

5118708

After recording, please return to:

The Boyer Company
Attention: Richard Moffat
127 South 500 East, Suite 310
Salt Lake City, UT 84102

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5118708
29 AUGUST 91 03:18 PM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
WESTERN STATES TITLE
REC BY: SHARON WEST DEPUTY

SUPPLEMENT TO DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS OF
EMIGRATION OAKS, A PLANNED UNIT DEVELOPMENT

This Supplement (the "Supplement") is made and executed this 27 day of August, 1991, by THE BOYER COMPANY, a Utah general partnership (the "Declarant").

RECITALS:

A. Declarant is the record owner of those certain tracts of property known as Emigration Oaks Phase 2A, a Planned Unit Development recorded on the official records of Salt Lake County, State of Utah, January 3, 1991 as entry number of 5008247; and Emigration Oaks Phase 2B, a Planned Unit Development on the official records of Salt Lake County, State of Utah, recorded January 3, 1991 as entry number 5008248 (the "Plats"). Said Phase 2A and Phase 2B are more particularly described in the legal description in Exhibit "A" of this Supplement.

B. Declarant is the owner of certain lots and has previously executed and recorded property known as Emigration Oaks Phase 1A, a Planned Unit Development on the official records of Salt Lake County, State of Utah on April 26, 1985 as Entry No. 4078734 in Book 85-4 of Plats at Page 77 ("Phase 1A").

C. Declarant has previously executed and recorded a Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development dated February 4, 1985 which was recorded April 26, 1985 as entry number 4078735 in Book 5648, at Page 2997 of the official records of Salt Lake County, State of Utah (the "Declaration").

D. Declarant has previously executed and recorded an Amendment to Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development dated July 3, 1985 which was recorded July 10, 1985 as entry number 4108691 in Book 5670, Pages 816-818 of the official records of Salt Lake County, State of Utah (the "Amendment").

E. Declarant has previously executed and recorded a Second Amendment to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development dated August 8, 1991 which was recorded August 9, 1991 as entry number 5109545 in Book 6344, Page 2221 of the

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official records of Salt Lake County, State of Utah (the "Second Amendment").

F. Declarant hereby expands the project by adding a portion of the additional land, known as Emigration Oaks Phases 2A and 2B, and supplements the Declaration and Amendment to include Emigration Oaks Phase 2A and Phase 2B in accordance with Article XI, Paragraph 3 of the Declaration.

G. Declarant deems it desirable for the efficient preservation of the values and amenities in the project to amend certain portions of the Declaration as per the Amendment and Second Amendment.

NOW, THEREFORE, in consideration of the foregoing covenants and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby declares that as more fully set forth in Article XI of the Declaration, the project known as Emigration Oaks shall be expanded to include the additional land described in Exhibit "A" of this Supplement (known as Emigration Oaks Phases 2A and 2B, a Planned Unit Development). Declarant also declares that the newly added plats shall be held, transferred, sold, conveyed, and occupied subject to the Declaration of Covenants, Conditions, and Restrictions, easements, charges and liens set forth in the Declaration, the Amendment, the Second Amendment, or this Supplement.

Declarant further declares the Declaration shall provide as specified hereinbelow:

1. **LOT CONVEYANCING:** As required in Article XI, Section 3(f) the form for conveyancing lots in the new Plats shall remain similar to the present form as set forth in Section 2 of Article IV of the Declaration with appropriate changes in Phase, recording date, entry number, and book and page.

Furthermore, said conveyancing language shall include reference to any Amendments and Supplements to the Original Declaration.

2. **CONVEYANCE OF COMMON AREA:** In accordance with Paragraph 3(g) of Declaration and Paragraph 1(e) of the Second Amendment, Declarant states it has conveyed the platted Common Areas in the Plats to the Association by Quit Claim Deed which was recorded August 9, 1991 as entry number 5109548 in Book 6344, Page 2232 of the official records of Salt Lake County, State of Utah.
3. **RIGHTS-OF-WAY FOR DECLARANT:** In accordance with Paragraph 3(h) and Paragraph 2(e) of Declaration, Declarant reserves herewith such rights-of-way and/or easements as necessary through the new plats being added to the project for purposes of enabling access to, furnishing utilities to, and facilitating or enabling development of the additional land being added to the project.

