

L. E. Swain, Lawyer
Bank of Utah Plaza
Ogden

BOOK 973 PAGE 26

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RUTH EAMES OLSEN
NOTARY PUBLIC

Ruth Eames Olsen

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

COUNTRY HILLS MANOR CONDOMINIUM

PHASE NUMBER 4

AND

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS

AND RESTRICTIONS OF COUNTRY HILLS MANOR CONDOMINIUM

PHASE NUMBER 1, PHASE NUMBER 2 AND PHASE NUMBER 3

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This Declaration of Covenants, Conditions and Restrictions hereinafter called "Declaration", is made and executed in Ogden, Weber County, Utah, this 4th day of August, 1971, by Country Hills, Inc., a Utah corporation, hereinafter designated and referred to as "Declarant", pursuant to the provisions of the Utah Condominium Ownership Act.

W I T N E S S E T H:

WHEREAS, the Declarant is the owner of the following described real property situate in Weber County, State of Utah, to-wit:

Part of Block 11, South Ogden Plat "A", described as follows: BEGINNING at the Southwest corner of Country Hills Manor Condominium, Phase No. 3, said point being South 89° 13' East 453.94 feet, and South 0° 58' West 280.00 feet from the Northwest corner of the Northeast Quarter of Section 9, Township 5 North, Range 1 West, Salt Lake Base & Meridian, and running thence South 89° 02' East 335.73 feet to the West line of Country Hills Subdivision, thence South 0° 30' West 376.42 feet to the North line of Country Hills Drive, thence along 756.78 foot radius curve to the left (chord bears North 83° 39' 40" West 134.54 feet), thence North 88° 18' West 143.30 feet, thence along a 779.00 foot radius curve to the right 61.69 feet (chord bears North 86° 45' 52" West 61.68 feet), thence North 0° 58' East 358.67 feet to the point of beginning.

WHEREAS, Declarant is the owner of certain townhouse and garden type buildings and certain other improvements heretofore or hereafter to be constructed upon said premises; and

WHEREAS, the said buildings and other improvements aforesaid have been or will be constructed in accordance with the plans and drawings set forth in the Record of Survey Map filed and recorded herewith; and

CG-132-2001 70 06-13-0033

WHEREAS, Declarant desires by filing this Declaration and the aforesaid Record of Survey Map to submit the above-described property and the buildings and other improvements to the provisions of the Utah Condominium Ownership Act as a condominium project; and

WHEREAS, the said property, buildings and improvements are sometimes hereinafter referred to as "Phase 4"; and

WHEREAS, Declarant has heretofore filed of record that certain Declaration of Covenants, Donditions and Restrictions, Country Hills Manor Condominium, Phase Number 1, dated the 18th day of July, 1966, recorded in Book 841, Page 569 of Records, as Entry Number 476348, on July 19, 1966, and that certain Record of Survey Map recorded in Book 15, Page 42 of Plats, as Entry Number 476349, on July 19, 1966, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 1; and

WHEREAS, Declarant has heretofore filed of record that certain Declaration of Covenants, Conditions and Restrictions, Country Hills Manor Condominium, Phase Number 2, dated the 7th day of August, 1968, recorded in Book 896 of Records, at Page 26, as Entry Number 508450, on August 9, 1968; and that certain Record of Survey Map recorded in Book 16 of Plats, at pages 6, 7, 8 and 9, as Entry Number 508451, on August 9, 1968, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 2; and

WHEREAS, Declarant has heretofore filed of record that certain Declaration of Covenants, Conditions and Restrictions, Country Hills Manor Condominium, Phase Number 3, dated the 22nd day of May, 1970, recorded in Book 941, Page 564 as Entry Number 535340, on May 22, 1970; and that certain Record of Survey Map recorded in Book 16, Page 47 of Plats as Entry Number 535340, on May 22, 1970, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 3; and

WHEREAS, Declarant desires and intends to sell the fee title

to the apartment units contained in said Phase 4, together with the undivided ownership interests in the common areas and facilities as is hereinafter more specifically provided for, to various purchasers, subject to the covenants, restrictions and limitations reserved to be kept and observed; and

WHEREAS, pursuant to the Declarations relating to Phase 1, Phase 2 and Phase 3, and the agreements in writing attached to deeds of conveyance between Declarant and purchasers of units in Phase 1, Phase 2 and Phase 3, Declarant desires to amend said Declaration to provide that the common areas and facilities of Phase 4 shall be included in the common areas and facilities of Phase 1, Phase 2 and Phase 3, and the common areas and facilities of Phase 1, Phase 2 and Phase 3, shall be included in the common areas and facilities of Phase 4, and to establish one condominium project of Phase 1, Phase 2, Phase 3 and Phase 4. The property of Phases 1, 2, 3, and 4 is in Weber County, Utah, and is described as follows:

A part of Blocks 9 through 12 and the vacated streets abutting thereon, South Ogden Plat "A", described as follows: BEGINNING at a point South 89° 13' East 28.94 feet from the Northwest corner of the Northeast Quarter of Section 9, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey; and running thence South 89° 13' East 758.44 feet to the Northwest corner of Country Hills Addition Subdivision; thence South 0° 30' West 657.50 feet to the North line of Country Hills Drive; thence along the North line of Country Hills Drive on a 756.78 foot radius curve to the left (chord bears North 83° 39' 40" West 134.54 feet, thence North 88° 18' West 143.30 feet, thence along a 779.0 foot radius curve to the right 351.00 feet (chord bears North 75° 23' 30" West 348.04 feet), thence North 62° 29' West 9.35 feet; thence North 0° 58' East 128.00 feet, thence North 89° 02' West 140.00 feet to the East line of Gramercy Avenue; thence North 0° 58' East along said East line of Gramercy Avenue 426.31 feet to the place of beginning.

NOW, THEREFORE, Declarant hereby publishes and declares that all of the property in Phase 4 is held and shall be held, conveyed, hypothecated, encumbered, rented, used, occupied and improved, subject to the following covenants, conditions, restrictions, uses, limitations and obligations, which shall be deemed to run with the land and shall be a burden and a benefit to Declarant, its successors

and assigns, and any person, legal or natural, acquiring or owning an interest in the same, and such person's successors, assigns, executors, administrators, heirs and devisees.

1. Name. The above described Phase 4 property, buildings, improvements and appurtenances thereto are submitted to the provisions of the Utah Condominium Ownership Act as a condominium project, to be known as COUNTRY HILLS MANOR CONDOMINIUM, Phase Number 4.

2. Description of Buildings. The said Phase 4 project consists of four (4) buildings, designated L, M, N and O.

<u>BUILDING</u>	<u>SINGLE STORY UNITS</u>	<u>2-STORY UNITS</u>	<u>TOTAL UNITS</u>
L	2	5	7
M	4	8	12
N	7	0	7
O	7	0	7

The said Phase 4 buildings are or shall be constructed of steel, concrete, masonry and wood.

The apartment number of each apartment, its location, approximate area, number of rooms and the percentage interest in the common areas and facilities regarding Phase 4 is as indicated on the attached Exhibit marked "A", and by this reference made a part hereof.

3. Common Areas and Facilities. The common areas and facilities of Phase 4 shall be and are all of the land and roofs, foundations, pipes, ducts, flues, chutes, conduits, wires, and other utility installations to the outlets, bearing walls, perimeter walls, columns and girders to the interior surfaces thereof, greens, gardens, service streets, parking areas, recreational areas, swimming pool, all installations of power, lights, gas and water, common television antenna; those common areas and facilities designated as such on the map, excepting, however, heating units, air conditioning units, air conditioning equipment, water heaters, gas lamps, gas-fired barbeque units, individual gas lines from laterals serving ranges, water heaters, furnaces and barbeques, which said excepted items are part of the apartment unit to which they appertain; that part of the condominium project not specifically

included in the units as hereinafter defined, all other parts of the property necessary or convenient to the existence, maintenance and safety of the common areas or normally in common use.

4. Limited Common Areas and Facilities. The limited common areas and facilities of the project shall be and are the patios, carports and storage rooms which are hereby set aside and reserved for the use of the respective apartment units to which they are attached and/or appurtenant, and as designated on the map to the exclusion of the other apartments and the limited common areas and facilities of Phase 1, Phase 2, and Phase 3 with the uses and restrictions thereto appertaining.

5. Apartment Units. The apartment units, sometimes called units and sometimes called apartments, are as designated on the map and are the elements of the condominium which are not owned in common with the owners of the other units. The boundary lines of each unit are the interior surfaces of its perimeter walls, bearing walls, basement floors, top story ceilings, windows and window frames, doors and door frames and trim, and includes the portions of the buildings so described and the air space so encompassed, and includes the individual heating units, air conditioning units, air conditioning equipment, water heaters, gas lamps, gas-fired barbeques, individual gas lines from laterials serving ranges, water heaters, furnaces and barbeques.

