1.1 **Phase 2 Property.** The additional real property which is hereby submitted to the provisions of the Declaration and this Supplemental Declaration and which shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, consists of the real property situated in Box Elder County, State of Utah, contained in Exhibit "A", and as shown on the plats contained in Exhibits "C" and "D", attached hereto.

ARTICLE II

EFFECT OF FOREGOING SUBMISSION

2.1 **Subject to Declaration.** Declarants hereby declare that the real property described in Exhibit "A" hereto shall be annexed to and become subject to the provisions of the Declaration which upon recordation of this Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the Phase 2 property described in Exhibit "A" to this Supplemental Declaration subject to the functions, power, rights, duties and jurisdiction of the River Valley 2 HOA. The Phase 2 property shall, in conjunction with the existing Lots described in Exhibit "B", constitute the Project, and all the property and/or Lots described in Exhibit "B" shall be subject to the provisions of the Declaration and this Supplemental Declaration.

ARTICLE III

LOTS CREATED BY EXPANSION

3.1 **Additional Lots.** An additional fourteen (14) Lots have been created and are part of the Phase 2 property described in Exhibit "A" of this Supplemental Declaration. Upon the recordation of this Supplemental Declaration the total number of Lots in the Project will be thirty (30).

**ARTICLE IV
CONSOLIDATED LEGAL DESCRIPTION**

- 4.1 **All Lots in Project.** The legal description of all the Lots in the Project as expanded by the recordation of this Supplemental Declaration consists of the Lots described in Exhibits "A" and "B" of this Supplemental Declaration, and which are reflected in the Plats that are recorded at the Box Elder County Records Office.

**ARTICLE V
EXPANSION**

- 5.1 **Right to Expand.** The first phase of the Project included sixteen (16) Lots. Phase 2 of the Project contains an additional fourteen (14) Lots. Each of the fourteen (14) additional Lots in Phase 2 are constructed. No assurances as to architecture, materials or type or size of Lots or Dwellings are made. Except as to the total number of Lots, there is no limitation as to the nature and location or locations of any improvements that may be made on any portions of the additional land. No assurances are made as to what improvements may be made or required in conjunction with construction of additional Lots and Dwellings.
- 5.2 **Expansion of Definitions:** In connection with this expansion, the definitions used in the Declaration automatically shall be expanded to encompass and refer to the Project as so expanded, e.g., "real property" shall mean the real property described in the Declaration and/or this Supplemental Declaration. All conveyances of Lots and Units after such expansion shall be effective to transfer rights in the Project, as expanded, by references to this Supplemental Declaration and any supplemental Maps.
- 5.3 **Declaration Operative on New Lots.** The Phase 2 property created by this Supplemental Declaration shall be subject to all the terms and conditions of the Declaration, amendments to the Declaration, and this Supplemental Declaration, and the Phase 2 Lots herein shall be subject to ownership with all the incidents pertaining thereto as specified herein.
- 5.4 **Equal Ownership and Voting.** Except for the Class B Member pursuant to Section 8.2 of the Declaration, each Lot Owner in the Project shall be entitled to one vote in the Association. Furthermore, as described in Article X of the Declaration, each Owner of a Lot in the Project shall each pay an equal assessment, except that Declarants or Declarants' successor in interest shall not be obligated to pay any Common Expense assessment or any other assessment to the Association until the Lot has been conveyed to a third party and a Dwelling has been constructed on the Lot.
- 5.5 **Approval.** Declarants represents it is Declarants' intent to expand the Project and River Valley 2 HOA by adding Phase 2 to the Project. Phase 2 will be part of the River Valley 2 HOA and the Project at such time as this Supplemental Declaration is recorded.
- 5.6 **Owner's Association.** All Lot Owners within the Project shall be members of the River Valley 2 HOA, as set forth in the Declaration and subject to the bylaws thereof.

ARTICLE VI

SEVERABILITY

- 6.1 Validity Not Affected.** If any of the provisions of this Supplemental Declaration or any paragraph, sentence, clause, phrase or word or the application thereof in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the Supplemental Declaration and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

ARTICLE VII

EFFECTIVE DATE

- 7.1 Recording Date.** The effective date of this Supplemental Declaration shall be the date on which said instrument is filed for record with the office of the County Recorder of Box Elder County, State of Utah. From and after said date this Supplemental Declaration and the Plat of Phase 2 shall be part of the governing documents for River Valley 2 HOA.

