

WHEN RECORDED, RETURN TO:

RICHARDS LAW, PC
2040 Murray Holladay Rd., Suite 106
Salt Lake City, UT 84117
(801)

DECLARATION OF ANNEXATION
TO
COPPER CANYON P.U.D. SUBDIVISION
PHASE 5

THIS DECLARATION OF ANNEXATION TO COPPER CANYON P.U.D. SUBDIVISION is filed on the date evidenced below by Phoenix of Copper Canyon, LLC, as the Declarant ("Declarant") of the subdivision pursuant to the Declaration (as defined below).

RECITALS

- A. Whereas, a Declaration of Covenants, Conditions and Restrictions for Copper Canyon P.U.D. Subdivision was recorded on August 17, 2007, as Entry No. 291588 in the Recorder's Office for Tooele, County (as may be amended from time to time, the "Declaration").
- B. Whereas, a Declaration of Covenants, Conditions and Restrictions for Copper Canyon P.U.D. Subdivision, Phase 3, Tooele, Utah was recorded July 14, 2015, as Entry No. 415639 in the Recorder's Office for Tooele, County (as may be amended from time to time, "Phase 3 Declaration").
- B. Whereas, under Recitals (E) of the Declaration and Phase 3 Declaration, Declarant reserved an option to expand the Project (as defined in the Declaration) and annex additional property into the Project at any time.
- C. Whereas, Declarant Phoenix of Copper Canyon, LLC was granted Declarant rights under a separate Agreement of that certain real property known as Copper Canyon P.U.D. Subdivision;
- D. Whereas, Declarant is the fee simple owner of record of that certain real property known as Copper Canyon P.U.D. Subdivision Phase 5 described with particularity on Exhibit A attached hereto and incorporated herein by this reference ("Phase 5") with authority to annex the property described herein.
- D. Whereas, the undersigned desires to expand the Project by annexing the Phase 5 Additional Property into the Project and intends that Phase 5 shall be subject to the Phase 3 Declaration.

NOW THEREFORE, Declarant hereby declares as follows:

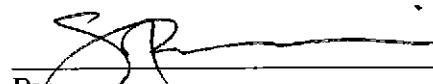
1. The Phase 5 Additional Property, as described in **Exhibit A**, is hereby submitted to the provisions of the Phase 3 Declaration and, pursuant thereto, is hereby annexed into the Property, as "Property" is defined in the Phase 3 Declaration, and is to be held, transferred, sold, conveyed, and occupied as a part of the Project.

2. Except as amended by the provisions of this Declaration of Annexation, the Declaration and Phase 3 Declaration shall remain unchanged, and together with this Declaration of Annexation shall constitute the covenants, conditions and restrictions for the Property.

IN WITNESS WHEREOF, the Declarant has executed this instrument the 4 day of August, 2017.

DECLARANT

PHOENIX OF COPPER CANYON, L.L.C.


By: _____
Its: Manager

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

Subscribed and sworn before me on this 4 day of August, 2017 by
Shon Rindlisbacher.



NOTARY PUBLIC
CHELSEA ROBINSON
661970
COMMISSION EXPIRES
FEBRUARY 29, 2019
STATE OF UTAH

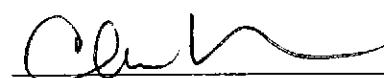

Notary Public

EXHIBIT A**Legal Description**

Lots 501 through 537 plus 2 Parcels, COPPER CANYON PUD PHASE 5 subdivision, according to the official plat thereof recorded with the office of the Tooele County Recorder, state of Utah.

BOUNDARY DESCRIPTION

A portion of the NW1/4 of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the northwest corner of Lot 2100, COPPER CANYON P.U.D. PHASE 2B, as monumented on the ground, according to the Official Plat thereof on file in the Office of the Tooele County Surveyor, located S89°42'47"W along the Section line 514.58 feet and South 643.77 feet from the North 1/4 Corner of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence along said plat the following four (4) courses and distances: S27°33'11"E 100.00 feet; thence S62°26'49"W 5.72 feet; thence S27°33'11"E 294.39 feet; thence S63°28'56"W 166.84 feet; thence N79°25'39"W 68.65 feet; thence N85°12'55"W 142.94 feet; thence S76°07'44"W 164.50 feet; thence S62°26'49"W 640.37 feet; thence N27°42'21"W 67.36 feet; thence along the arc of a 29.50 foot radius curve to the left 46.34 feet through a central angle of 90°00'00" (chord: N72°42'21"W 41.72 feet); thence N27°42'21"W 60.00 feet; thence N62°17'39"E 46.18 feet; thence N27°42'21"W 114.06 feet to the southerly line of said COPPER CANYON P.U.D. PHASE 2B; thence along said Plat the following 6 (six) courses and distances: N62°26'23"E 574.45 feet; thence N62°05'22"E 37.47 feet; thence N67°37'51"E 60.28 feet; thence N71°13'13"E 180.99 feet; thence N65°29'49"E 86.29 feet; thence N62°26'49"E 194.56 feet to the point of beginning.

Contains: 7.87± acres
37 Lots and 2 Parcels