Executed by Declarant on this 27 day of August, 1991.

"DECLARANT":

THE BOYER COMPANY,
a Utah general partnership

By [Signature]

Its: General Partner

NOTARY

STATE OF Utah)
COUNTY OF Salt Lake) ss.

On this 27 day of August, 1991, personally appeared before me [Signature], who being by me duly sworn, did say that he is a partner of THE BOYER COMPANY, a Utah general partnership, that the foregoing Declaration of Covenants, Conditions, and Restrictions was signed on behalf of said partnership by proper authority, and did acknowledge to me that said partnership executed the same.

My commission expires:

4-28-93

[Signature]
NOTARY PUBLIC
Residing at: Salt Lake County

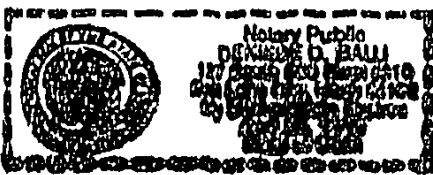


EXHIBIT "A"

BOUNDARY DESCRIPTION

EMIGRATION OAKS P.U.D. - PHASE 2A, A PLANNED UNIT DEVELOPMENT

BEGINNING AT A POINT THAT IS NORTH 45°24'52" EAST 4005.424 FEET FROM THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN;

THENCE	N 37°07'15" W	830.815'	FEET
THENCE	N 33°14'53" E	515.693'	FEET
THENCE	N 51°50'46" E	467.315'	FEET
THENCE	N 15°22'51" E	290.599'	FEET
THENCE	N 53°31'50" E	1079.383'	FEET

TO THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 32;

THENCE	S 00°35'05" E	912.990'	FEET
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ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 32;

THENCE	S 44°11'39" W	176.106'	FEET
THENCE	S 34°11'35" W	559.718'	FEET
THENCE	S 29°57'44" W	612.647'	FEET
THENCE	S 34°45'36" W	139.493'	FEET
THENCE	S 37°52'08" W	329.364'	FEET
THENCE	N 37°07'15" W	129.613'	FEET

TO THE POINT OF BEGINNING. CONTAINS APPROXIMATELY 1,722,653 SQUARE FEET OR 39.54 ACRES MORE OR LESS, EQUAL TO 20 LOTS PLUS THE COMMON AREAS. BASIS OF BEARING IS THE COURSE BETWEEN THE SOUTH 1/4 CORNER AND THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN, WHICH IS SOUTH 89°40'01" EAST.

BOUNDARY DESCRIPTION

EMIGRATION OAKS - PHASE 2B, A PLANNED UNIT DEVELOPMENT

BEGINNING AT A POINT THAT IS NORTH 00°12'07" EAST 104.969 FEET FROM THE WEST QUARTER CORNER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN;

THENCE	N 00°12'07" E	1185.777'	FEET
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ALONG SAID SECTION LINE;

THENCE	S 51°32'30" E	600.028'	FEET;
THENCE	S 41°54'42" E	445.000'	FEET;
THENCE	S 08°24'16" W	324.457'	FEET;

THENCE SOUTHWESTERLY 95.981 FEET ALONG A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 75.000' FEET, A CENTRAL ANGLE OF 73°19'27" (CHORD BEARS S 62°41'57" W, 89.564 FEET);
THENCE SOUTHWESTERLY 130.301' FEET ALONG A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 267.552' FEET, A CENTRAL ANGLE OF 27°54'14" (CHORD BEARS S 39°59'21" W, 129.017 FEET);

THENCE	S 53°56'30" W	135.708'	FEET;
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THENCE SOUTHWESTERLY 95.046 FEET ALONG A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 325.000' FEET, A CENTRAL ANGLE OF 16°45'22" (CHORD BEARS S 45°33'50" W, 94.707 FEET);

THENCE	N 60°16'31" W	253.429'	FEET;
THENCE	WEST	163.954'	FEET

TO THE POINT OF BEGINNING. BASIS OF BEARING IS THE COURSE BETWEEN THE SOUTH 1/4 CORNER AND THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN, WHICH IS SOUTH 89°40'01" EAST.

CONTAINS APPROXIMATELY 653,889 SQUARE FEET OR 15.01 ACRES.

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