

WHEN RECORDED, RETURN TO:

VERIFIED

ENTERED

MICROFILMED

DOUG CROFTS
WEBER COUNTY RECORDER
DEPUTY *Blair Kuss*

F. Clay Thomas
Lakeview Heights Subdivision
3333 North 425 East
North Ogden, Utah 84404

962880

MAR 13 1 17 PM '86

FILED AND RELEASED FOR
Cardon Land Trust

**SUPPLEMENTAL DECLARATION TO AMENDED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF LAKEVIEW HEIGHTS PLANNED UNIT DEVELOPMENT**

This Supplemental Declaration is made and executed this 13th day of March, 1986, by HONOFED BEN LOMOND CORPORATION, a Hawaii corporation whose mailing address is 188 Merchant Street, Honolulu, Hawaii 96809 (the "Developer").

Recitals:

A. Pursuant to that certain Amended Declaration of Covenants, Conditions and Restrictions of Lakeview Heights Planned Unit Development, dated June 3, 1981 and recorded on June 4, 1981 as Entry No. 837188 in Book 1383 at Page 229 of the official records of Weber County, State of Utah (the "Amended Declaration"), Ben Lomond Estates, a general partnership, ("Ben Lomond Estates") and The Lakeview Heights Homeowners Association, a Utah non-profit corporation (the "Association") did create certain covenants, conditions and restrictions for the benefit and enjoyment of the owners of the real property described in Exhibit "A" to the Amended Declaration, a copy of which is attached hereto and by this reference made a part hereof, as well as any additional adjacent real property annexed thereto from time to time in accordance with the terms and provisions of the Amended Declaration.

B. The Developer has succeeded to all of the rights, title and interests of Ben Lomond Estates as "Developer" under the Amended Declaration and otherwise with respect to all of the real property affected by the Amended Declaration.

C. Pursuant to Sections 2.02, 13.02 and 13.08 of the Amended Declaration, the Developer has the right, from time to time and in its sole discretion, to expand the real property which is subject to the Amended Declaration by annexation of all or part of certain parcels of real property defined as the "Undeveloped Land" in the Amended Declaration and set forth as Exhibit "C" to the Amended Declaration.

D. The Developer is the record owner of those tracts of real property more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Annexed Property"). The Developer desires to hereby expand the real property which is subject to the Amended Declaration by the annexation of the Annexed Property in accordance with the terms and provisions of Article II of the Amended Declaration.

E. The Annexed Property is a part of the land which is defined as "Undeveloped Land" in the Amended Declaration.

F. The annexation of the Annexed Property shall not cause the total number of "Living Units", as defined in the Amended Declaration, existing on or planned for the real property which is subject to the Amended Declaration to exceed 1,964.

962880 REC 1863

C. The Developer has prepared a subdivision plat, entitled "Lakeview Heights Subdivision - Phase 2A" (the "Plat"), covering the Annexed Property, which Plat shall be recorded concurrently with the recording of this Supplemental Declaration.

NOW, THEREFORE, the Developer hereby covenants and declares as follows:

1. The Annexed Property shall be held, sold, conveyed, encumbered, leased, occupied and improved as part of the real property subject to the Amended Declaration.

2. The Annexed Property shall not be subject to any additional limitations, restrictions, covenants or conditions except those limitations, restrictions, covenants and conditions set forth in the Amended Declaration, as amended or modified from time to time, and as set forth by law.

3. With the exception of any streets shown on the Plat, all portions of the Annexed Property shall become "Residential Lots", as defined in the Amended Declaration.

4. There are no improvements currently situated on the Annexed Property.

5. This Supplemental Declaration shall not be deemed to amend or modify the Amended Declaration except as herein specifically provided. The Amended Declaration, as supplemented hereby, shall be and remain in full force and effect and enforceable in accordance with its terms.

6. The Amended Declaration, as supplemented hereby, and all the provisions thereof and hereof shall constitute covenants to run with the Annexed Property, or equitable servitudes, as the case may be, and shall be binding upon and shall inure to the benefit of the Developer, the "Owners", as defined in the Amended Declaration, all parties who hereafter acquire any interest in a "Residential Lot", as defined in the Amended Declaration, and their respective grantees, transferees, heirs, devisees, personal representatives, successors and assigns. Each owner or occupant of a Residential Lot or "Living Unit", as defined in the Amended Declaration, shall comply with, and all interests in Residential lots shall be subject to, the terms of the Amended Declaration, as supplemented hereby, and the provisions of any rules, regulations, agreements, instruments, and determinations contemplated by the Amended Declaration and this Supplemental Declaration. By acquiring any interest in any portion of the Annexed Property, the party acquiring such interest consents to, and agrees to be bound by, each and every provision of the Amended Declaration and this Supplemental Declaration.

IN WITNESS WHEREOF, the Developer has executed this instrument the day and year first above written.

