

**AFTER RECORDING PLEASE RETURN TO:**

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RUSSELL SHIRTS \* WASHINGTON CO RECORDER  
2001 DEC 20 11:26 AM FEE \$14.00 BY KD  
FOR: SUNCOR DEVELOPMENT CO

**CERTIFICATE OF DE-ANNEXATION**

**THIS CERTIFICATE OF DE-ANNEXATION** (the "Certificate"), dated December 18, 2001, is made by **SUNCOR DEVELOPMENT COMPANY**, an Arizona corporation ("**Declarant**") and **THE STATE OF UTAH, ACTING THROUGH THE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION** ("**SITLA**").

**RECITALS**

A. Declarant and SITLA previously executed and recorded the Residential Declaration of Covenants, Conditions, and Restrictions for Coral Canyon, dated March 1, 2000 and recorded March 21, 2000, as Entry No. 00679603, Book 1363, beginning at page 1079, records of Washington County, Utah (the "**Original Declaration**"), which was subsequently amended by a First Amendment to Residential Declaration of Covenants, Conditions, and Restrictions for Coral Canyon (the "**First Amendment**"), dated March August 30, 2001 and recorded September 6, 2001, as Entry No. 00734231, Book 1425, beginning at page 1393, records of Washington County, Utah. The Original Declaration, as amended by the First Amendment, is referred to as the "**Declaration**". Capitalized terms used in this Certificate and not otherwise defined in this Certificate shall have the meanings given to such terms in the Declaration.

B. As contemplated by **Section 3.2** of the Declaration, Declarant and SITLA executed a Tract Declaration, Coral Canyon, Phase 1 (Non-5300 Series), dated March 1, 2000 and recorded March 21, 2000, as Entry No. 00679605, Book 1363, beginning at page 1149, records of Washington County, Utah (the "**Tract Declaration**").

C. Among other things, Declaration designated HOA Tracts 5, 14, 15, 16, and 22 as Covered Property and the Tract Declaration designated HOA Tracts 5, 14, 15, 16, and 22 as having a Land Use Classification of Common Area.

D. HOA Tracts 5, 14, 15, and 16 were erroneously included as Covered Property and Common Area and Declarant wishes to de-annex HOA Tracts 5, 14, 15, and 16 from the Covered Property pursuant to **Section 3.4** of the Declaration.

E. SITLA is the Owner of HOA Tracts 5, 14, 15, and 16 and are subject to the Development Lease and is willing to consent to the de-annexation of HOA Tracts 5, 14, 15, and 16. No Coral Canyon Residential Common Area recreational facilities are planned for or have been constructed on HOA Tracts 5, 14, 15, and 16. De-annexation of HOA Tracts 5, 14, 15, and 16 will not deprive any Owner or Resident of another part of the Covered Property of access or other easements or right-of-way necessary to the continued use of each such Owner's or Resident's respective part of the Covered Property.

F. HOA Tract 22 does not exist and was erroneously included as Covered Property and Common Area, and Declarant and SITLA wish to correct this error.


E. SITLA is joining in the Certificate pursuant to **Section 5.8(c)** of the Development Lease and **Sections 2.6** and **3.4** of the Original Declaration.

NOW, THEREFORE, DECLARANT and SITLA declare, covenant and agree as follows:

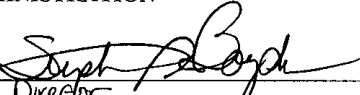
1. Recitals. Declarant and SITLA hereby acknowledge the accuracy of the Recitals above.
2. De-Annexation. Pursuant to **Section 3.4** of the Declaration, effective as of the date of recordation of this Certificate, HOA Tracts 5, 14, 15, and 16 are hereby de-annexed from the Covered Property and Common Area. HOA Tracts 5, 14, 15, and 16 remain, however, part of the Coral Canyon Property.
3. HOA Tract 22. Declarant and SITLA confirm that there is no HOA Tract 22, and that inclusion of HOA Tract 22 as Covered Property and Common Area was erroneous.
4. Ratification. As modified by this Certificate, the Declaration and Tract Declaration are ratified and confirmed and continue in full force and effect.
5. Counterparts. This Certificate may be executed in any number of counterparts, each of which will be an original but all of which will constitute one and the same instrument. Signature and acknowledgement pages may be detached from individual counterparts and attached to a single or multiple original(s) in order to form a single or multiple original(s) of this document.

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of the day and year first above written.

**SUNCOR DEVELOPMENT COMPANY,**  
an Arizona corporation,

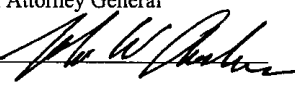
By:   
Its: V.P.

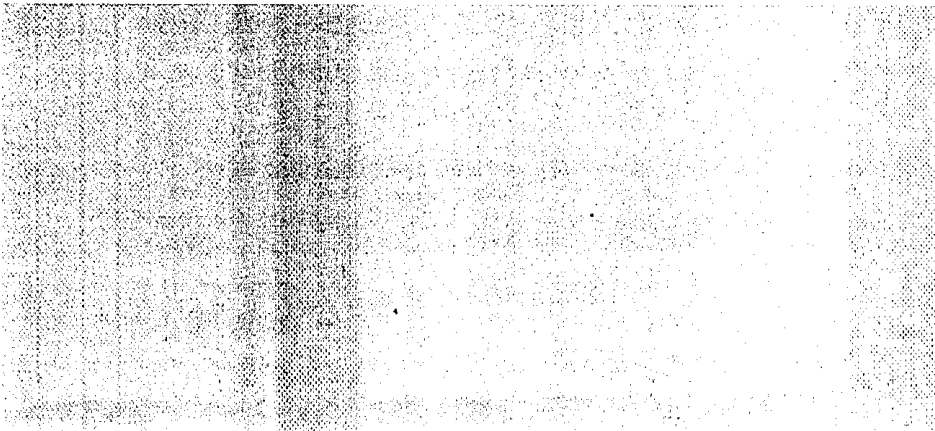
**THE STATE OF UTAH, ACTING THROUGH THE  
SCHOOL AND INSTITUTIONAL TRUST LANDS  
ADMINISTRATION**

By:   
Its: Director

Approved as to Form:

Mark L. Shurtleff  
Utah Attorney General

By: 



STATE OF ARIZONA )  
 )ss.  
County of Maricopa )

The foregoing instrument was acknowledged before me this 18 day of December, 2001, by Duane S. Black, the Vice President of SUNCOR DEVELOPMENT COMPANY, an Arizona corporation.

My Commission Expires: 4-30-05  
Gail Sanchez  
NOTARY PUBLIC  
Residing at Cave Creek, Arizona



STATE OF UTAH )  
 )ss.  
County of Salt Lake )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of December, 2001, by Deborah, the Director of the STATE OF UTAH, ACTING THROUGH THE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, on behalf of the State of Utah, School and Institutional Trust Lands Administration.

My Commission Expires: 12/1/2005  
Michelle Lee Berndt  
NOTARY PUBLIC  
Residing at 675 E 500 S Salt Lake

