

When Recorded, Please Mail to:

4 Independence, LLC  
c/o Bryan J. Flamm  
1099 West South Jordan Parkway  
South Jordan, UT 84095

MNT 26760  
# 33-14-200-007

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10/17/2012 4:04:00 PM \$16.00  
Book - 10067 Pg - 3110-3113  
Gary W. Ott  
Recorder, Salt Lake County, UT  
METRO NATIONAL TITLE  
BY: eCASH, DEPUTY - EF 4 P.

**SUPPLEMENTAL DECLARATION  
FOR INDEPENDENCE AT THE POINT  
PHASE 1, PLAT C**

THIS SUPPLEMENTAL DECLARATION FOR INDEPENDENCE AT THE POINT PLAT C (this "Supplemental Declaration") is made and executed this as of this 17<sup>th</sup> day of October, 2012, by 4 Independence, LLC, a Utah limited liability company, with an address of 1099 West South Jordan Parkway, South Jordan, Utah 84095 ("Declarant").

**RECITALS**

A. Declarant is the owner of all of that certain real property located in Bluffdale City, Salt Lake County, Utah, more particularly described on Exhibit A attached hereto (the "Property"). Pursuant to this Supplemental Declaration, Declarant is reserving the Property as a multi-family apartment development project to be known as "Independence at the Point Plat C" (the "Project"). The Project shall consist of not more than one hundred sixty eight (168) Rental Apartments.

B. The Project is located in and is a part of the Independence at the Point development project, and accordingly, the Project is also subject to the covenants, conditions and restrictions set forth in the Declaration of Covenants, Easements, Conditions and Restrictions for Independence at the Point (the "Master Declaration") recorded dated as of October 17, 2012, and recorded prior hereto in the Official Records of the Salt Lake County, Utah Recorder. Capitalized terms not otherwise defined in this Supplemental Declaration shall have the same meaning ascribed to such terms in the Master Declaration.

C. Pursuant to Section 4.1 of the Master Declaration, this Declaration is intended as a "Supplemental Declaration" and relates specifically and only to the Project.

**DECLARATION**

NOW, THEREFORE, it is hereby declared that the Project shall be held, sold, conveyed, leased, rented, encumbered, and used subject to the following easements, rights, liens, charges, covenants, servitudes, restrictions, limitations, conditions, and uses, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having any right, title or interest in the described Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof. The Project is not a cooperative.

## ARTICLE I

### LAND USE CLASSIFICATION AND DENSITIES

1.1 Land Use Classification and Density. This Project shall be developed as an "Apartment Development" project, as defined in the Master Declaration, in a total number of Dwelling Units not to exceed one hundred sixty eight (168) Rental Apartments, and with all uses customarily accessory and incident thereto including, without limitation, accessory off-street parking.

1.2 Exempt Property. As set forth in the Master Declaration, Declarant hereby confirms that the Project is deemed "Exempt Property" under the Master Declaration.

## ARTICLE II

### MISCELLANEOUS

2.1 Severability. Any determination by any court of competent jurisdiction that any provision of this Supplemental Declaration is invalid or unenforceable shall not effect the validity or enforceability of any of the other provisions hereof.

2.2 Run with the Land. Declarant for itself, its successors, and assigns, hereby declares that all of the Property shall be held, used, and occupied subject to the provisions of this Supplemental Declaration, and to the covenants and restrictions contained herein, and that the provisions hereof shall run with the land and be binding upon all persons who hereafter become the Owner of any interest in the Property.

2.3 Residents. Notwithstanding any provision of this Supplemental Declaration or the Master Declaration to the contrary, any and all residential tenants of the Project at any time and from time to time shall be deemed to be Residents under and as defined in the Master Declaration.

*[Remainder of Page Intentionally Left Blank.]*

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration this \_\_\_ day of October, 2012.

4 INDEPENDENCE, LLC, a Utah limited liability company

By: DAI Partners, LLC, a Utah limited liability company

By: \_\_\_\_\_  
Nathan D. Shipp, Manager

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

The foregoing instrument was acknowledged before me this 10 day of October, 2012, by Nathan D. Shipp, a Manager of DAI Partners, LLC, a Utah limited liability company, the manager of 4 Independence, LLC, a Utah limited liability company.

\_\_\_\_\_  
Notary Public

My Commission Expires: 6-22-13

1199900



## EXHIBIT A

### (Legal Description of the Property)

Constituting all of the proposed Independence at the Point, Phase 1, Plat "C" property located in Salt Lake County, Utah.

Parcel 1:

LOCATED IN THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED SOUTH 89°46'54" WEST ALONG THE SECTION LINE 287.75 FEET AND SOUTH 292.66 FEET FROM THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 1 WEST, S.L.B.&M; THENCE ALONG THE ARC OF A 1430.00 FOOT RADIUS NON-TANGENT CURVE (RADIUS BEARS: NORTH 79°36'05" WEST) TO THE RIGHT 1021.62 FEET THROUGH A CENTRAL ANGLE OF 40°56'00" (CHORD BEARS: SOUTH 30°51'55" WEST 1000.03 FEET); THENCE ALONG THE ARC OF A 780.00 FOOT RADIUS NON-TANGENT CURVE (RADIUS BEARS: NORTH 41°00'21" EAST) TO THE RIGHT 569.84 FEET THROUGH A CENTRAL ANGLE OF 41°51'31" (CHORD BEARS: NORTH 28°03'54" WEST 557.25 FEET); THENCE NORTH 7°08'08" WEST 191.40 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE LEFT 161.26 FEET THROUGH A CENTRAL ANGLE OF 30°47'51" (CHORD BEARS: NORTH 22°32'04" WEST 159.32 FEET); THENCE NORTH 52°04'00" EAST 60.00 FEET; THENCE NORTH 89°43'51" EAST 753.71 FEET; THENCE SOUTH 79°36'05" EAST 60.00 FEET TO THE POINT OF BEGINNING.