HONORED BEN LOMOND CORPORATION,
a Hawaii corporation

By


P. Clay Thomas
Attorney in fact

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STATE OF UTAH)
) ss.
COUNTY OF WOBCA)

On the 13 day of March, 1986, personally appeared before me P. Clay Thomas, who, being by me duly sworn, did say that he is the Attorney-in-Fact of Honofed Ben Lomond Corporation, a Hawaii corporation, and that the within instrument was signed in behalf of said Honofed Ben Lomond Corporation by authority, and said P. Clay Thomas acknowledged to me that he as such Attorney-in-Fact executed the same.

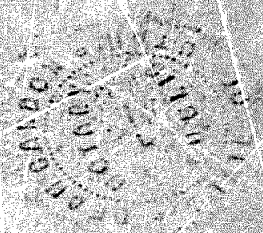

NOTARY PUBLIC

Residing at: Oedon, Utah

My Commission Expires:

11-11-89

6156C
031186



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EXHIBIT "A"

INITIAL PROPERTY

The following described tracts of real property in Weber County, State of Utah:

PARCEL 1:

Part of the Southeast quarter of Section 20, Township 7 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: Beginning at a point North 299.97 feet and West 696.19 feet from the S.E. corner of Section 20, T7N, R1W, SLB & M, U.S. Survey; said point being on the North right-of-way line of the Ogden-Brigham canal, thence 6 courses along said North right-of-way as follows: N78°29'51"W 216.13 feet, along the arc of a 980.00 foot radius curve to the right 21.67 feet; N77°13'51"W 269.70 feet, along the arc of a 80.00 foot radius curve to the right 21.67 feet; N61°42'51"W 103.20 feet, along the arc of a 120.00 foot radius curve to the left 43.22 feet; thence N40°07'09"W 112.00 feet; thence N65°47'09"E 120.92 feet, thence along the arc of a 142.53 foot radius curve to the right 68.43 feet whose long chord bearing is N10°27'41"W and length is 67.77 feet; thence S86°42'30"E 175.00 feet; thence S71°53'38"E 113.60 feet; thence S83°40'26"E 270.00 feet; thence S0°35'51"E 30.00 feet; thence N89°24'09"E 100.00 feet, thence S0°35'51"E 110.00 feet; thence along the arc of a 1170.00 foot radius curve to the left 53.51 feet whose long chord bearing is S86°52'29"E length is 53.51 feet, thence S01°48'55"W 161.18 feet; thence S89°24'09"W 78.63 feet to the point of beginning. Containing 4.333 acres.

PARCEL 2:

Part of the Southeast quarter of Section 20, Township 7 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey and a part of W.S. Butler Subdivision No. 2: Beginning at the Southeast corner of Section 20, T7N, R1W, SLB & M, U.S. Survey; thence N00°35'51"W 200.00 feet; thence N88°50'15"W 176.81 feet; thence along the arc of a 559.64 foot radius curve to the left 158.21 feet; said point being on the North right-of-way line of the Ogden-Brigham canal; thence three courses along said right-of-way as follows: N60°39'21"W 99.87 feet; along the arc of a 220.00 foot radius curve to the left 68.51 feet; N78°29'51"W 214.07 feet; thence N89°24'09"E 78.63 feet; thence N01°48'55"E 161.18 feet; thence along the arc of a 1170.00 foot radius curve to the right 53.51 feet whose long chord is 53.51 feet and bearing N86°52'29"W; thence N00°35'51"W 320.00

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16-086-0001 TO 0044

15-086-0001 TO 0044

1.75 113 TO 102, 105 TO 155

5200 TO 1000-580-91

16-097-0001 TO 0075

LOTS 10, 11, 12, 13, 14, 15 TO 176

feet; thence N89°24'09"E 314.99 feet; thence N79°11'25"E 343.85 feet; thence S11°52'30"E 91.39 feet; thence along the arc of a 1540.00 foot radius curve to the right 303.12 feet; thence S00°35'51"E 462.36 feet; thence N89°56'00"W 40.00 feet to the point of beginning. Containing 9.232 acres.

PARCEL 3:

Part of the Southwest quarter Section 21, Township 7 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: Beginning at a point S89°56'00"E 40.00 feet from the Southwest corner of Section 21, T7N, R1W, SLB & M, U.S. Survey; thence N00°35'51"W 430.00 feet; thence N77°24'09"E 210.00 feet; thence N58°24'09"E 235.00 feet; thence N45°24'09"E 215.00 feet; thence N28°56'35"E 425.31 feet; thence N00°09'34"E 165.00 feet; thence S89°50'26"E 552.85 feet; thence due East 100.00 feet; thence N45°00'00"E 145.00 feet; thence S35°00'00"E 170.00 feet; thence S41°56'40"E 150.00 feet; thence S48°03'20"W 199.68 feet; thence N41°56'40"W 11.69 feet; thence S38°12'55"W 857.09 feet; thence S00°04'00"W 150.05 feet; thence N89°56'00"W 123.00 feet; thence S45°04'00"W 95.00 feet; thence S00°04'00"W 123.00 feet; thence N89°56'00"W 836.03 feet to the point of beginning. Containing 26.681 acres.

