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RUSSELL SHIRTS \* WASHINGTON CO RECORDER  
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FOR: SOUTHERN UTAH TITLE CO

SUPPLEMENTARY AND AMENDATORY DECLARATION  
TO  
THE RESTATED AND AMENDED DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF  
THE BOULDERS PHASE IV SUBDIVISION

Sheffield Development, Inc., a Utah corporation, Declarant by assignment under that certain Restated and Amended Declaration of Covenants, Conditions and Restrictions of The Boulders Phase I Subdivision, dated December 7, 1993, and recorded on that same day as Entry No. 451526, in Book 777, at pages 719-740, and as amended by the Supplementary and Amendatory Declaration to the Restated and Amended Declaration of Covenants, Conditions and Restrictions of The Boulders Phase I Subdivision recorded on May 25, 1994, as Entry No. 468304, in Book 822, at pages 866-867, on the official records of the Washington County Recorder's Office, and as amended by the Amendment to Restated and Amended Declaration of Covenants, Conditions and Restrictions of The Boulders Phase I Subdivision recorded on September 13, 1994, as Entry No. 478566, in Book 850, at pages 151-157, on the Official Records of the Washington County Recorder's Office, and as amended by the Supplementary and Amendatory Declaration to the Restated and Amended Declaration of Covenants, Conditions and Restrictions of The Boulders Phase I Subdivision affecting Phase III, recorded on April 23, 1996, as Entry No. 530336 in Book 995, at pages 225-229 on the Officials Records of the Washington County Recorder's Office, hereby exercises its rights and privileges to supplement and amend such pursuant to Article XIII, Section I thereof as follows:

1. Declarant hereby annexes Phase IV into The Boulders Subdivision, described in Exhibit A hereto attached, making it subject to all the rules, regulations and benefits thereof.
2. Declarant amends Article VI, Section 2, subpart (l) of the Restated and Amended Declaration to include the following:

4. Building Heights:

Single story homes shall not exceed twenty-five (25) feet in height. Homes of more than one (1) story shall not exceed thirty-five (35) feet in height. Basement or subterranean square footage shall not be counted as main floor or two story height calculations. Building height shall be measured as provided in the Phase III Supplement formerly referred to. Notwithstanding any other provisions herein, the following height restrictions shall be controlling as the lots in Phase II:

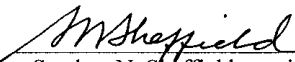
Lots 96, 98, 99, 106, 114 and 115 of Phase IV shall not have a home constructed upon it having a height exceeding twenty-five (25) feet. Lots numbering 97, 111, 112 and 113 of Phase IV shall not have a home constructed thereon having a height exceeding thirty-five (35) feet. The calculation process and method shall be determined in the manner provided in the Supplement recorded for Phase III herein referred to.

3. The Phase IV plat recorded at the office of the Washington County Recorder's Office provides for the conveyance of common areas from Declarant to The Boulders Home Owners Association for the common use and enjoyment of the lot owners. Noted on such plat are easements and a right-of-way affective some of the neighboring lots, such as lot 95 in Phase III, and lots 96, 112 and 114. Such easements that encumber their lots, and they accept such as running with the land they acquired. They shall not interfere with the normal access to the common areas; at the same time, the Association shall take reasonable precautions to net unreasonably burden or interfere with the quiet enjoyment of their lots.
4. Declarant continues to reserve all rights it is granted in the Restated and Amended Declaration of Covenants, Conditions and Restrictions of The Boulders Phase I Subdivision, as amended.
5. The Supplementary and Amendatory Declaration does not supersede or alter the effect of that certain Amendment to Restated and Amended Declaration of Covenants, Conditions and Restrictions of The Boulders Phase I Subdivision, dated September 12, 1994, and recorded on September 13, 1994, on the Records of the Washington County Recorder as Entry No. 478566, in Book 850, at pages 151-157; and that certain Supplementary and Amendatory Declaration to the Restated and Amended Declaration of Covenants, Conditions and Restrivtions of The Boulders Phase I Subdivision, dated April 15, 1994, and recorded on May 25, 1994, on the records of the Washington County Recorder as Entry No. 468304, in Book 822, at pages 866 and 867. Nor does this Supplementary and Amendatory Declaration supersede or alter the effect of that certain Supplementary and Amendatory Declaration to the Restated and Amended Declaration of Covenants, Conditions and Restrictions affecting Phase III recorded on April 23, 1996, as Entry No. 530336 in Book 995, at pages 225-229.

