

ODD Properties, L. L. C.
P. O. Box 361
Garden City, UT 84028

Recorded DEC 29 2006 Filing No. 70551
At 9:12 AM/PM in Book I10 Page 180
Fee 90.00 Debra L. Ames Rich County Recorder
Requested by Town of Garden City

**SECOND SUPPLEMENTARY DECLARATION OF COVENANTS,
CONDITIONS, and RESTRICTIONS**

OF

THE COTTAGES AT BLUE WATER PHASE 1

(ANNEXATION OF PHASE 3)

This Second Supplementary Declaration of Covenants, Conditions and Restrictions, hereinafter referred to as the "Second Supplementary Declaration," is made and executed this 29th day of December, 2006 by ODD Properties, L. L. C., a Utah Limited Liability Company, hereinafter referred to as the "Declarant"

RECITALS

A. Declarant has previously executed a Declaration of Covenants, Conditions and Restrictions of the Cottages at Blue Water Resort Phase 1, herein after referred to as the "Declaration," and recorded on May 16, 2003 as filing number #61237 at Book R9 Page 282 of the records of the Rich County Recorders Office;

B. Description of Land. The Declarant is the record title owner of the following described parcel of land, referred to hereinafter as the "Phase 3 Land," which is located in Garden City, Rich County, State of Utah, to wit:

(see Exhibit "E").

C. Buildings and Improvements. The Declarant has constructed or will construct on the Phase 3 Land certain buildings and other improvements as shown more specifically on the Record of Survey Map of the Cottages at Blue Water Phase 3, as defined below;

D. Record of Survey Map. The Declarant shall execute and record in the office of the Rich County Recorder concurrently with the recording of this Second Supplementary Declaration, as defined below, an instrument entitled the "Record of Survey Map of the Cottages at Blue Water Phase 3, a Utah Planned Unit Development;

E. Intent and Purpose. Declarant, by recording this Second Supplementary Declaration and the Record of Survey Map as required by statute, intends to submit the land, buildings and other improvements presently existing or to be constructed upon the Phase 3 Land to the provisions of the original Declaration of Covenants, Conditions, and Restrictions of the Cottages at Blue Water Phase 1, and to impose upon said Phase 3 Land mutually beneficial covenants, conditions and restrictions pursuant to a general plan of improvement for the benefit of all Units in the Project as well as the Owners thereof;

NOW THEREFOR, pursuant to the foregoing and Article XI of Declaration of Covenants, Conditions, and restrictions of The Cottages At Blue Water Resort Phase 1, Declarant hereby makes the following Declaration:

ARTICLE I

ANNEXATION OF PHASE 3

1.01 Declarant hereby declares that in accordance with Section XI of the Declaration of Covenants, Conditions, and Restrictions of The Cottages At Blue Water Resort Phase 1, that the Property to be annexed, the Phase 3 Land (Exhibit "E"), become subject to the Declaration of Covenants, Conditions, and Restrictions of The Cottages At Blue Water Resort Phase 1. Upon recordation of this Second Supplementary Declaration, it shall constitute and effectuate the annexation of the Phase 3 Land, making it subject to the functions, powers and jurisdiction of the Declaration and of the Cottages at Blue Water Owners Association. Once this Second Supplementary Declaration is recorded and thereafter, all owners of lots or interests in the Phase 3 Land shall automatically become Members of the Cottages at Blue Water Owners Association.

1.02 Declarant reserves the right to annex more property, subjecting it to the functions, powers and jurisdiction of the Declaration and of the Cottages at Blue Water Owners Association.

ARTICLE II

AMENDMENT OF UNDIVIDED INTEREST IN COMMON AREAS

2.01 Ownership of Common Area. The undivided interest in the Common Areas appurtenant to each Residential Unit in the Project shall be as set forth in Exhibit "A AMENDED" attached hereto. The percentages appurtenant to each Unit as shown in said Exhibit "A AMENDED" shall have a permanent character and shall not be altered (a) except with the unanimous written consent of all Owners expressed in an amendment to the Declaration duly recorded, or (b) except to the extent necessary to allow for the

EXHIBIT "A AMENDED"

TO

**SECOND SUPPLEMENTARY DECLARATION OF COVENANTS,
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THE COTTAGES AT BLUE WATER PHASE 1

