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01/08/2004 12:00 PM 36.00  
Book - 8932 Pg - 736-740  
GARY W. DTT  
RECORDER, SALT LAKE COUNTY, UTAH  
ROSECREST INC  
2511 S WEST TEMPLE  
SLC UT 84115  
BY: ZJN, DEPUTY - WI 5 P.

When Recorded Please Return to:  
Rosecrest, Inc.  
Attn: Donald E. Wallace  
2511 S. West Temple  
Salt Lake City, Utah 84115

**Affects Portions of Parcels: 32-11-200-009, 32-11-200-005, and 32-11-200-015 (otherwise known as Rosecrest Plat J - Lots 1 through 91, inclusive)**

**SUPPLEMENTAL DECLARATION  
OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
OF  
ROSECREST PLAT J, A PLANNED UNIT DEVELOPMENT**

THIS SUPPLEMENTAL DECLARATION is made and executed this 8th day of January, 2004, by Rosecrest, Inc., a Utah corporation ("Declarant").

**RECITALS**

- A. On July 7, 2000, Declarant recorded the "DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF ROSECREST, A PLANNED UNIT DEVELOPMENT" (hereafter known as "Original Declaration") with the Salt Lake County, Utah recorder as Entry No. 7673672, in Book 8373, at pages 1602-1642.
- B. Under the provisions of the Original Declaration, the Declarant has the right to expand the Project with "Additional Lands", as defined in the Original Declaration.

NOW, THEREFORE, for the foregoing purposes, Declarant hereby declares that the property described in Exhibit "A", attached hereto and made a part hereof by this reference and hereinafter to be incorporated by this reference within the definition of Additional Lands, is and shall be held, transferred, sold, conveyed, and occupied subject to the covenants, conditions, restrictions, easements, charges, and liens of the Original Declaration, including those hereinafter set forth.

1. Declarant proposes to record a plat commonly know as "Rosecrest Plat J" to add Additional Lands to the Original Declaration. The legal description of the Additional Lands covered by the proposed Plat J, is contained in Exhibit "A."
2. There are no other amendments, supplements or replacements to the Original Declaration made by this Supplemental Declaration, with the exception of the Additional Lands as described in Exhibit "A".

3. All ownership, sales, transfers, conveyances and occupancies of any portion of the Additional Lands are subject to the covenants, restrictions, easements, charges and liens set forth in the Original Declaration as amended by this Supplemental Declaration.
4. Any deed, lease, mortgage, deed of trust, or other instrument conveying or encumbering title to a Lot shall describe the interest or estate involved substantially as follows:

Lot No. \_\_\_\_\_ contained within Rosecrest Plat J, a Planned Unit Development, as said Lot is identified in Plat J, recorded in Salt Lake County, Utah on \_\_\_\_\_, \_\_\_\_\_, as Entry No. \_\_\_\_\_ and in the "Declaration of Covenants, Conditions, and Restrictions of Rosecrest, a Planned Unit Development" recorded in Salt Lake County, Utah on \_\_\_\_\_, \_\_\_\_\_, as Entry No. \_\_\_\_\_, in Book \_\_\_\_\_, at Page \_\_\_\_\_ and in the "Supplemental Declaration of Covenants, Conditions, and Restrictions" recorded in Salt Lake County, Utah on \_\_\_\_\_, 20\_\_\_\_, as Entry No. \_\_\_\_\_, in Book \_\_\_\_\_, at Page \_\_\_\_\_.

TOGETHER WITH a nonexclusive right and easement of use and enjoyment in and to the Common Areas described, and as provided for, in said Plat and said Declaration of Covenants, Conditions, and Restrictions. SUBJECT TO such perpetual easements and rights of ingress and egress on, over, under, through, and across the lot which are associated with the utilities and private streets in said development.

Whether or not the description employed in any such instrument is in the above-specified form, however, this Declaration shall be binding upon and shall inure to the benefit of any party who acquires any interest in a Lot. Neither the right and easement of use and enjoyment to the Common Areas, shall be separated from the Lot to which they appertain, and even though not specifically mentioned in the instrument of transfer, such nonexclusive right and easement of use and enjoyment to the Common Areas shall automatically accompany the transfer of the Lot to which they relate. Notwithstanding any inference that can be drawn from this Declaration to the contrary, the owner of each Lot shall be responsible for the payment of any and all charges, assessments and fees (including hookup fees) relating to all utilities provided to the Lot, and the Association shall not be liable for any part of such charges, assessments or fees.

5. There are no Common Areas/Facilities or Limited Common Areas/Facilities being created by Rosecrest Plat J, and therefore there is no portion of the Additional Lands (commonly known as Rosecrest Plat J) being conveyed to the Association. As such

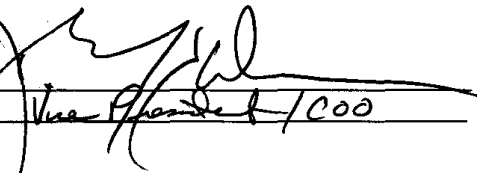
there are no Common Areas/Facilities or Limited Common Areas/Facilities to be maintained by the Association or by individual Lot owners.

