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Date DEC 14 1977 at 10:46 A.M Fee Paid \$ 33.00
by L. Dell Manning MARGUERITE S. BOURNE Recorder Davis County
Declar. Book 682 Page 542

481031

THIRD SUPPLEMENTAL AND AMENDED DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND BY-LAWS FOR
COUNTRY OAKS CONDOMINIUMS

Country Oaks Ph 6
Un. 1-5.inal

This Third Supplemental and Amended Declaration of Covenants, Conditions, Restrictions and Bylaws, hereinafter called "Amended Declaration" is made and executed in Davis County, Utah, this _____ day of November, 1977, by COUNTRY OAKS PARTNERSHIP, a Utah partnership, hereinafter called "Declarant" for itself, its successors, grantees and assigns, pursuant to the provisions of the Utah Condominium Ownership Act, Utah Code Annotated, Section 57-8-1, et seq., (1953 as amended), hereinafter referred to as "Condominium Ownership Act".

W I T N E S S E T H:

- Abstracted
- Indexed
- Entered
- Platted
- On Margin
- Compared

WHEREAS, Declarant is the owner of the following described real property situated in Davis County, State of Utah, to-wit:

COUNTRY OAKS

Beginning at a point located 784.17 feet South and 623.65 feet East from the North 1/4 corner of Section 14, Township 4 North, Range 1 West; Salt Lake Base and Meridian; running thence North 79° East 281.18 feet to the South corner of Country Oaks Condominiums, Phase I; thence North 27° West 111.31 feet; thence South 79° West 218.74 feet; thence North 11° West 30.00 feet; thence South 79° West 30.00 feet; thence South 11° East 36.07 feet; thence South 10° East 100.95 feet to the point of beginning. (Known as Phase Six)

and

WHEREAS, the aforesaid property consists of the land above described together with certain residential buildings and certain other improvements heretofore or hereafter to be constructed upon said premises; and

WHEREAS, Declarant has constructed or will construct residential buildings and other improvements upon the aforesaid premises in accordance with the plans and drawings set forth in the record of survey map filed heretofore consisting of One (1) sheet prepared and certified by O. NEIL SMITH, a duly registered Utah Land Surveyor, recorded as Entry No. 481030, on DEC 14 1977, 1977, in Book 682, at Page 541, Records, Davis County Recorder; and

NEW

WHEREAS, Declarant desires by filing this Amended Declaration and the aforesaid record of survey map, to submit the above-described real property and the said buildings and other improvements being constructed or to be constructed thereon to the provisions of the Utah

Condominium Ownership Act as a condominium project known as COUNTRY OAKS CONDOMINIUM; and

WHEREAS, Declarant desires and intends to sell the fee title to the individual units contained in said condominium project, together with an undivided ownership interest in the common areas and facilities appurtenant thereto, to various purchasers, subject to the covenants, conditions and restrictions herein reserved to be kept and observed; and

WHEREAS, Declarant desires and intends by filing this Amended Declaration and the record of survey map to submit the property to the provisions of the aforesaid act as a condominium property and to impose upon said property mutually beneficial restrictions under a general plan of improvement for the benefit of said property and the owners thereof; and

WHEREAS, the Declarant intends to continue to develop the above condominium project in phases, the first, second, third, fourth, and fifth phases previously being developed and consisting of eight units, ten units, eight units, three units and nine units, respectively, and made a part of the land previously dedicated to the COUNTRY OAKS CONDOMINIUM project;

NOW, THEREFORE, for such purposes, Declarant hereby makes the following Declaration and declares that all of the property is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the following covenants, conditions, restrictions, uses, limitations and obligations, all of which are declared and agreed to be in furtherance of the plan for the improvement of the said property and the division thereof into condominiums, and shall be deemed to run with the land and shall be binding upon Declarant, its 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:

1. Paragraphs One (1) through and including Thirty-two (32) excepting only Paragraph Three (3) of the original Declaration of Phase One as amended are adopted herein by reference and made a part hereof without change or amendment.