(ANNEXATION OF PHASE 3)

| <u>Units No.</u> | Undivided Ownership Interest In Common <u>Area Percentage</u> | <u>Votes</u> |
|------------------|---|--------------|
| 1 | 1.612 | 1 |
| 2 | 1.612 | 1 |
| 3 | 1.612 | 1 |
| 4 | 1.612 | 1 |
| 5 | 1.612 | 1 |
| 6 | 1.612 | 1 |
| 7 | 1.612 | 1 |
| 8 | 1.612 | 1 |
| 9 | 1.612 | 1 |
| 10 | 1.612 | 1 |
| 12 | 1.612 | 1 |
| 13 | 1.612 | 1 |
| 14 | 1.612 | 1 |
| 15 | 1.612 | 1 |
| 16 | 1.612 | 1 |
| 18 | 1.612 | 1 |
| 19 | 1.612 | 1 |
| 20 | 1.612 | 1 |
| 22 | 1.612 | 1 |
| 23 | 1.612 | 1 |
| 24 | 1.612 | 1 |
| 26 | 1.612 | 1 |
| 27 | 1.612 | 1 |
| 28 | 1.612 | 1 |
| 29 | 1.612 | 1 |
| 31 | 1.612 | 1 |
| 32 | 1.612 | 1 |

| <u>Units No.</u> | <u>Area Percentage</u> | <u>Votes</u> |
|------------------|------------------------|--------------|
| 33 | 1.612 | 1 |
| 33 | 1.612 | 1 |
| 35 | 1.612 | 1 |
| 36 | 1.612 | 1 |
| 37 | 1.612 | 1 |
| 38 | 1.612 | 1 |
| 39 | 1.612 | 1 |
| 40 | 1.612 | 1 |
| 42 | 1.612 | 1 |
| 43 | 1.612 | 1 |
| 45 | 1.612 | 1 |
| 46 | 1.612 | 1 |
| 47 | 1.612 | 1 |
| 48 | 1.612 | 1 |
| 49 | 1.612 | 1 |
| 51 | 1.612 | 1 |
| 52 | 1.612 | 1 |
| 53 | 1.612 | 1 |
| 54 | 1.612 | 1 |
| 55 | 1.612 | 1 |
| 56 | 1.612 | 1 |
| 57 | 1.612 | 1 |
| 58 | 1.612 | 1 |
| 59 | 1.612 | 1 |
| 60 | 1.612 | 1 |
| 61 | 1.612 | 1 |
| 62 | 1.612 | 1 |
| 63 | 1.612 | 1 |
| 64 | 1.612 | 1 |
| 65 | 1.612 | 1 |
| 66 | 1.612 | 1 |
| 67 | 1.612 | 1 |
| 68 | 1.612 | 1 |
| 69 | 1.612 | 1 |
| 70 | 1.612 | 1 |
| 71 | 1.612 | 1 |

Total Votes of the Association 62

EXHIBIT "E"

TO

**SECOND SUPPLEMENTARY DECLARATION OF COVENANTS,
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OF

THE COTTAGES AT BLUE WATER PHASE 1

Legal Description

PHASE 3

AS SURVEYED LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST, OF THE SALT LAKE BASE AND MERIDIAN. DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 14 NORTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN; AND RUNNING SOUTH 89°20'35" EAST ALONG THE SOUTH LINE OF SAID SECTION AS CURRENTLY MONUMENTED 2640.33 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE CONTINUING SOUTH 89°20'35" EAST ALONG SAID SOUTH SECTION LINE 451.21 FEET; THENCE LEAVING SAID SECTION LINE NORTH 00°39'25" EAST 1,906.28 FEET TO THE TRUE POINT OF BEGINNING; AND RUNNING THENCE NORTH 14°12'30" WEST 330.53 FEET; THENCE NORTH 48°14'16" WEST 21.35 FEET; THENCE SOUTH 75°37'43" WEST 11.49 FEET; THENCE NORTH 15°24'28" WEST 302.09 FEET; THENCE NORTH 82°49'12" EAST 116.87 FEET; THENCE SOUTH 38°27'04" EAST 103.73 FEET; THENCE NORTH 45°42'42" EAST 47.99 FEET; THENCE SOUTH 39°00'30" EAST 339.47 FEET; THENCE SOUTH 54°25'30" EAST 125.87 FEET; THENCE SOUTH 46°41'38" WEST 270.14 FEET; THENCE NORTH 43°18'22" WEST 5.99 FEET; THENCE SOUTH 46°41'38" WEST 71.91 FEET; THENCE SOUTH 75°47'30" WEST 92.22 FEET TO THE POINT OF BEGINNING. CONTAINING 3.75 ACRES, MORE OR LESS.