

L. E. SAGE, LAWYER
3755 WASHINGTON BLVD
Ogden, Utah

553328

BOOK 969 PAGE 878

FILED AND RECORDED FOR * 10-
Security Title Co
1971 JUL 1 AM 11 29

RUTH LAMES OLSEN
WEBER COUNTY RECORDER
Ruth Lames Olsen

DECLARATION OF
EMERALD HILLS CONDOMINIUM
PHASE NUMBER 4
and
AMENDMENTS TO DECLARATIONS OF
EMERALD HILLS CONDOMINIUM
PHASES NUMBERED 1, 2 and 3

Platted Indexed
Recorded Abstracted
Compared Page

THIS DECLARATION is made and executed in Weber County, Utah, this 22nd day of June, 1971, by C & W ENTERPRISES, a Utah corporation, hereinafter designated and referred to as "Declarant", pursuant to the provisions of the Utah Condominium Ownership Act.

W I T N E S S E T H :

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

Part of the Southeast Quarter of Section 16, Township 5 North, Range 1, West, Salt Lake Base and Meridian, U. S. Survey: BEGINNING at a point South 89° 26' 45" East 200.00 feet from the South quarter corner of said Section 16, and running thence North 0° 15' West 107.80 feet, thence North 89° 45' East 123.92 feet, thence North 0° 15' West 130.00 feet, thence North 89° 45' East 246.54 feet, thence North 0° 15' West 159.23 feet, thence South 89° 45' West 27.00 feet, thence North 0° 15' West 226.80 feet, thence North 89° 45' East 235.73 feet, thence South 0° 15' East 80.00 feet, thence North 89° 45' East 84.00 feet, South 0° 15' East 150.00 feet, thence South 89° 45' West 45.00 feet, thence South 0° 15' East 105.00 feet, thence South 89° 45' West 45.00 feet, thence South 0° 15' East 126.03 feet, thence North 89° 45' East 30.00 feet, thence South 0° 15' East 171.27 feet to the South line of Section 16, thence North 89° 26' 45" West 603.25 feet to the point of beginning.

and, WHEREAS, Declarant is the owner of certain townhouse and garden type buildings and certain other improvements heretofore or hereafter to be constructed upon said premises; and,

WHEREAS, the said buildings and other improvements aforesaid have been or will be constructed in accordance with the plans

07-141-0001 to 0036

and drawings set forth in the Record of Survey Map filed and recorded herewith; and,

WHEREAS, Declarant desires by filing this Declaration and the aforesaid Record of Survey Map to submit the above described property and the buildings, and other improvements, to the provisions of the Utah Condominium Ownership Act as a condominium project; and,

WHEREAS, the said property, buildings and improvements are sometimes hereinafter referred to as Phase 4; and,

WHEREAS, Declarant has heretofore filed of record Declarations and Record of Survey Maps of Emerald Hills Condominium, Phases 1, 2 and 3 as follows, to-wit:

PHASE 1:

DECLARATION: Dated May 18, 1966; recorded May 18, 1966 in Book 836, Page 560 of Records as Entry Number 473451.

RECORD OF SURVEY MAP: Dated May 18, 1966; recorded May 18, 1966 in Book 15, Page 34 of Plats as Entry Number 473452.

PHASE 2:

DECLARATION: Dated January 29, 1968; recorded January 29, 1968 in Book 881, Page 394 as Entry Number 499860.

RECORD OF SURVEY MAP: Dated January 29, 1968; recorded January 29, 1968 in Book 15, Page 81 of Plats as Entry Number 499858.

PHASE 3:

DECLARATION: Dated November 4, 1969; recorded November 7, 1969 in Book 929, Page 85 as Entry Number 527726.

