

**SUPPLEMENTAL DECLARATION  
OF  
GARDEN SOUTH CONDOMINIUMS  
PHASE IX**

LAYTON P. OTT as Owner of the property described at Exhibit A hereto and the GARDENS SOUTH HOMEOWNERS ASSOCIATION, INC. (hereinafter "Homeowners Association") hereby exercise their rights to add to the Gardens South Condominiums project Phase IX thereof, subject to 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

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FOR: SOUTHERN UTAH TITLE CO

to 529 of the Official Washington County Records, as supplemented by the Supplemental Declaration of Gardens South Condominiums Phase V, recorded February 25, 1987, as Entry No. 310470, Book 442, Pages 986 to 991 of Official Washington County Records, as amended by the Amendment to Supplemental Declaration of Gardens South Condominiums Phase V, recorded April 16, 1987, as Entry No. 313511, Book 448, Pages 865 to 868 of the Official Washington County Records, as amended by the Amendment to Supplemental Declaration of Gardens South Condominiums Phase VI, recorded January 14, 1988, as Entry No. 326420, Book 474, Pages 863 to 867 of the Official Washington County Records, as supplemented by the Supplemental Declaration of Gardens South Condominiums Phase VII, recorded July 6, 1988, as Entry No. 334900, Book 491, Pages 891 to 895 of the Official Washington County Records, as supplemented by the Supplemental Declaration of Gardens South Condominiums Phase VIII, recorded August 1, 1989, as Entry No. 352111, Book 530, pages 515 to 519 of the Official Washington County Records. In so adding this project, the Owner and Homeowners Association hereby state as follows:

1. Owner hereby annexes to Gardens South Condominiums, Phase I, Phase II, Phase III, Phase IV, Phase V, Phase VI, Phase VII, and Phase VIII, that certain property known as Gardens South Condominiums Phase IX, which is the following described property located in the City of St. George, County of Washington, State of Utah:

(See Exhibit A attached hereto)

2. Owner further states that said addition contains one

architecturally compatible building to be known as Building "F" for a total of four (4) additional units as more particularly described on Exhibit B attached hereto, as further particularly described on the Record of Survey map of Gardens South Condominiums, Phase IX filed concurrently herewith, which includes units, common areas and limited common area appurtenant to each adjacent unit as set forth on the Record of Survey Map of Gardens South Condominiums Phase IX, filed concurrently herewith. The Limited Common area consists of driveways and decks as shown on the Record of Survey Map.

3. Owner 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 1/107 to 1/111, 111 being the total number of 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.

4. The Gardens South Homeowners Association, Inc., pursuant to the Declaration of Covenants, Conditions & Restrictions, has the right to approve this Supplemental Declaration as an Amendment to the project documentation based upon having obtained approvals of over 75% of all owners and mortgagees of record in the project. The Gardens South Homeowners Association hereby certifies that it has obtained written consents allowing the Gardens South Condominiums Phase IX to be added to the project, and

therefore hereby gives its consent to this addition, as allowed in said Declaration.

DATED this 2 day of MARCH, 1995.

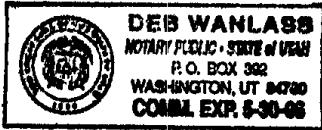
OWNER:

Layton P. Ott  
Layton P. Ott

HOMEOWNERS ASSOCIATION:

GARDENS SOUTH HOMEOWNERS  
ASSOCIATION, INC.

By: Kay W. Hancock  
Its: President



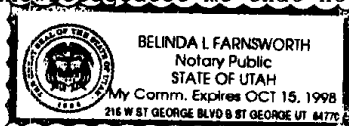
STATE OF UTAH )  
COUNTY OF WASHINGTON ) ss.

On the 2 day of March, 1995, personally appeared before me Kay W. Hancock, President of Gardens South Homeowners Association, Inc., a Utah corporation, who being by me duly sworn, did say that he is the President of said corporation, and that the foregoing instrument was signed by him 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.

Deb Wanlass  
Notary Public

STATE OF UTAH )  
COUNTY OF WASHINGTON ) ss.

On the 2 day of March, 1995, personally appeared before me Layton P. Ott, the signer of the foregoing document, who acknowledged to me that he executed the same.



Belinda L. Farnsworth  
Notary Public

**EXHIBIT A**

BEGINNING AT A POINT N 00°54'43" W 784.83 FEET ALONG THE SECTION LINE AND S 89°05'17" W 12.25 FEET FROM THE EAST 1/4 CORNER OF SECTION 36, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE & MERIDIAN; AND RUNNING THENCE N 00°54'43" W 160.00 FEET; THENCE S 89°05'17" W 68.00 FEET; THENCE S 00°54'43" E 117.14 FEET TO THE POINT OF A 103.79 FOOT RADIUS CURVE TO THE RIGHT (LC BEARING S 08°25'08" W 33.66 FEET); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 33.805 FEET TO THE POINT OF A 86.40 FOOT RADIUS REVERSE CURVE TO THE LEFT (LC BEARING S 14°25'53" W 10.00 FEET); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 10.01 FEET TO A POINT ON THE NORTH BOUNDARY OF "THE GARDENS SOUTH CONDOMINIUMS - PHASE IV"; THENCE N 89°05'17" E 76.11 FEET ALONG THE BOUNDARY OF SAID CONDOMINIUMS TO THE POINT OF BEGINNING.

CONTAINING 0.253 ACRES.

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