2. Paragraph Three (3) "Description of Property" of the original Declaration of Phase One and Paragraph Two (2) of the Supplemental and Amended Declaration of Covenants, Conditions, Restrictions and Bylaws for COUNTRY OAKS CONDOMINIUMS recorded _____, 1976, in Book _____, Page _____ of Records of Davis County, are hereby amended to read as follows:

A. DESCRIPTION OF LAND. The land on which the COUNTRY OAKS CONDOMINIUMS are located is that tract or parcel of land in Davis County, State of Utah, more particularly described in Appendix A of this Third Amended Declaration, together with those tracts of land described in Appendix A of this Declaration which are incorporated into and become subject to the provisions of this Declaration as provided herein known as Phase One, Phase Two, Phase Three, Phase Four, Phase Five and Phase Six.

B. GENERAL DESCRIPTION OF BUILDINGS. The buildings constituting a part of this condominium project are sixteen in number and are identified in relationship to each other in the survey maps previously recorded and made a part hereof. Two of said buildings are in Phase One, five of said buildings are in Phase Two, two of said buildings are in Phase Three, one of said buildings is in Phase Four, four of said buildings are in Phase Five and two of said buildings are in Phase Six of the condominium project.

The total number of units in each building are specified in Appendix B which is attached hereto.

The number of levels or floors in each such unit is shown in the maps. The buildings consist of wood frame structures, together with an exterior composit of wood and/or brick.

Each unit is designed for use as a single family residence and has exclusive right to use and occupy the garage reserved for each unit as shown in the maps.

All other details involving the respective descriptions and locations of the buildings and a statement of the number of stories, number of units and the principal materials of which each building is or is to be constructed and other like details are set forth in the maps which have been filed of record and incorporated herein by reference.

C. DESCRIPTION OF UNITS. Each unit shall consist of:

1. The space enclosed within the undecorated interior surface of its perimeter walls, floors and ceilings (being in appropriate cases the inner surfaces parallel to the roof plane of the roof rafters, and the projections thereof) projected, where appropriate, to form a complete enclosure of space.

2. Any finishing material applied or affixed to the interior surfaces of the perimeter walls, floors, and ceiling, including without limitation paint, lacquer, varnish, wallpaper, tile and paneling.

3. Non-supporting interior walls.

4. Windows and doors in the perimeter walls, whether located within the bounds of a unit or not, but not including any space occupied thereby to the extent located outside the bounds of the units.

5. All utility pipes or lines or systems, and fixtures or appliances connected thereto, servicing a single or connecting a single unit to a main or central utility, whether located within the bounds of the unit or not, but not including any space occupied thereby to the extent located outside the bounds of the unit.

6. Units forming a part of the condominium property are more particularly described in the map, which shows graphically all the particulars of the buildings; without limiting the generality of the foregoing, the unit designations are set forth in Appendix B attached hereto.

7. Each unit has immediate access to the common areas or facilities or limited common areas and facilities contiguous to the building in which such unit is located.

8. Every contract for the sale of a unit and every other instrument affecting title to the unit may describe that unit by its identifying number or symbol as designated in the map or maps with the appropriate reference to the map(s) and to the Declaration, as each shall appear on the records of the County Recorder of Davis County, Utah.

Such description will be construed to describe the unit, together with the appurtenant undivided interest in the common areas and facilities, and to incorporate all the rights incident to ownership of a unit and all the limitations on such ownership as described in this Declaration, including all appurtenant undivided interests and all rights and limitations arising as a result of an expansion of the project pur-

suant to Paragraph Twenty-four (24) of this Declaration.

D. DESCRIPTION OF COMMON AREAS AND FACILITIES. The common areas and facilities shall consist of all parts of the condominium property except the units. Without limiting the generality of the foregoing, the common areas and facilities shall include the following, whether located within the bounds of a unit or not:

1. All structural parts of the building, including without limitation foundations, columns, joists, beams, supports, supporting walls, floors, ceiling and roofs.