RECORD OF SURVEY MAP: Dated November 3, 1969; recorded November 7, 1969 in Book 16, Page 31 of Plats as Entry Number 527725.

and,

WHEREAS, Declarant desires and intends to sell the fee title

to the apartment units contained in said Phase 4, together with the undivided ownership interests in the common areas and facilities as is hereinafter more specifically provided for to various purchasers, subject to the covenants, restrictions and limitations reserved to be kept and observed; and

WHEREAS, pursuant to the Declarations relating to Phases 1, 2 and 3 and the agreements in writing attached to deeds of conveyance between Declarant and purchasers of apartment units in Phases 1, 2 and 3, Declarant desires to amend said Declaration to provide that the common areas and facilities of Phase 4 shall be included in the common areas and facilities of Phases 1, 2 and 3 and the common areas and facilities of Phases 1, 2 and 3 shall be included in the common areas and facilities of Phase 4, and to establish one condominium project of Phase 1, 2, 3 and 4. The property of Phase 1, 2, 3 and 4 is in Weber County, State of Utah, and is described as follows:

BEGINNING at a point South 89° 26' 45" East 200.00 feet from the South quarter corner of Section 16, Township 5 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey, and running thence North 0° 15' West 1067.34 feet, thence along a 150.28 foot radius curve to the right 77.16 feet (chord bears North 14° 27' 30" east 76.31 feet) thence North 29° 10' East 322.82 feet to the Southerly line of Highway 89; thence South 60° 50' East 546.74 feet; thence South 0° 15' East 430.00 feet, thence South 89° 45' West 75.00 feet, thence South 0° 15' East 180.00 feet, thence North 89° 45' East 84.00 feet, thence South 0° 15' East 150.00 feet, thence South 89° 45' West 45.00 feet, thence South 0° 15' East 105.00 feet, thence South 89° 45' West 45.00 feet, thence South 0° 15' East 126.03 feet, thence North 89° 45' East 30.00 feet, thence South 0° 15' East 171.27 feet, thence North 89° 26' 45" West 603.25 feet to the point of beginning.

NOW, THEREFORE, Declarant hereby publishes and declares that all of the property held in Phase 4 is held and shall be held, conveyed, hypothecated, encumbered, rented, used, occupied and improved, subject to the following covenants, conditions, restrictions, uses, limitations, and obligations, which shall be deemed to run with the land and shall be a burden and a benefit to Declarant, its successors and assigns, and any person, legal or natural acquiring or owning an interest in the same and such person, successors, assigns, executors, administrators, heirs and

devisees.

1. The above described Phase 4 property, buildings, improvements and appurtenances thereto are submitted to the provisions of the Utah Condominium Ownership Act, as a condominium project to be known as Emerald Hills Condominium, Phase Number 4.

2. The said Phase 4 project consists of nine one story buildings, each building having four apartment units for a total of 36 apartments as per Record of Survey Map, Phase 4.

3. The said Phase 4 buildings are or shall be constructed of steel, concrete, masonry and wood.

4. The apartment number of each apartment, its location, approximate area and number of rooms regarding Phase 4 is as indicated on the attached Exhibit Marked "A", and by this reference made a part hereof.

5. The common areas and facilities of Phase 4 shall be and are:

A. The land upon which the buildings are located or are to be located.

B. The roofs and foundations.

C. Pipes, ducts, flues, chutes, conduits, wires and other utility installations to the outlets.

D. Bearing walls, perimeter walls, columns and girders to the interior surfaces thereof.

E. Greens, gardens, service streets and parking areas.

F. All installations of power and lights, existing for common use.

G. Those common areas and facilities specifically set forth and designated as such in the Record of Survey Map.

H. That part of the condominium project not specifically included within the units as hereinafter defined.

I. All other parts of the property necessary or convenient to the existances, maintenance and safety of the common area, or normally in common use.

J. The common areas and facilities of Phases 1, 2, and 3.

K. The limited common areas and facilities of Phase 4 shall be and are the patios, carports and storage rooms which are hereby set aside and reserved for the use of the respective apartments to which they are attached and/or appurtenant and as designated and appears on the Record of Survey Map, to the exclusion of the other apartments, and the limited common areas and facilities of Phases 1, 2 and 3 with the uses and restrictions thereto appertaining.

6. The apartment units of Phase 4 are as designated on the Record of Survey Map and are the elements of the condominium which are not owned in common with the owners of the other apartments. The boundary lines of each apartment are the interior surfaces of its perimeter walls, bearing walls, basement floors, main story ceilings, windows and window frames, door and door frames and trim, and includes the portions of the buildings so described and the air space so encompassed and includes the heating and air conditioning unit.

