

5742

SUPPLEMENTAL DECLARATION AND NOTICE OF ADDITION OF
TERRITORY TO HIDDEN OAKS INC., A PLANNED UNIT DEVELOPMENT

File 11/22/81

THIS SUPPLEMENTAL DECLARATION and Notice of Addition of Territory (hereinafter the "Supplemental Declaration") is made this 8th day of July, 1981, by J. L. Adamson & Sons, Inc. (hereinafter referred to as the "Declarant"), and Paul H. Dunn, Jeanne C. Dunn, Ralph C. Emery, Annette J. Emery, Mary L. Deming, Mont W. Deming, Eric Sandstrom, Barbara Sandstrom

(hereinafter referred to as the "Annexed Property Owners"), and has reference to the following facts:

A. Declarant and the Annexed Property Owners are the sole owners of certain property (hereinafter the "Annexed Property") located in the County of Utah, State of Utah, which is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

B. Declarant has previously submitted certain property (hereinafter the "Phase I Property") to a Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Hidden Oaks, Inc., a planned unit development (hereinafter the "Declaration"), which was recorded the 11th day of June, 1979, as Entry No. 22330 in Book 1751 at Page 271 of the Official Records of Utah County. Said Declaration, as amended, reserves to Declarant the right to add additional property to the Hidden Oaks, Inc. planned unit development.

C. Declarant has caused to be recorded as Entry 15603, Map Filing No. 2545 in the Office of the Utah County Recorder, a plat map (hereinafter the "Map") for Hidden Oaks, Inc., Phase II, planned unit development. Said Map depicts the Annexed Property and divides the Annexed Property into lots and common areas.

D. Declarant and the Annexed Property Owners now desire to and hereby do add the Annexed Property to the Hidden Oaks, Inc. planned unit development as Hidden Oaks Phase II and submit

said Annexed Property to certain covenants, conditions, restrictions and easements as hereinafter described.

Notwithstanding the foregoing, no provisions of this Supplemental Declaration shall be construed to prevent or limit Declarant's rights to complete development of the Properties (as defined in the Declaration) and construction of improvements thereon, nor Declarant's rights to maintain model homes, construction, sales or leasing offices or similar facilities on any property in the Properties owned by the Declarant or Hidden Oaks Home Owners Association, nor Declarant's right to post signs incidental to construction, sales or leasing.

ARTICLE I

EASEMENTS

Section 1. Declarant and the Annexed Property Owners hereby give, grant and convey to the owners of the Phase I Property and to their heirs, successors, assigns, licensees, and invitees, a perpetual nonexclusive right-of-way for ingress and egress and for vehicular and pedestrian traffic and related purposes over the streets and roadways of the Annexed Property as shown on the Map. Declarant and the Annexed Property Owners do also hereby give, grant and convey to the owners of the Phase I Property and their heirs, successors, assigns, licensees, and invitees, a perpetual nonexclusive easement for the use and enjoyment of the common areas, amenities and facilities constructed or to be constructed on the Annexed Property as shown on the Map.

Section 2. Declarant, pursuant to the authority and right reserved to it in the Declaration hereby gives, grants and conveys to all owners of lots on the Annexed Property and their heirs, successors, assigns, licensees and invitees, a perpetual nonexclusive easement for ingress and egress and for vehicular and pedestrian traffic and related purposes over the streets and

roadways of the Phase I Property as shown on the recorded plat thereof, to be used in accordance with the provisions of the Declaration. Declarant also gives, grants and conveys to the owners of lots on the Annexed Property and their heirs, successors, assigns, licensees and invitees, a perpetual nonexclusive easement for the use and enjoyment of the common areas, amenities and facilities constructed or to be constructed on the Phase I Property, to be used in accordance with the terms of the Declaration.

ARTICLE II

CONVEYANCE OF COMMON AREAS TO ASSOCIATION

Declarant has conveyed and does hereby convey all common areas of the Annexed Property, as shown on the Map, to the Hidden Oaks Home Owners Association, subject to reservations, easements, covenants, conditions and restrictions of record, including those set forth in the Declaration.