PARCEL 4:

Part of the Southwest quarter Section 21, Township 7 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: Beginning at a point S89°56'00"E 876.03 feet from the Southwest corner of Section 21, T7N, R1W, SLB & M, U.S. Survey. Thence N00°04'00"E 123.00 feet; thence N45°04'00"E 95.00 feet; thence S89°56'00"E 123.00 feet; thence N00°04'00"E 150.05 feet; thence N38°12'55"E 857.09 feet; thence S41°56'40"E 11.69 feet; thence N48°03'20"E 199.68 feet; thence S49°06'48"E 163.99 feet; thence S61°57'44"E 270.34 feet; thence S49°09'45"E 60.00 feet; thence S37°49'30"E 117.71 feet; thence S19°53'34"E 162.74 feet; thence N80°31'29"E 133.42 feet; thence along the arc of a 567.00 foot radius curve to the left 60.00 feet whose long chord distance is 59.97 feet and bearing N12°11'28"W; thence N74°46'39"E 3010.94 feet; thence S00°07'09"E 782.90 feet; thence N89°56'00"W 1833.25 feet to the point of beginning. Containing 31.259 acres.

EXCLUDING all presently existing or to be constructed or installed sewer lines, water mains, gas lines, electrical conduits, telephone lines, and related facilities to the extent they are located outside the Lots included within the above-described tract.

BLK 1486 P181867

16-087-0001 P 0013
 16-088-0001 P 0013
 16-089-0001 P 0013
 16-090-0001 P 0013
 16-091-0001 P 0013
 LOTS 23 TO 25, 75 TO 77
 16-092-0001 P 0013
 16-093-0001 P 0013
 16-094-0001 P 0013
 16-095-0001 P 0013
 16-096-0001 P 0013
 16-097-0001 P 0013
 LOTS 17, 18, 20 TO 24

RESERVING UNTO DEVELOPER, however, such easements and rights of ingress and egress over, across, through, and under the above-described tract and any improvements now or hereafter constructed thereon as may be reasonably necessary for Developer (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (a) To construct a Living Unit on each and every Lot and to improve the Common Areas with such facilities (including, but not limited to, roads, recreational facilities, walkways, and various landscaped areas) designed for the use and enjoyment of all the Members as Developer may reasonably determine to be appropriate; (b) To develop and improve, as Developer may in its sole discretion determine to be appropriate, each and every portion of the Undeveloped Land. If pursuant to the foregoing reservations, the above-described tract or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire twenty years after the date on which this Declaration is filed for record in the office of the County Recorder of Weber County, Utah.

ALL OF THE FOREGOING IS SUBJECT TO: all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all reservations and exclusions, all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described tract or any portion thereof, including, without limitation, any mortgage or deed of trust; all visible easements and rights-of-way; and all easements and rights-of-way of record.

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Exhibit "B"
Annexed Property

A PART OF THE SOUTHWEST QUARTER OF SECTION 21, T7N, R1W, S.L.B. & M.

BEGINNING AT A POINT LOCATED N 00° 07' 09" W 782.90 FEET ALONG THE QUARTER SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 21, T7N, R1W, S.L.B. & M., POINT OF BEGINNING BEING THE NORTHEAST CORNER OF LOT 10, LAKEVIEW HEIGHTS SUBDIVISION - PHASE I AMENDED, THENCE ALONG THE BOUNDARY OF SAID LAKEVIEW HEIGHTS SUBDIVISION-PHASE I AMENDED THE FOLLOWING TEN COURSES: S 74° 46' 39" W 310.94 FEET, RIGHT ALONG THE ARC OF A 567.00 FOOT RADIUS CURVE A DISTANCE OF 60.00 FEET (CHORD BEARS S 12° 11' 28" E 59.97 FEET), S 80° 31' 29" W 133.42 FEET, N 19° 53' 34" W 162.74 FEET, N 37° 49' 30" W 117.71 FEET, N 49° 09' 45" W 60.00 FEET, N 61° 57' 44" W 270.34 FEET, N 49° 06' 48" W 163.99 FEET, N 41° 56' 40" W 150.00 FEET, N 35° 00' 00" W 24.24 FEET, RUNNING THENCE N 78° 36' 40" E 256.86 FEET, THENCE LEFT ALONG THE ARC OF A 167.00 FOOT RADIUS CURVE, A DISTANCE OF 56.28 FEET (CHORD BEARS S 21° 02' 36" E 56.01 FEET), THENCE N 49° 16' 09" E 101.08 FEET, THENCE S 65° 56' 59" E 93.86 FEET, THENCE S 61° 57' 44" E 326.15 FEET, THENCE S 34° 02' 53" W 32.62 FEET, THENCE S 53° 54' 05" E 190.22 FEET, THENCE LEFT ALONG THE ARC OF A 420.00 FOOT RADIUS CURVE A DISTANCE OF 64.51 FEET (CHORD BEARS N 15° 37' 07" E 64.44 FEET), THENCE S 78° 46' 53" E 197.04 FEET, THENCE S 00° 07' 09" E 246.33 FEET TO THE POINT OF BEGINNING.

CONTAINS 7.84 ACRES.

16-121-0001 TO 0009
16-122-0001 TO 0008

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