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Book - 10088 Pg - 726-729
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
ROSECREST
4393 RIVERBOAT RD STE 450
SLC UT 84123
BY: SLR, DEPUTY - WI 4 P.

When recorded return to:

Rosecrest, Inc.
4393 Riverboat Rd Suite 450
SLC, UT 84123

**EXEMPTION
TO COVENANTS, CONDITIONS
AND RESTRICTIONS**

THIS EXEMPTION TO COVENANTS, CONDITIONS, AND RESTRICTIONS ("CC&R'S") is entered into on this day of December 14, 2012, ("Exemption") by and between;

ROSECREST, INC., a Utah Corporation 4393 Riverboat Rd Suite 450, Salt Lake City, UT 84123, referred to as "Rosecrest".

And

PROVIDENCE HALL, a Utah non-profit corporation, at 4558 W Mt Ogden Peak, Herriman, UT 84096, referred to as "Providence".

1. **THE REAL PROPERTY.** Providence is the owner of a parcel of real property located at approximately 4558 W. Mt. Ogden Peak, Herriman, Salt Lake County, Utah 84096 (the "Property"). Which is more particularly described below:

(See Exhibit "A" Attached)

2. **USE OF PROPERTY.** Providence uses the Property for a school on which it has had constructed a junior high charter school. The Property is located across the street and off set from an elementary charter school also owned and operated by Providence and otherwise surrounded by and contiguous to real property that is designated for residential use and development. Providence or its predecessor in interest has already obtained an exemption, consistent with this, for the elementary school, which exemption for the elementary school is recorded with the Salt Lake County Recorder, as Entry No. 10342571, Book 9567, Page 6127-6131.

3. **CC&R'S.** Rosecrest, the prior owner of the Property and declarant under the CC&R's, had previously recorded CC&R's on the Property on July 5, 2000 with the Salt Lake County Recorder, as Entry No. 7673671, Book 8373, Page 1559-1660, and on July 5, 2000, Entry No. 7673672, Book 8373, Page 1601-1642, under the assumption that the Property would have a residential use.

4. **EXEMPTION TO CC&R'S.** For good and valuable consideration, the receipt of which is hereby acknowledged, Rosecrest hereby grants to Providence an exemption to the existing CC&R's referred to in paragraph (3) above and any provisions

that would require Providence to participate in a home owners association. This exemption shall apply to the existing CC&R's as well as any future CC&R's that may have been recorded since the year 2000, or that may yet be recorded which would apply to the Property. Notwithstanding this exemption from the CC&R's on the Property, the Property shall still be subject to the architectural guidelines and review procedures together with signage requirements for construction of the charter school and its signage of the facility as are set out in the above referenced CC&R's. The Property is exempted from all other requirements and conditions of the CC&R's.

5. **MODIFICATIONS.** This Exemption to CC&R's shall be binding on the parties hereto, the successors and assigns, and shall only be modified with the written consent of all parties hereto, their successors and assigns.

6. **RUNS WITH THE PROPERTY.** This Exemption shall run with the Property and shall be recorded in the office of the Salt Lake County Recorder.

7. **MEMBER APPROVAL.** By executing below, the undersigned certify that provisions of Article XII, Section 5 of the CC&R's have been complied with and all necessary approval has been received for this Exemption.

DATED the first date written above.

ROSECREST, Inc., a Utah Corporation

PROVIDENCE HALL, a Utah
nonprofit corporation

BY: 
Michael Bradshaw, President of the HOA

BY: 
Erin Preston, Superintendent

EXHIBIT "A"
PROPERTY DESCRIPTION

All of Lot 1, ROSECREST PROVIDENCE HALL SUBDIVISION 2, according to the Official Plat thereof, recorded May 11, 2011 in the Office of the County Recorder of SALT LAKE County, State of Utah, as Entry No. 11180756 in Book 2011 at Page 58.

Together with those certain easements as created in the Covenants, Conditions and Restrictions recorded on July 5, 2000, as Entry No. 7673671 in Book 8373, at Page 7559 and Covenants, Conditions and Restrictions recorded on July 5, 2000, as Entry No. 7673672 in Book 8373, at Page 1601.

The following is shown for informational purposes only: Tax Parcel No. 33-07-176-001