

7980451

WHEN RECORDED RETURN TO:
GATES OF COUNTRYSIDE, L.C.
Wayne H. Corbridge
758 South 400 East
Orem, Utah 84097

7980451
08/21/2001 10:10 AM 32.00
Book - 8491 Pg - 4065-4072
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
CITY OF DRAPER
12441 S 900 E
DRAPER UT 84020
BY: RDJ, DEPUTY - WI 8 P.

28-30-177-009

**NINTH SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM FOR DRAPER LANDING**
an expandable Utah condominium project

This NINTH SUPPLEMENT to the DECLARATION OF CONDOMINIUM for DRAPER LANDING, an expandable Utah condominium project, is made and executed by GATES OF COUNTRYSIDE, L.C., a Utah limited liability company, and STEVEN R. KEELING AND BARBARA A. KEELING, AS TRUSTEES OF THE STEVEN R. KEELING AND BARBARA A. KEELING FAMILY TRUST UTD OF SEPTEMBER 19, 1991, of 758 South 400 East, Orem, Utah 84097 (hereinafter jointly referred to as "Declarant").

RECITALS

Whereas, the original Declaration of Condominium for DRAPER LANDING was recorded in the office of the County Recorder of Salt Lake County, Utah on the 1st day of December, 2000, as Entry No. 7772387 in Book 8405 at Page 3924 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase I of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration was recorded on the 1st day of December, 2000, as Entry No. 7772389 in Book 8405 at Page 3984 of the Official Records of the County Recorder of Salt Lake County, Utah.

Whereas, the related Plat Map(s) for Phase III of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Second Supplement to the Declaration was recorded on the 1st day of December, 2000, as Entry No. 7772391 in Book 8405 at Page 3991 of the Official Records of the County Recorder of Salt Lake County, Utah.

Whereas, the related Plat Map(s) for Phase IV of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Third Supplement to the Declaration was recorded on the 1st day of December 2000, as Entry No. 7772393 in Book 8405 at Page 3998 of the Official Records of the County Recorder of Salt Lake County, Utah.

BK8491PG4065

Whereas, the related Plat Map(s) for Phase V of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fourth Supplement to the Declaration was recorded on the 12th day of December, 2000, as Entry No. 7779098 in Book 8407 at Page 6375 of the Official Records of the County Recorder of Salt Lake County, Utah.

Whereas, the related Plat Map(s) for Phase II of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fifth Supplement to the Declaration was recorded on the 2nd day of March, 2001, as Entry No. 788834866 in Book 8430 at Page 4965 of the Official Records of the County Recorder of Salt Lake County, Utah.

Whereas, the related Plat Map(s) for Phase VI of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Sixth Supplement to the Declaration was recorded on the 2nd day of March, 2001, as Entry No. 7834869 in Book 8430 at Page 4973 of the Official Records of the County Recorder of Salt Lake County, Utah.

Whereas, the related Plat Map(s) for Phase VII of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Seventh Supplement to the Declaration was recorded on the 2nd day of March, 2001, as Entry No. 7834872 in Book 8430 at Page 4982 of the Official Records of the County Recorder of Salt Lake County, Utah.

Whereas, the related Plat Map(s) for Phase VIII of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Eighth Supplement to the Declaration was recorded on the 27th day of April, 2001, as Entry No. 7880581 in Book 8450 at Page 2042 of the Official Records of the County Recorder of Salt Lake County, Utah.

Whereas, the related Plat Map(s) for Phase X of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 43 of the Declaration, Declarant reserved an option, until seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser, to expand the Project in accordance with the Act.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-9" attached hereto and incorporated herein by this reference (the "PHASE IX Property").

BK8491PG4066

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right, subject to the approval of the Department of Veterans Affairs, to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the PHASE IX Property a residential condominium development.

Whereas, Declarant now intends that the PHASE IX Property shall become subject to the Declaration.

AGREEMENT

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this NINTH SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR DRAPER LANDING.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. NINTH SUPPLEMENT TO THE DECLARATION shall mean and refer to this NINTH SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR DRAPER LANDING.

B. NINTH SUPPLEMENTAL PHASE IX MAP shall mean and refer to the Supplemental Plat Map of PHASE IX of the Project, prepared and certified to by Kenneth E. Barney, a duly registered Utah Land Surveyor holding Certificate No. 172762, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this NINTH SUPPLEMENT TO THE DECLARATION.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. Legal Description. The real property described in Exhibit A-9 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, as supplemented.

3. Annexation. Declarant hereby declares that the PHASE IX Property shall be annexed to and become subject to the Declaration, which upon recordation of this NINTH SUPPLEMENT TO THE DECLARATION shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-9 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Units Revised. As shown on the PHASE IX Map, two Buildings, each a 4-plex, and eight (8) additional Units are or will be constructed and/or created in the Project on the PHASE IX Property. The additional Buildings and Units are located within a portion of the Additional Land. Upon the recordation of the PHASE IX Map and this NINTH SUPPLEMENT TO THE DECLARATION, the total number of Units in the Project will be fifty-four (54). The

additional Buildings and Units are substantially similar in construction, design and quality to the Buildings and Units in the prior Phases.

