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 01/24/2005 12:52 PM \$104.00  
 Book - 9086 Pg - 5556-5558  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 CITY OF DRAPER  
 1020 E PIONEER RD  
 DRAPER UT 84020  
 BY: ZJM, DEPUTY - WI 3 P.

WHEN RECORDED, RETURN TO:  
 Perry Development, LLC  
 17 E. Winchester St., Suite 200  
 Murray, UT 84107

**NOTICE AND DECLARATION**  
**REGARDING INHERENT RISKS**

THIS NOTICE AND DECLARATION REGARDING INHERENT RISKS is made by Perry Development, LLC, a Utah limited liability company ("Declarant"). Declarant is the owner of the following real property located in Salt Lake County, Utah:

Lots 1 through 90 of Sunset Ridge at South Mountain, a Planned Unit Development as is further described on Exhibit A, attached hereto.

The Lots described above are referred to as the "Lots", and the Planned Unit Development of which they are a part is referred to as the "Project".

The Project abuts a golf course and some of the Lots are immediately adjacent to fairways and tee boxes. By taking title to any Lot in the Project, each owner of a Lot:

(a) acknowledges that there are certain inherent risks associated with living next to a golf course, including the risk of damage or loss to property or personal injury or death resulting from, among other things, golf balls exiting the golf course (such risks are referred to as "Inherent Risks of Golf"); and

(b) accepts such inherent risks, and agrees that such owner shall hold Salt Lake County or other owner or manager of the golf course, the developer of the Project, any homebuilder, architect, or other person or entity associated with the development of the Project or any improvement thereon, or any of their officers, directors, employees or agents harmless for any damage to person or property situated on its Lot resulting from the Inherent Risks of Golf and covenants that neither such owner nor any entity owned or controlled by such owner, shall make any claim against, or recover from Salt Lake County or other owner or manager of the golf course, the developer of the Project, any homebuilder, architect, or other person or entity associated with the development of the Project or any improvement thereon, or any of their officers, directors, employees or agents, for damage or injury resulting from the Inherent Risks of Golf.

The covenants and waivers contained herein are intended to and shall in all cases run with the title of the Land, and be binding upon the successors, assigns, heirs, and any other person holding any ownership or possessory interest in any Lot in the Project.

Dated this 24 day of January, 2005.

PERRY DEVELOPMENT, LLC

By:   
 Its: MANAGER

STATE OF UTAH )  
 )ss:  
COUNTY OF SALT LAKE )

On the 24 day of January, 2005 personally appeared before me William O. Perry, III who by me being duly sworn, did say that he is the Managing Member of PERRY DEVELOPMENT, L.L.C., a Limited Liability Company, and that the within and foregoing instrument was signed in behalf of said company and said William O. Perry, duly acknowledged to me that said Company executed the same.

NOTARY PUBLIC  
Residing At: Willard UT  
Commission Expires: 1-20-07

Sandra Bodrero  
Notary Public

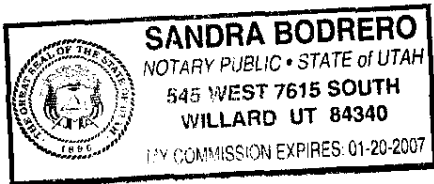


Exhibit "A"

Parcel 1:

Beginning at a point on the North right of way line of Rambling Road, said point being South 89 degrees 16'04" East 3,042.04 feet and South 16.51 feet from the West Quarter Corner of Section 8, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and leaving said right of way line running thence North 84 degrees 51'15" West a distance of 209.541 feet; thence North 40 degrees 12'22" West as distance 186.546 feet; thence North 19 degrees 54'41" East a distance of 330.173 feet; thence North 56 degrees 26'16" East a distance of 85.003 feet to a point on the South Mountain Golf Course Property line and running along said property line the following 3 courses; (1) thence North 56 degrees 26'16" East a distance of 227.008 feet; (2) thence North 75 degrees 19'17" East a distance of 496.002 feet; (3) thence North 62 degrees 14'06" East a distance of 913.516 feet; thence leaving said Golf Course property line; South 80 degrees 06'21" East a distance of 218.953 feet to a point on the North right of way line of Rambling Road and running along said right of way the following 6 courses; (1) thence South 44 degrees 30'39" West a distance of 221.939 feet; (2) thence 106.031 feet along a curve with a 564.000 foot radius to the right (long chord of which bears South 49 degrees 53'47" West a distance of 105.875 feet) with a tangent of 53.172 feet and a delta of 10 degrees 46'17"; (3) thence South 55 degrees 16'56" West a distance of 799.647 feet; (4) thence 176.469 feet along a curve with a 3964.000 foot radius to the right (long chord of which bears South 56 degrees 33'27" West a distance of 176.454 feet) with a tangent of 88.249 feet and a delta of 2 degrees 33'02"; (5) thence South 57 degrees 49'59" West a distance of 445.365 feet; (6) thence 193.924 feet along a curve with a 359.000 foot radius to the left (long chord of which bears South 42 degrees 21'29" West a distance of 191.575 feet) with a tangent of 99.391 feet and a delta of 30 degrees 57'00"; to the point of beginning.

Parcel 2:

Beginning at a point South 89 degrees 16'04" East 2381.479 feet from the West Quarter Corner of Section 8, Township 4 South, Range 1 East, Salt Lake Base and Meridian and running thence North 45 degrees 02'42" East a distance of 108.862 feet; thence South 52 degrees 45'08" East a distance of 457.958 feet to a point on the Traverse Ridge Road condemned property line and running along said condemnation line the following 5 courses; (1) thence South 50 degrees 33'42" West a distance of 61.078 feet; (2) thence South 63 degrees 19'59" West a distance of 63.210 feet; (3) thence North 87 degrees 15'44" West a distance of 181.520 feet; (4) thence North 52 degrees 57'24" West a distance of 85.490 feet; (5) thence North 61 degrees 09'37" West a distance of 9.128 feet; thence leaving said condemnation line North 26 degrees 45'08" East a distance of 95.796 feet; thence North 46 degrees 28'12" West a distance of 170.343 feet; to the point of beginning.