6. Combined Phases. The common areas and facilities of Phase 1, Phase 2, and Phase 3 include the common areas and facilities of Phase 4. The limited common areas and facilities of Phase 1, Phase 2 and Phase 3 include the limited common areas and facilities of Phase 4, with the uses and the restrictions thereto appertaining.

Phase 1, Phase 2, and Phase 3 and Phase 4 shall be one condominium project. The percentage of undivided interest of each unit owner in the common areas and facilities is as indicated on the attached Exhibit "A".

7. Apartment Values. The value of each apartment in Phase 4 is as indicated on the attached Exhibit "A", and the total value of all apartments regarding Phase 4 is \$659,885.00. The total value of all apartments of Phase 1, Phase 2, Phase 3 and Phase 4 is \$2,334,621.00.

8. Total Value. The total value of the property of Phase 4 as defined by the Utah Condominium Ownership Act, is \$742,385.00. Such value regarding Phase 1, Phase 2, Phase 3 and Phase 4 is \$2,609,800.00, Exhibit B is made a part hereof.

9. Paragraph 1, Definitions of Declaration, relative to Phase 1 is adopted herein by reference as paragraph 9.

10. Paragraphs 10 through and including paragraph 42 of the said Declaration of Phase 1 are adopted herein by reference as paragraphs 10 through 42.

Made and executed as of the day and year first above written.

COUNTRY HILLS, INC.

BY: [Signature]
President


ATTEST:

[Signature]
Secretary

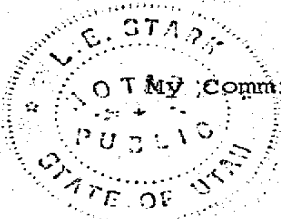
STATE OF UTAH)
) ss.
COUNTY OF WEBER)

On this 4th day of August, 1971, personally appeared before me, a notary public in and for said County of Weber, State of Utah, ROBERT B. JACKSON and JACQUELINE JACKSON, known to me to be the President and Secretary, respectively, of COUNTRY HILLS, INC., the corporation that executed the foregoing instrument, and upon oath did depose and say that they are acquainted with the seal of the said corporation, and that the seal affixed to said instrument is the

corporate seal of said corporation; that the signatures to said instrument were made by officers of the said corporation as indicated after said signatures; that the said corporation executed the said instrument freely and voluntarily, and for the uses and purposes therein mentioned.



NOTARY PUBLIC
Residing At: Ogden, Utah



My Commission Expires: 1-4-75

COUNTRY HILLS MANOR CONDOMINIUMEXHIBIT "A"

APARTMENT NUMBER	BUILDING	APPROXIMATE AREA IN SQUARE FEET (incl. bsmt)	NUMBER OF ROOMS (excl. baths)	VALUE OF UNIT	PERCENTAGE INTEREST IN COMMON AREAS AND FACILITIES
1	A	2112	8	\$18,855.00	0.808%
2	A	2112	8	18,855.00	0.808%
3	A	1881	7	17,995.50	0.771%
4	A	1881	7	17,995.50	0.771%
5	A	2112	8	18,855.00	0.808%
6	A	2112	10	19,525.50	0.837%
7	B	2167	8	20,695.50	0.886%
8	B	2189	8	20,245.50	0.867%
9	B	2167	8	20,245.50	0.867%
10	B	1935	6	18,895.50	0.809%
11	B	2112	8	20,245.50	0.867%
12	B	2167	8	20,245.50	0.867%
13	B	2189	8	20,245.50	0.867%
14	B	2167	8	20,695.50	0.886%
15	C	2112	10	20,695.50	0.886%
16	C	2112	8	18,855.00	0.808%
17	C	1881	7	17,995.50	0.771%
18	C	1881	7	17,995.50	0.771%
19	C	2112	8	18,855.00	0.808%
20	C	2112	8	18,855.00	0.808%
21	D	2167	8	20,695.50	0.886%
22	D	2189	8	20,245.50	0.867%
23	D	2167	8	20,245.50	0.867%
24	D	2112	8	20,245.50	0.867%
25	D	1935	6	18,895.50	0.809%
26	D	2167	8	20,245.50	0.867%
27	D	2189	8	20,245.50	0.867%
28	D	2167	8	20,695.50	0.886%
29	E	1951	5	18,500.00	0.792%
30	E	2168	6	20,245.00	0.867%
31	E	2190	6	20,245.00	0.867%
32	E	2168	6	20,245.00	0.867%
33	E	2168	6	20,245.00	0.867%
34	E	2190	6	20,245.00	0.867%
35	E	2168	6	20,245.00	0.867%
36	E	1951	5	19,000.00	0.815%
37	F	1951	5	18,500.00	0.792%
38	F	2168	6	20,245.00	0.867%
39	F	2190	6	20,245.00	0.867%
40	F	2168	6	20,245.00	0.867%
41	F	2168	6	20,245.00	0.867%
42	F	2190	6	20,245.00	0.867%
43	F	2168	6	20,245.00	0.867%
44	F	2069	6	19,500.00	0.836%
45	G	1951	5	18,500.00	0.792%
46	G	2168	6	20,245.00	0.867%
47	G	2190	6	20,245.00	0.867%
48	G	2190	6	20,245.00	0.867%
49	G	2190	6	20,245.00	0.867%
50	G	2168	6	20,245.00	0.867%
51	G	1951	5	18,500.00	0.792%