[Signatures and Certification on Following Page]

CERTIFICATION

Declarants hereby certify they are authorized to execute this Supplement Declaration and are doing so pursuant to the provisions of Article XVII of the Declaration, which Article grants Declarants the option to expand the Project without a vote or consent of the Lot Owners.

Declarants have executed this instrument on the date shown below.

IN WITNESS WHEREOF, this 22 day of April, 2020.

DECLARANTS:

River Valley Development, LLC.

J. Burdette and Luann M. Stocking, Revocable Trust, dated the 23rd day of December, 2019

By: B Stocking
J. Burdette Stocking, Manager

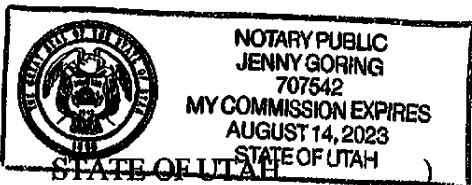
By: B Stocking
J. Burdette Stocking, Trustee

B Stocking
J. Burdette Stocking

By: L Stocking
Luann M. Stocking

STATE OF UTAH)
: ss.
COUNTY OF BOX ELDER)

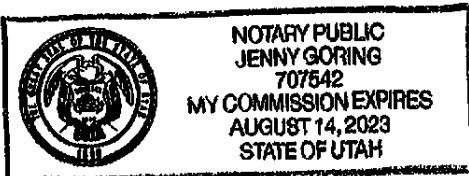
On the 22 day of April, 2020, personally appeared before me, J. Burdette Stocking, who acknowledged to me that he is authorized to, and did in fact execute this Supplemental Declaration, personally, as manager on behalf of River Valley Development, LLC, and as Trustee of the J. Burdette and Luann M. Stocking, Revocable Trust, dated the 23rd day of December, 2019.



Jenny Goring
NOTARY PUBLIC

: ss.
COUNTY OF BOX ELDER)

On the 22 day of April, 2020, personally appeared before me, Luann Stocking, who acknowledged to me that she did execute this Supplemental Declaration as Trustee of the J. Burdette and Luann M. Stocking, Revocable Trust, dated the 23rd day of December, 2019.



Jenny Goring
NOTARY PUBLIC

EXHIBIT "A"

**Legal Descriptions
Box Elder County**

UNIT 01, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 160 AMENDMENT, TCS. PART OF SEC 05, T 11N, R 03W, SLBM. [05-246-0019]

UNIT 02, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 160 AMENDMENT, TCS. PART OF SEC 05, T 11N, R 03W, SLBM. [05-246-0020]

UNIT 03, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 160 AMENDMENT, TCS. PART OF SEC 05, T 11N, R 03W, SLBM. [05-246-0021]

UNIT 04, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 160 AMENDMENT, TCS. PART OF SEC 05, T 11N, R 03W, SLBM. [05-246-0022]

UNIT 05, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 160 AMENDMENT, TCS. PART OF SEC 05, T 11N, R 03W, SLBM. [05-246-0023]

UNIT 06, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 160 AMENDMENT, TCS. PART OF SEC 05, T 11N, R 03W, SLBM. [05-246-0024]

UNIT 01, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 161 AMENDMENT 2, TCS. PART OF SEC 05, T 11N, R 93W, SLBM. [05-246-0025]

UNIT 02, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 161 AMENDMENT 2, TCS. PART OF SEC 05, T 11N, R 93W, SLBM. [05-246-0026]

UNIT 03, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 161 AMENDMENT 2, TCS. PART OF SEC 05, T 11N, R 93W, SLBM. [05-246-0027]

UNIT 04, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 161 AMENDMENT 2, TCS. PART OF SEC 05, T 11N, R 93W, SLBM. [05-246-0028]

UNIT 05, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 161 AMENDMENT 2, TCS. PART OF SEC 05, T 11N, R 93W, SLBM. [05-246-0029]

UNIT 06, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 161 AMENDMENT 2, TCS. PART OF SEC 05, T 11N, R 93W, SLBM. [05-246-0030]

UNIT 07, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 161 AMENDMENT 2, TCS. PART OF SEC 05, T 11N, R 93W, SLBM. [05-246-0031]

UNIT 08, RIVER VALLEY SUBDIVISION, PHASE 06, LOT 161 AMENDMENT 2, TCS. PART OF SEC 05, T 11N, R 93W, SLBM. [05-246-0032]

