

THIRD SUPPLEMENT TO
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS

5790033

OF
PHEASANT HILLS
A PLANNED UNIT DEVELOPMENT

5790033
04/08/94 2:41 PM 30.00
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
ASSOCIATED TITLE
REC BY: B GRAY DEPUTY - WI

(Pheasant Hills, Plat 4)

THIS THIRD SUPPLEMENT TO DECLARATION is made and executed effective the ____ day of May, 1993, by PATER ASSOCIATES, a Utah corporation with its principal place of business located in Salt Lake City, State of Utah, (hereinafter referred to as "Declarant").

RECITALS:

A. On or about the 9th day of April, 1991, Declarant made and executed that certain "Declaration of Covenants, Conditions and Restrictions of Pheasant Hills, a Planned Unit Development, with respect to the certain real property located in Draper City, Salt Lake County State of Utah, now known as Pheasant Hills (herein the "Declaration"), which Declaration was recorded in the office of the County Recorder of Salt Lake County, State of Utah, on the 9th day of April, 1991, in Book 6304, beginning at Page 2616, as Entry No. 5049353.

B. Under the terms of the Declaration, Declarant reserved the right to add certain additional real properties (and Declarant's interests therein) to the provisions of the Declaration and now desires to do the same in order to further the intent of the Declarant as expressed in the Declaration.

C. Declarant has previously added certain tracts of real property to the provisions of the Declaration all in accordance with the terms and conditions of that certain First Supplement to Declaration and that certain Second Supplement to Declaration.

D. Declarant is the record owner of that certain tract of real property more particularly described in Paragraph 1 of this Supplemental Declaration, which real property Declarant desires to subject to the terms and conditions of the Declaration.

COURTESY RECORDING

This document is being recorded solely as a courtesy and an accommodation to the parties named therein. Associated Title Company hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.

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NOW, THEREFORE, in consideration of the recitals set forth hereinabove, the Declarant hereby declares and certifies as follows:

1. Submission of Plat 4. Declarant hereby submits the following described real properties, and its interests therein, to the terms, conditions, restrictions, covenants and easements to the terms of the Declaration:

SEE EXHIBIT "A" ATTACHED HERETO

EXCLUDING all presently existing or to be constructed or installed sewer lines, water mains, gas lines, electrical conduits, telephone lines, and related facilities to the extent that they are located outside the Lots included with the above-described tract; provided, however, that lines and systems specifically conveyed to the Association by Declarant shall not be included within this exclusion.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across and through and under the above-described tract and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant or any assignee of Declarant (in a manner which is reasonable and not inconsistent with the provisions of the Declaration): (i) to construct a Living Unit on each and every Lot; (ii) to improve the Common Areas with such facilities, including, but not limited to, roads, recreational facilities, walkways and various landscaped areas, designed for the use and enjoyment of all the Members as Declarant may reasonably determine to be appropriate; and (iii) to develop and improve, as Declarant or its assignee, may in its sole discretion determine to be appropriate, each and every portion of the Entire Tract, irrespective of whether or not the particular portion of such Entire Tract developed or improved is or is to be part of Pheasant Hills. If, pursuant to the foregoing reservation, the above-described tract or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservation hereby affected shall, unless sooner terminated in accordance with its terms, expire seven (7) years after the date on which this Supplemental Declaration is filed for record in the office of the County Recorder of Salt Lake County, Utah.

ALL OF THE FOREGOING IS SUBJECT TO: All liens for current and future taxes, assessments and charges imposed or levied by governmental or quasi-governmental authorities; all patent reservations and exclusions; all mineral reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described tract or any portion thereof, including without limitation, any mortgage or deed of trust; all visible easements and rights-of-way; and all easements and rights-of-way of record.

Such real property submitted to the terms of the Declaration by this Supplemental Declaration shall hereafter be known as "Pheasant Hills, Plat 4."