6. All Additional Lands under this Supplemental Declaration are either privately owned subdivision lots or are publicly dedicated easements and rights-of-way for public streets and utility corridors as shall be identified on the official recorded plat.
7. All of the rights of Declarant under this Supplemental Declaration may be assigned, transferred, or encumbered either by operation of law or through a voluntary conveyance, transfer, encumbrance, or assignment.
8. This Supplemental Declaration and all the provisions hereof shall constitute covenants to run with the land or equitable servitudes, as the case may be, and shall be binding upon and shall inure to the benefit of Declarant, all parties who hereafter acquire any interest in a Lot or in the Common Areas (as such terms are defined in the Original Declaration and herein used), and their respective grantees, transferees, heirs, devisees, personal representatives, successors, and assigns. Each Owner or occupant of a Lot or Living Unit (as such terms are defined in the Original Declaration and herein used) shall comply with, and all interests in all Lots and in the Common Areas shall be subject to, the terms of this Supplemental Declaration and the provisions of any rules, regulations, agreements, instruments, amendments, and determinations contemplated by this declaration and the provisions of any rules, regulations, agreements, instruments, amendments, an determinations contemplated by this Supplemental Declaration. By acquiring any interest in a Lot or in the Common Areas, the party acquiring such interest consents to, and agrees to be bound by, each and every provision of this Supplemental Declaration.
9. This Supplemental Declaration, any amendment or supplement hereto, and any amendment to the Plat shall take effect upon its being filed for record in the Office of the County Recorder of Salt Lake County, Utah.

EXECUTED by Declarant on this 8<sup>th</sup> day of January, 2004.

ROSECREST, INC., a Utah corporation

By  
Its

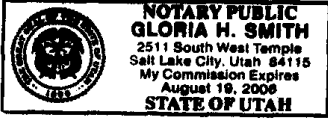
  
\_\_\_\_\_  
Vice President / COO

STATE OF UTAH )

: ss.

COUNTY OF SALT LAKE )

On the 8<sup>th</sup> day of January, 2003, personally appeared before me Donald E. Wallace, the signer of the foregoing instrument who duly acknowledged to me that he is the Vice President of Rosecrest, Inc., a Utah corporation, and that the foregoing instrument was signed in behalf of said company.



Gloria H. Smith  
NOTARY PUBLIC

My Commission Expires:  
August 19, 2006

Residing at:  
Salt Lake City

## Exhibit "A"

A tract of land located in the Northeast ¼ Section 11, Township 4 South, Range 2 West, Salt Lake Base and Meridian, said tract being more particularly described as follows:

Commencing at the North 1/4 corner of Section 11, Township 4 South, Range 2 West, Salt Lake Base and Meridian; and running thence South 00°03'30" East for 33.002 feet along the center of section line to the POINT OF BEGINNING (Basis of bearing South 89°16'10" East for 2659.172 feet between the North 1/4 of section 11 and the Northeast corner of section 11, Township 4 South, Range 2 West, Salt Lake Base and Meridian), said point also being the Southwest corner of Rosecrest Plat H - Phase 1 as recorded in the Salt Lake County Recorders office; thence along the south line of said subdivision the following (29) calls: South 89°25'30" East for 165.666 feet; thence with a curve to the right having a radius of 25.000 feet, a central angle of 85°27'43" (chord bearing and distance of South 46°41'38" East for 33.928 feet) and for an arc distance of 37.290 feet; thence North 86°02'13" East for 25.000 feet; thence South 04°27'38" East for 8.683 feet; thence North 85°02'31" East for 25.000 feet; thence with a curve to the right having a radius of 25.000 feet, a central angle of 94°38'30" (chord bearing and distance of North 42°21'46" East for 36.758 feet) and for an arc distance of 41.295 feet; thence with a reverse curve to the left having a radius of 1033.000 feet, a central angle of 05°56'03" (chord bearing and distance of North 86°43'00" East for 106.939 feet) and for an arc distance of 106.987 feet; thence South 14°03'16" East for 77.556 feet; thence South 20°37'32" East for 77.429 feet; thence South 27°11'48" East for 77.429 feet; thence South 33°46'04" East for 77.429 feet; thence South 40°20'20" East for 77.429 feet; thence South 46°54'36" East for 77.429 feet; thence South 53°28'52" East for 77.429 feet; thence South 60°03'08" East for 77.429 feet; thence South 66°37'24" East for 77.429 feet; thence South 73°11'40" East for 77.429 feet; thence South 79°45'56" East for 77.429 feet; thence South 86°20'12" East for 77.429 feet; thence North 88°25'30" East for 77.465 feet; thence North 87°59'31" East for 77.471 feet; thence North 88°36'34" East for 66.395 feet; thence North 00°59'05" East for 142.500 feet; thence with a curve to the right having a radius of 667.000 feet, a central angle of 08°03'32" (chord bearing and distance of South 84°59'09" East for 93.740 feet) and for an arc distance of 93.817 feet; thence to a point of compound curvature; thence with curve to the right having a radius of 25.000 feet, a central angle of 94°54'52" (chord bearing and distance of South 33°29'56" East for 36.839 feet) and for an arc distance of 41.414 feet; thence South 76°02'30" East for 60.000 feet; thence with a curve to the right having a radius of 25.000 feet, a central angle of 94°54'52" (chord bearing and distance of North 61°24'56" East for 36.839 feet) and for an arc distance of 41.414 feet to a point of compound curvature; thence with a curve to the right having a radius of 667.000 feet, a central angle of 05°49'04" (chord bearing and distance of South 68°13'06" East for 67.698 feet) and for an arc distance of 67.727 feet; thence South 24°41'26" West for 149.351 feet; thence leaving said subdivision North 67°14'00" West for 15.792 feet; thence South 22°09'28" West for 146.105 feet; thence South 20°18'04" East for 61.920 feet; thence South 04°35'59" West for 358.124 feet; thence South 18°15'27" West for 51.442 feet; thence South 00°56'06" West for 133.543 feet; thence North 89°18'23" West for 696.515 feet; thence South 00°09'21" East for 652.397 feet; thence North 89°19'31" West for 668.205 feet; thence North 00°03'30" West for 1956.175 feet to the POINT OF BEGINNING.

Otherwise known as Rosecrest Plat J lots 1-91, inclusive.