EXHIBIT "B"

Legal Description
Box Elder County

**ALL OF LOTS 1 THROUGH 16, RIVER VALLEY 4-PLEX SUBDIVISION PHASE 2,
LOT 22 AND 23 AMENDMENT 2, TREMONTON, BOX ELDER COUNTY, UTAH.**

EXHIBIT "C"

PLAT

EXHIBIT "D"

PLAT

ALLIANCE CONSULTING ENGINEERS
180 EAST MAIN STREET
SALT LAKE CITY, UT 84111
801.487.3333

LAND USE AUTHORITY BOARD
APPROVAL AND ACCEPTANCE
The Board has reviewed the proposed subdivision and has approved the same for recording in the public records of the State of Utah, subject to the conditions set forth herein.

CITY COMMISSION APPROVAL AND ACCEPTANCE
The Commission has reviewed the proposed subdivision and has approved the same for recording in the public records of the State of Utah, subject to the conditions set forth herein.

ENGINEER'S CERTIFICATE
I, the undersigned, being duly licensed as a Professional Engineer in the State of Utah, do hereby certify that the above is a true and correct copy of the original as shown to me by the applicant.

LOT	AREA	OWNER
1	10,000	STATE OF UTAH
2	10,000	STATE OF UTAH
3	10,000	STATE OF UTAH
4	10,000	STATE OF UTAH
5	10,000	STATE OF UTAH
6	10,000	STATE OF UTAH
7	10,000	STATE OF UTAH
8	10,000	STATE OF UTAH
9	10,000	STATE OF UTAH
10	10,000	STATE OF UTAH

**RIVER VALLEY SUBDIVISION PHASE 6,
LOT 161 AMENDMENT 2**
PART OF THE SOUTHEAST QUARTER OF
SECTION 5, TOWNSHIP 11 NORTH, RANGE 3 WEST,
SALT LAKE BASIN AND MERIDIAN
TREMONTON, UTAH

LEGEND

- SOUTH CORNER
- QUARTER SECTION CORNER
- BOUNDARY LINE
- SEWER
- ROAD CENTER LINE
- PRIVATE
- UNLTD COMMON AREA
- RESERVED COMMONS

VICINITY MAP

ADDRESS TABLE

LOT	ADDRESS
1	450 N. 2650 W.
2	450 N. 2650 W.
3	450 N. 2650 W.
4	450 N. 2650 W.
5	450 N. 2650 W.
6	450 N. 2650 W.
7	450 N. 2650 W.
8	450 N. 2650 W.
9	450 N. 2650 W.
10	450 N. 2650 W.

ENGINEER'S CERTIFICATE

I, the undersigned, being duly licensed as a Professional Engineer in the State of Utah, do hereby certify that the above is a true and correct copy of the original as shown to me by the applicant.

APPROVED: [Signature]

BOUNDARY DESCRIPTION

Part of the Southeast Quarter of Section 5, Township 11 North, Range 3 West of the Salt Lake Basin and Meridian, Tremonton, Utah, as shown on the attached map.

NOTES

- The boundaries of the subdivision are shown on the attached map and are based on the survey conducted by the undersigned on or about the 1st day of [Month] 2016.
- The area of the subdivision is approximately [Area] acres.
- The subdivision is subject to the provisions of the Utah Subdivision Map Act.

APPROVAL AND ACCEPTANCE

The Board has reviewed the proposed subdivision and has approved the same for recording in the public records of the State of Utah, subject to the conditions set forth herein.

APPROVAL AND ACCEPTANCE

The Commission has reviewed the proposed subdivision and has approved the same for recording in the public records of the State of Utah, subject to the conditions set forth herein.

**RIVER VALLEY SUBDIVISION PHASE 6,
LOT 161 AMENDMENT 2**
PART OF THE SOUTHEAST QUARTER OF
SECTION 5, TOWNSHIP 11 NORTH, RANGE 3 WEST,
SALT LAKE BASIN AND MERIDIAN
TREMONTON, UTAH

601 FLDER COUNTY RECORDS RE-RECORDED
ENTRY NO. 406,189 116 PAGES 444,600
FILED FOR RECORDING & RE-RECORDING 11-17-2016
AT 2:21 PM IN ROOM 1012 OF
OFFICE RECORDS, PAGE 517
RECORDED FOR [Signature]
601 FLDER COUNTY RECORDS