DATED this 26<sup>th</sup> day of May, 2000.

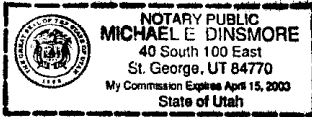
DECLARANT

SHEFFIELD DEVELOPMENT, INC.,  
a Utah Corporation

By:   
Stephen N. Sheffield, president

STATE OF UTAH                     )  
  : ss.  
County of Washington         )

On this 26th day of May, 2000, personally appeared before me STEPHEN N. SHEFFIELD, President of Sheffield Development, Inc., a Utah corporation, who, being by me duly sworn, did say that the foregoing instrument was signed by him by authority of said corporation's bylaws or a resolution of its board of directors and it was signed for the purposes stated herein.



  
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Notary Public

Legal Description of Phase IV Land  
The Boulders Subdivision

Beginning at a point on the Northwest side of Boulder Springs Road, a 50 foot wide public street, said point being South  $00^{\circ}32'03''$  West 2211.92 feet along a line projected from the Section line between the Northwest Corner and the West Quarter Corner of Section 33 and North  $90^{\circ}00'00''$  East 118.50 feet from the West Quarter Corner of said Section 33, Township 42 South, Range 15 West, Salt Lake Base and Meridian, and Running thence North  $36^{\circ}57'08''$  West 198.59 feet; thence South  $53^{\circ}02'52''$  West 135.00 feet; thence South  $36^{\circ}57'08''$  East 13.22 feet; thence South  $53^{\circ}02'52''$  West 2.50 feet; thence North  $36^{\circ}57'08''$  West 13.22 feet to the point of curvature of a 302.50 foot radius curve concave to the Northeast; thence Northwesterly and Northeasterly 214.32 feet along the arc of said curve through a central angle of  $40^{\circ}35'41''$  to the point of tangency; thence North  $03^{\circ}38'33''$  East 14.61 feet; thence North  $87^{\circ}31'08''$  East 135.18 feet; thence South  $86^{\circ}21'27''$  East 22.80 feet; thence South  $03^{\circ}38'33''$  West 113.06 feet; thence North  $76^{\circ}11'18''$  East 92.41 feet; thence North  $53^{\circ}02'52''$  East 22.15 feet; thence North  $03^{\circ}38'33''$  East 84.63 feet; thence North  $87^{\circ}31'08''$  East 63.51 feet to a point on the arc of a 107.50 foot radius curve concave to the Southwest, the radius point of which bears South  $30^{\circ}58'56''$  West; thence Southeasterly 41.40 feet along the arc of said curve through a central angle of  $22^{\circ}03'56''$  to the point of tangency; thence South  $36^{\circ}57'08''$  East 70.90 feet; thence North  $53^{\circ}02'52''$  East 114.50 feet; thence South  $36^{\circ}57'08''$  East 127.50 feet; thence North  $53^{\circ}02'52''$  East 112.08 feet; thence South  $36^{\circ}57'08''$  East 56.63 feet; thence South  $26^{\circ}14'35''$  East 25.00 feet; thence South  $36^{\circ}57'08''$  East 61.31 feet; thence South  $53^{\circ}02'52''$  West 221.94 feet; thence South  $36^{\circ}57'08''$  East 2.50 feet; thence South  $53^{\circ}02'52''$  West 222.50 feet; thence North  $36^{\circ}57'08''$  West 162.50 feet to the point of beginning and containing 3.648 acres.

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