5. Percentage Interest Revised. Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities (the "Percentage Interests"). Eighth Revised Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Ninth Revised Exhibit 'C,'" attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. Effective Date. The effective date of this NINTH SUPPLEMENT TO THE DECLARATION and the PHASE IX Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument the 16 day of July, 2001.

THE GATES OF COUNTRYSIDE, L.C.,
a Utah limited liability company

By: 

Name: WAYNE H. CORBRIDGE

Title: Manager

STATE OF UTAH)

)ss:

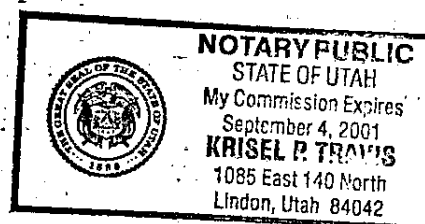
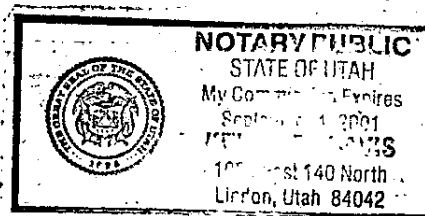
COUNTY OF UTAH)

On the 16 day of July, 2001, personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of THE GATES OF COUNTRYSIDE, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.


NOTARY PUBLIC

Residing At: London, UT

Commission Expires: Sept. 4, 2001



BK8491PG4068

Exhibit "A-9"

**DRAPER LANDING PHASE IX
LEGAL DESCRIPTION**

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

A PARCEL OF LAND LYING WITHIN THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 1 EAST, S.L.B.&M., SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE SOUTH $\frac{1}{4}$ CORNER OF SAID SECTION 30; THENCE N. 89°48'40" W. ALONG THE SECTION LINE, A DISTANCE OF 872.48 FEET AND NORTH A DISTANCE OF 3007.26 FEET TO THE REAL POINT OF BEGINNING;

THENCE N. 24°04'08" E. A DISTANCE OF 70.45 FEET; THENCE N. 65°55'52" W. A DISTANCE OF 18.68 FEET; THENCE N. 04°59'15" W. A DISTANCE OF 53.78 FEET; THENCE N. 89°59'29" E. A DISTANCE OF 80.04 FEET; THENCE S. 00°11'11" E. A DISTANCE OF 48.50 FEET; THENCE N. 89°48'49" E. A DISTANCE OF 45.00 FEET; THENCE S. 00°11'11" E. A DISTANCE OF 9.11 FEET TO A POINT OF CURVATURE OF A 82.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY A DISTANCE OF 34.71 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 24°15'19", SUBTENDED BY A CHORD THAT BEARS S. 11°56'29" W. A DISTANCE OF 34.45 FEET; THENCE S. 24°04'08" W. A DISTANCE OF 26.19 FEET; THENCE N. 89°48'49" E. A DISTANCE OF 95.00 FEET; THENCE S. 00°11'11" E. A DISTANCE OF 143.03 FEET; THENCE N. 65°55'52" W. A DISTANCE OF 153.28 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 42.00-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHEASTERLY A DISTANCE OF 26.21 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 35°45'05", SUBTENDED BY A CHORD THAT BEARS N. 41°56'41" E. A DISTANCE OF 25.78 FEET; THENCE N. 24°04'08" E. A DISTANCE OF 10.63 FEET; THENCE N. 65°55'52" W. A DISTANCE OF 100.21 FEET TO THE REAL POINT OF BEGINNING, CONTAINING 0.643 ACRES OF LAND.

BK8491PG4070

EIGHTH REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
1	A	1	1.85%
1	A	2	1.85%
1	A	3	1.85%
1	A	4	1.85%
2	F	1	1.85%
2	F	2	1.85%
2	F	3	1.85%
2	F	4	1.85%
2	F	5	1.85%
2	F	6	1.85%
3	N	1	1.85%
3	N	2	1.85%
3	N	3	1.85%
3	N	4	1.85%
3	N	5	1.85%
3	N	6	1.85%
4	M	1	1.85%
4	M	2	1.85%
4	M	3	1.85%
4	M	4	1.85%
5	B	1	1.85%
5	B	2	1.85%
5	B	3	1.85%
5	B	4	1.85%
5	B	5	1.85%
5	B	6	1.85%
6	C	1	1.85%
6	C	2	1.85%
6	C	3	1.85%
6	C	4	1.85%

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
7	L	1	1.85%
7	L	2	1.85%
7	L	3	1.85%
7	L	4	1.85%
8	K	1	1.85%
8	K	2	1.85%
8	K	3	1.85%
8	K	4	1.85%
8	K	5	1.85%
8	K	6	1.85%
9	D	1	1.85%
9	D	2	1.85%
9	D	3	1.85%
9	D	4	1.85%
9	I	1	1.85%
9	I	2	1.85%
9	I	3	1.85%
9	I	4	1.85%
10	J	1	1.85%
10	J	2	1.85%
10	J	3	1.85%
10	J	4	1.85%
10	J	5	1.85%
10	J	6	1.85%
TOTAL:	11	54	100.0%