ARTICLE III

SUBMISSION OF ANNEXED PROPERTY TO TERMS OF DECLARATION

The Annexed Property is hereby added to and shall constitute a part of the Properties (as defined in the Declaration), and shall be subject to the Declaration and encompassed within the general plan and scheme of covenants, conditions, restrictions, reservation of easements and equitable servitudes contained in the Declaration, and shall be subject to all such covenants, conditions, restrictions, reservation of easements, and equitable servitudes and to the functions, powers and jurisdiction of the Association (as defined in the Declaration). All lots and common areas, and owners and users of lots and common areas in the annexed property shall be as fully subject to the terms and provisions of the Declaration as if the Annexed Property had been described on Schedule 1 of the Declaration upon its initial recording. In interpreting the Declaration with respect to the Annexed Property, however, all

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references to a map or to a recorded subdivision plat shall be deemed to refer to the above-described Map of the Annexed Property.

ARTICLE IV

MEMBERSHIP IN HIDDEN OAKS HOME OWNERS ASSOCIATION

All owners of lots in the Annexed Property shall be members of the Hidden Oaks Home Owners Association, a Utah nonprofit corporation, which corporation is further described in the Declaration. Said owners of lots in the Annexed Property shall be eligible to serve as directors of the Association. Said owners of lots in the Annexed Property shall also be eligible to serve on the Architectural Committee established by the Declaration, and there shall be one Architectural Committee for the Properties covered by the Declaration including the Annexed Property.

ARTICLE V

MISCELLANEOUS

Section 1. Approvals. The Declarant represents and certifies that all approvals necessary for the execution and recording of this Supplemental Declaration, including the approvals of the FHA or VA, if required, have been obtained. All lenders holding mortgages and/or deeds of trust covering any portion of the Annexed Property have consented to this Supplemental Declaration and have executed a "Lenders' Consent" which is attached hereto and by this reference incorporated herein.

Section 2. Interpretation. All provisions of the Declaration regarding the interpretation, enforcement, and term of the Declaration, including the provision stating that the covenants, conditions, restrictions, reservations, easements and equitable servitudes thereof, shall run with the Properties and shall be binding upon all persons having any right, title or

interest in the Properties, shall apply to this Supplemental Declaration and to the Annexed Property.

IN WITNESS WHEREOF, Declarant and the Annexed Property owners have caused this Supplemental Declaration to be executed the day and year first above written.

J. L. ADAMSON & SONS, INC.

By Mac J. Adamson

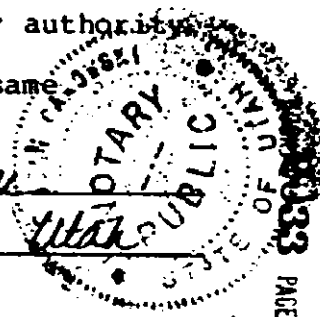
ANNEXED PROPERTY OWNERS

Paul H. Dunn Ralph C. Emery
Jeanne C. Dunn Annette Emery
Mary Heming _____
Mary Heming _____
Barbara C. Sandstrom

STATE OF UTAH)
COUNTY OF Salt Lake) ss.

On the 27th day of December, 1981 personally appeared before me MAC J. ADAMSON, who being by me duly sworn did say that he is the President of J. L. Adamson & Sons, Inc. and that the within and foregoing instrument was signed in behalf of said corporation by authority of its Bylaws and that said corporation executed the same

Maryann Annis
Notary Public
Residing in Orion, Utah



My Commission Expires:
August 20, 1984

STATE OF UTAH)
COUNTY OF UTAH) ss.

On the 31st day of January, 1983, personally appeared before me Eric + Barbara Sandstrom, a signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Maryann Groves
Notary Public
Residing in Orem, Utah

My Commission Expires:
August 20, 1984

STATE OF UTAH)
COUNTY OF _____) ss.

On the _____ day of _____, 1981, personally appeared before me _____, a signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Notary Public
Residing in _____

My Commission Expires:

STATE OF UTAH)
COUNTY OF _____) ss.

On the _____ day of _____, 1981, personally appeared before me _____, a signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Notary Public
Residing in _____

My Commission Expires:

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Exhibit "A"
Legal Description

All of Plat "C", HIDDEN OAKS, INC., PHASE III, a planned residential development, Highland, Utah, according to the official plat thereof on file in the office of the Recorder of Utah County, State of Utah.

5742

RECORDED AT THE REQUEST OF

WESTERN STATES TITLE CO.

1983 MAR -2 AM 10:56

UTAH COUNTY RECORDER
SERIES 1000
PR
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