2. Pheasant Hills, Plat 4. The annexation of the real property described above as Pheasant Hills, Plat 4, shall become effective upon the recordation in the office of the Salt Lake County Recorder of a Plat for such real property simultaneously with the recordation of this Supplemental Declaration.

3. Effect of Submission. Declarant declares that the annexed real property is to be held, sold, conveyed, encumbered, leased, occupied and improved as part of the Property and subject to the terms of the Declaration.

4. Representations of Declarant. Declarant represents as follows:

a. The annexed real property is part of the Additional Land as identified in the Declaration.

b. By the annexation of the real property described in paragraph 1, the total number of Living Units when completed, will not exceed fifty-eight.

5. Effective Date. This Supplemental Declaration shall take effect upon its being filed for record in the office of the County Recorder of Salt Lake County, Utah.

EXECUTED the day and year first above written.

PATER ASSOCIATES ^{INC.} a
Utah Corporation

By Hendrik Pater
Hendrik Pater, President

SURVEYOR'S CERTIFICATE

EXHIBIT A

I, Dale K. Bennett do hereby certify that I am a Registered Professional Land Surveyor, and that I hold Certificate No. 8707, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets hereafter to be known as:

PHEASANT HILLS, PLAT 4, A PLANNED UNIT DEVELOPMENT

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT THAT IS SOUTH 0°35'15" WEST ALONG THE SECTION LINE 1288.05 FEET AND SOUTH 89°43'43" EAST 40.00 FEET FROM THE WEST QUARTER CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 0°35'15" EAST ALONG THE EAST SIDE OF 2000 EAST STREET 611.020 FEET TO THE SOUTHWEST CORNER OF LOT 101, PHEASANT HILLS PLAT 1 PLANNED UNIT DEVELOPMENT AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE ALONG THE SOUTH AND SOUTHWESTERLY LINES OF SAID PHEASANT HILLS PLAT 1 PLANNED UNIT DEVELOPMENT THE FOLLOWING FIVE (5) COURSES: SOUTH 88°43'08" EAST 129.004 FEET; THENCE SOUTH 47°49'." EAST 442.427 FEET; THENCE SOUTH 38°50'28" EAST 167.348 FEET; THENCE SOUTH 6°01'55" WEST 52.823 FEET; THENCE SOUTH 28°27'42" EAST 137.257 FEET TO THE NORTH LINE OF PIONEER ROAD; THENCE WESTERLY ALONG THE ARC OF A 679.02 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 9°49'34" WEST) THROUGH A CENTRAL ANGLE OF 10°05'51" A DISTANCE OF 119.667 FEET; THENCE NORTH 89°43'43" WEST ALONG SAID NORTH LINE OF PIONEER ROAD 508.867 FEET TO THE POINT OF BEGINNING. CONTAINS 5.995 ACRES.

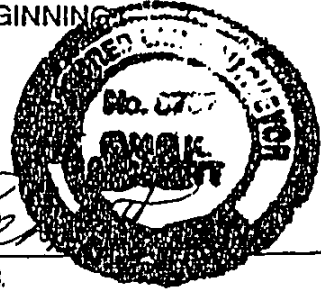
13 LOTS TOTAL

5/3/93

DATE



DALE K. BENNETT, L.S.
LICENSE NO. 8707



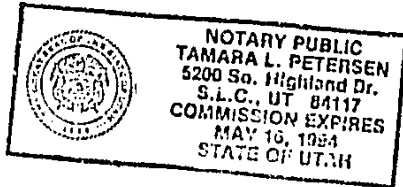
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STATE OF UTAH)
 : SS
COUNTY OF SALT LAKE)

On the ___ day of May, 1993, personally appeared before me HENDRIK PATER, who being by me duly sworn did say that he is the President of PATER ASSOCIATES, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a Resolution of its Board of Directors and said HENDRIK PATER duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Tamara L. Petersen
NOTARY PUBLIC, Residing at:
5200 Highland Dr.

My Commission Expires:
5-16-94



PHEASDE3.AMD (DKP WATT)