2. Patios, yards, courts and driveways which are not limited common areas and facilities as defined herein.

3. The roadways contained therein, provided that such roadways shall cease to be part of the common areas and facilities when and if dedicated to public use with the consent of the association of unit owners and accepted by the public authority having jurisdiction.

4. Any utility pipe or line or system servicing more than a single unit, and all ducts, wires, conduits and other accessories used therewith, but excluding any pipe or line or accessory connecting a single unit to a main or central pipe or line or system or to a pipe or line or system servicing more than a single unit.

5. All other parts of the condominium property necessary or convenient to its existence, maintenance and safety, or normally in common use, or which have been designated as common areas and facilities in the drawings.

6. The limited common areas and facilities hereinafter described.

7. All repairs and replacements of any of the foregoing.

E. DESCRIPTION OF LIMITED COMMON AREAS AND FACILITIES. Each unit owner is hereby granted an irrevocable license to use and occupy the limited common areas and facilities reserved exclusively for the use of his unit, which shall consist of all the common areas and facilities, including but not limited to a balcony and/or patio, yard, and a garage and driveway which are intended for the exclusive service of the unit, the use and occupancy of which shall in each case be limited to such unit.

3. Appendix B of the original Declaration is supplemented and amended to include the addition of Phase Six to the condominium project as set forth herein and in Appendix A and Appendix B attached hereto and made a part hereof.

4. The common areas and facilities of Phases One, Two, Three, Four, Five and Six include the common areas and facilities of Phases One, Two, Three, Four, Five and Six to the mutual use of each. The limited common areas and facilities of Phases One, Two, Three, Four, Five, and Six include the limited common areas and facilities of Phases One, Two, Three, Four, Five and Six with the uses and restrictions there-to appertaining. Phases One, Two, Three, Four, Five, and Six shall be one condominium project.

5. This Supplemental and Amended Declaration shall take effect upon recording.

IN WITNESS WHEREOF, the undersigned, partners of COUNTRY OAKS PARTNERSHIP, the owner of the land described in Appendix A of this Declaration, have set their hands this 22nd day of November, 1977.

COUNTRY OAKS PARTNERSHIP

Rice Family, Inc.

By Robert L. Rice
Its Chairman of Board

N. A. Williams Family Corporation

By N.A. Williams
Its Pres.

C. J. Larsen Family Corporation

By C.J. Larsen
Its Pres.

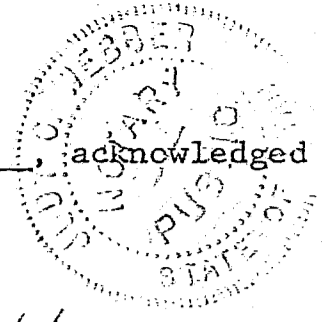
Lee E. Burbidge & Associates, Inc.

By [Signature]
Its [Signature]

STATE OF UTAH)
County of Salt Lake) ss

On the 22nd day of November, 1977, personally appeared before me ROBERT L. RICE, who being by me duly sworn did say that he is the Chairman of the Board of Rice Family Inc., a General Partner of Country Oaks Partnership, and that this Declaration was signed in behalf of said Rice Family, Inc., by authority

of its Bylaws, and said ROBERT L. RICE, acknowledged to me that said corporation executed the same.



J. W. Webber
NOTARY PUBLIC
Residing at: Ogden, Utah

My Commission Expires: February 20, 1977

STATE OF UTAH)
) ss
County of Salt Lake)

On the 22nd day of November, 1977, personally appeared before me N. A. WILLIAMS, who being by me duly sworn did say that he is the President of N. A. Williams Family Corporation, a General Partner of Country Oaks Partnership, and that this Declaration was signed in behalf of said N. A. Williams Family Corporation, by authority of its Bylaws, and said N. A. WILLIAMS, acknowledged to me that said corporation executed the same.