PAGE TWO - EXHIBIT "A"

52	H	1951	5	19,500.00	0.836%
53	H	1951	5	20,000.00	0.858%
54	H	2168	6	20,245.00	0.867%
55	H	2190	6	20,245.00	0.867%
56	H	2168	6	20,245.00	0.867%
57	H	2168	6	20,245.00	0.867%
58	H	2190	6	20,245.00	0.867%
59	H	2168	6	20,695.00	0.886%
60	I	1951	5	19,500.00	0.836%
61	I	1951	5	19,500.00	0.836%
62	I	2168	6	20,245.00	0.867%
63	I	2190	6	20,245.00	0.867%
64	I	2168	6	20,245.00	0.867%
65	I	2168	6	20,245.00	0.867%
66	I	2190	6	20,245.00	0.867%
67	I	2168	6	20,245.00	0.867%
68	I	2168	6	20,695.00	0.886%
69	J	1951	5	18,500.00	0.792%
70	J	1951	5	18,500.00	0.792%
71	J	2080	5	19,150.00	0.821%
72	J	2080	5	19,150.00	0.821%
73	J	1951	5	18,500.00	0.792%
74	J	1951	5	18,500.00	0.792%
75	J	2080	5	19,150.00	0.821%
76	J	2080	5	19,150.00	0.821%
77	J	1951	5	18,500.00	0.792%
78	J	1951	5	18,500.00	0.792%
79	K	2069	6	19,150.00	0.821%
80	K	2168	6	20,245.00	0.867%
81	K	2190	6	20,245.00	0.867%
82	K	2168	6	20,245.00	0.867%
83	K	2190	6	20,245.00	0.867%
84	K	2168	6	20,245.00	0.867%
85	K	2069	6	19,150.00	0.821%
86	L	1696	5	18,500.00	0.792%
87	L	2167	6	20,245.00	0.867%
88	L	2188	6	20,745.00	0.889%
89	L	2166	6	20,245.00	0.867%
90	L	2188	6	20,745.00	0.889%
91	L	2167	6	20,245.00	0.867%
92	L	2201	5	18,500.00	0.792%
93	M	2767	5	24,000.00	1.029%
94	M	2767	5	23,500.00	1.008%
95	M	2187	6	20,545.00	0.880%
96	M	2166	5	20,245.00	0.867%
97	M	2166	6	20,245.00	0.867%
98	M	2188	6	20,545.00	0.880%
99	M	2188	6	20,545.00	0.880%
100	M	2166	6	20,245.00	0.867%
101	M	2166	5	20,245.00	0.867%
102	M	2187	6	20,545.00	0.880%
103	M	2767	5	23,500.00	1.008%
104	M	2767	5	24,000.00	1.029%
105	N	2182	5	18,500.00	0.792%
106	N	2557	5	18,500.00	0.792%
107	N	1991	5	18,000.00	0.771%
108	N	2066	5	20,000.00	0.858%
109	N	1991	5	18,000.00	0.771%
110	N	2182	5	20,500.00	0.878%
111	N	2182	5	18,500.00	0.792%
112	O	2557	5	18,500.00	0.792%
113	O	2182	5	20,500.00	0.878%
114	O	1991	5	18,000.00	0.771%

PAGE THREE - EXHIBIT "A"

115	O	2066	5	18,500.00	0.792%
116	O	1991	5	18,000.00	0.771%
117	O	2182	5	18,500.00	0.792%
118	O	2182	5	18,500.00	0.792%

EXHIBIT "B"

<u>PHASE</u>	<u>VALUE OF THE APARTMENTS</u>	<u>VALUE OF THE PROPERTY</u>
I	\$548,361.00	\$ 609,290.00
II	799,250.00	867,250.00
III	327,125.00	390,875.00
IV	659,885.00	742,385.00
TOTAL	\$2,334,621.00	\$2609,800.00