7. The common areas and facilities of Phases 1, 2 and 3 include the common areas and facilities of Phase 4. The limited common areas and facilities of Phases 1, 2 and 3 include the limited common areas and facilities of Phase 4 with the uses and restrictions thereto appertaining.

Phases 1, 2, 3 and 4 shall be one condominium project.

Within the next reasonable period of time, Declarant contemplates developing and constructing a future condominium project or projects including housing apartment units and common areas and facilities. The said future development and construction phases shall be on land contiguous to any or all of the projects sometimes referred to herein as Phases 1, 2, 3 and 4 and shall not cover in excess of thirty (30) acres, including the land in

Phases 1, 2, 3 and 4, and shall not exceed two hundred thirty-two (232) apartments including the apartments of Phases 1, 2, 3 and 4. The said future common areas and facilities of Phases 1, 2, 3 and 4 and the common areas and facilities of Phases 1, 2, 3 and 4 shall be included in the common areas and facilities of the future phase or phases. Phases 1, 2, 3 and 4 and the future phase or phases shall be treated, managed and governed as one condominium project. In this connection, Declarant reserves the irrevocable right, power and authority to amend this Declaration and the prior Declaration, from time to time, to provide for the same, and such right, power and authority is granted to declarant by the apartment owners.

The proportionate share of the separate owners of the respective apartments in the common areas and facilities is based on the proportionate value that each of the apartments bears to the total value of all of the apartments.

8. The value of the apartments in Phase 4 is as follows:

Each apartment in Buildings 17, 18, 19, 20, 24 and 25 is \$22,000.00; each apartment in Building 21 is \$17,000.00; each apartment in Buildings 22 and 23 is \$18,000.00. The total value of all apartments in Phase 4 is \$740,000.00. The total value of all apartments in Phases 1, 2, 3 and 4 is \$2,792,000.00.

The total value of the property of Phase 4 as defined by the Utah Condominium Ownership Act is \$866,000.00. Such value regarding Phases 1, 2, 3 and 4 is \$3,254,000.00.

9. Paragraphs ten (10) through and including nineteen (19) of the Declaration of Phase 1 as amended are adopted herein by reference as paragraphs ten (10) through and including nineteen (19).

MADE AND EXECUTED as of the day and year first above written.

C. & W ENTERPRISES

BY

Benton M. Clay
PRESIDENT

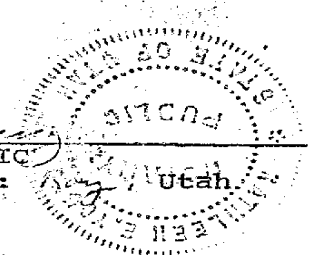
ATTEST:

S. Harold Young
SECRETARY

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

On this ____ day of June, 1971, personally appeared before me BENTON M. CLAY and S. HAROLD YOUNG, who being by me duly sworn, did say, each for himself, that he, the said BENTON M. CLAY is the president and he, the said S. HAROLD YOUNG, is the secretary of C & W ENTERPRISES, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of the Board of Directors and that said BENTON M. CLAY and S. HAROLD YOUNG each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of the said corporation.

Kathleen E. Young
NOTARY PUBLIC
Residing At: _____



My Commission Expires: MY COMMISSION EXPIRES MARCH 6, 1974

EXHIBIT "A"

BUILDING NO.	APARTMENT NO.	APPROXIMATE AREA IN SQUARE FEET	NO. ROOMS
17	97	2925	10
17	98	2885	10
17	99	2885	10
17	100	2925	10
18	101	2925	10
18	102	2885	10
18	103	2885	10
18	104	2925	10
19	105	2925	10
19	106	2885	10
19	107	2885	10
19	108	2925	10
20	109	2925	10
20	110	2885	10
20	111	2885	10
20	112	2925	10
21	113	1110	6
21	114	1110	6
21	115	1110	6
21	116	1110	6
22	117	2220	8
22	118	2220	8
22	119	2220	8
22	120	2220	8
23	121	2220	8
23	122	2220	8
23	123	2220	8
23	124	2220	8
24	125	2925	10
24	126	2885	10
24	127	2885	10
24	128	2925	10
25	129	2925	10
25	130	2885	10
25	131	2885	10
25	132	2925	10