J. W. Webber
NOTARY PUBLIC
Residing at: Ogden, Utah

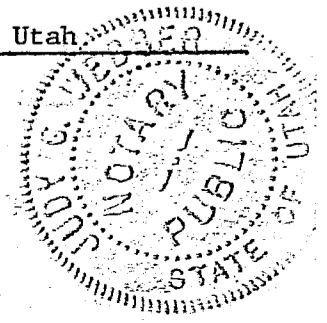
My Commission Expires: February 20, 1977

STATE OF UTAH)
) ss
County of Salt Lake)

On the 22nd day of November, 1977, personally appeared before me C. J. LARSEN, who being by me duly sworn did say that he is the President of C. J. Larsen Family Corporation, a General Partner of Country Oaks Partnership and that this Declaration was signed in behalf of said C. J. Larsen Family Corporation, by authority of its Bylaws, and said C. J. LARSEN, acknowledged to me that said corporation executed the same.

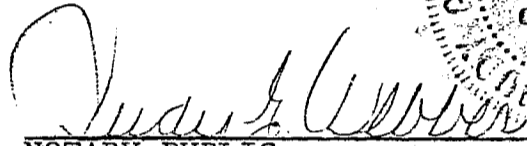
J. W. Webber
NOTARY PUBLIC
Residing at: Ogden, Utah

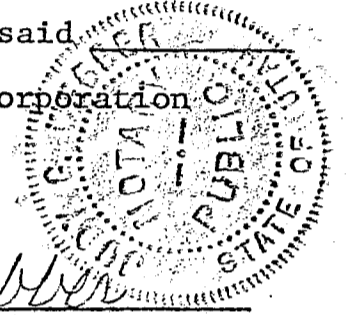
My Commission Expires: February 20, 1979



STATE OF UTAH)
)
County of Salt Lake) ss

On the 22nd day of November, 1977, personally appeared before me LEE E. BURBIDGE, who being by me duly sworn did say that he is the President of Lee E. Burbidge & Associates, Inc., a General Partner of Country Oaks Partnership, and that this Declaration was signed in behalf of said Lee E. Burbidge & Associates, Inc., by authority of its Bylaws, and said LEE E. BURBIDGE, acknowledged to me that said corporation executed the same.


NOTARY PUBLIC
Residing at: Ogden, Utah



My Commission Expires: February 20, 1977

LAND DESCRIPTION FOR
COUNTRY OAKS CONDOMINIUMS

Beginning at a point which is South $89^{\circ}49'30''$ West 2021.10 feet along the Section line, and South 555.18 feet from the Northeast corner of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence North 79° East 199.357 feet; thence North 27° West 29.578 feet; thence North 74° East 132.439 feet; thence South 27° East 190.318 feet; thence South 63° West 100.0 feet; thence South $26^{\circ}07'40''$ West 75.0 feet; thence North 27° West 111.312 feet; thence South 79° West 218.74 feet; thence North 11° West 122.0 feet to the point of beginning. Containing 1.3408 acres. (Known as Phase One)

TOGETHER WITH: Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, beginning at a point located East 1161.13 feet and South 510.39 feet from the North quarter corner of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, thence North 16° West 137.00 feet; thence South 74° West 137.56 feet; thence North 16° West 92.00 feet; thence South 74° West 173.30 feet; thence South 16° East 107.00 feet; thence North 74° East 111.00 feet; thence South 27° East 190.32 feet; thence North 63° East 25.39 feet; thence North 25° West 60.73 feet; thence North 74° East 148.12 feet to the point of beginning. Contains 1.038 acres. (Known as Phase Three)

TOGETHER WITH: Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, beginning at a point located North $89^{\circ}49'30''$ East 611.13 feet and South 555.18 feet from the North quarter corner of said Section 14, thence North 79° East 199.36' thence North 27° West 100 feet thence North 11° West 145.87 feet, thence South 79° West 200 feet, thence South 11° East 112 feet, thence South 79° West 92.44 feet thence South 11° East 130 feet, thence North 79° East 120.64 feet to the point of beginning. Contains 1.42 acres. (Known as Phase Two)

TOGETHER WITH: Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian beginning at a point located East 1161.13 feet and South 510.39 feet from the North quarter corner of said Section 14, thence North 16° West 137 feet, thence South 74° West 137.56 feet, thence North 16° West 92 feet, thence North 74° East 187.56 feet, thence South 16° East 248.40 feet, thence North $84^{\circ}47'37''$ West 53.63 feet to the point of beginning. (Known as Phase Four)

TOGETHER WITH: Part of the North 1/2 of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian. U. S. Survey; beginning at a point located 1049.94 East and 304.04 feet South from the North 1/4 corner of said Section 14; running thence North 10° East 200.0 feet; thence South 80° East 122.68 feet; thence South 27° East 167.76 feet; thence South 13° East 210.0 feet; thence South 74° West 118.96 feet; thence North 16° West 248.40 feet; and thence South 74° West 100.0 feet to the point of beginning. Contains 1.32 acres. (Known as Phase Five)

TOGETHER WITH: Beginning at a point located 784.17 feet South and 623.65 feet East from the North 1/4 corner of Section 14, Township 4 North, Range 1 West; Salt Lake Base & Meridian; running thence North 79° East 281.18 feet to the South corner of Country Oaks Condominiums, Phase I; thence North 27° West 111.31 feet; thence South 79° West 218.74 feet; thence North 11° West 30.00 feet; thence South 79° West 30.00 feet; thence South 11° East 36.07 feet; thence South 10° East 100.95 feet to the point of beginning. (Known as Phase Six)

APPENDIX B

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COUNTRY OAKS CONDOMINIUMS

PHASE ONE

<u>Unit No.</u>	<u>Building</u>	<u>Size in Sq. Ft.</u>	<u>Undivided Interest in Common Areas</u>	<u>Percentage</u>
1A	1	1650	2.56	.0256
1B	1	1740	2.71	.0271
1C	1	1680	2.61	.0261
1D	1	1475	2.29	.0229
2A	2	1650	2.56	.0256
2B	2	1500	2.32	.0232
2C	2	1500	2.32	.0232
2D	2	1650	2.56	.0256

PHASE TWO

<u>Unit No.</u>				
1		1364	2.11	.0211
2		1364	2.11	.0211
3		1491	2.31	.0231
4		1491	2.31	.0231
5		1491	2.31	.0231
6		1491	2.31	.0231
7		1491	2.31	.0231
8		1491	2.31	.0231
9		1524	2.36	.0236
10		1524	2.36	.0236

PHASE THREE

<u>Unit No.</u>				
1		1519	2.35	.0235
2		1519	2.35	.0235
3		1519	2.35	.0235
4		1519	2.35	.0235
5		1519	2.35	.0235
6		1163	1.80	.0180
7		1163	1.80	.0180
8		1163	1.80	.0180

PHASE FOUR

<u>Unit No.</u>				
1		1524	2.36	.0236
2		1524	2.36	.0236
3		1524	2.36	.0236

PHASE FIVE

<u>Unit No.</u>				
1		1524	2.36	.0236
2		1524	2.36	.0236
3		1524	2.36	.0236
4		1524	2.36	.0236
5		1524	2.36	.0236
6		1524	2.36	.0236
7		1524	2.36	.0236
8		1524	2.36	.0236
9		1524	2.36	.0236

APPENDIX B (Continued) COUNTRY OAKS CONDOMINIUMS

PHASE SIX

<u>Unit No.</u>	<u>Building</u>	<u>Size in Sq. Ft.</u>	<u>Undivided Interest in Common Areas</u>	<u>Percentage</u>
1		1524	2.36	.0236
2		1524	2.36	.0236
3		1524	2.36	.0236
4		1491	2.31	.0231
5		1491	2.31	.0231
		64,493	100	100.00%