

L. E. Saxe, Lawyer  
3755 Washington Blvd  
Ogden

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RUTH EAMES OLSEN  
WEBER COUNTY RECORDER  
DEPUTY *Gene H. Clark*

D E C L A R A T I O N   O F  
E M E R A L D   H I L L S   C O N D O M I N I U M  
Phase Number 3

AND

A M E N D M E N T   T O   D E C L A R A T I O N   O F  
E M E R A L D   H I L L S   C O N D O M I N I U M  
Phase Number 1

AND

A M E N D M E N T   T O   D E C L A R A T I O N   O F  
E M E R A L D   H I L L S   C O N D O M I N I U M  
Phase Number 2

--ooOoo--

This Declaration is made and executed in Weber County,  
State of Utah, this 4th day of November, 1969, by C & W  
ENTERPRISES, a Utah corporation, hereinafter designated and  
referred to as "DECLARANT", pursuant to the provisions of the  
Utah Condominium Act.

W I T N E S S E T H:

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

Beginning at a point North 89°45' East 200.00 feet  
and North 0° 15' West 105.00 feet from the South ¼  
corner of Section 16, Township 5 North, Range 1 West,  
Salt Lake Base & Meridian, and running thence North  
0°15' West 136.60 feet; thence North 89°45' East  
223.46 feet; thence North 0° 15' West 352.63 feet;  
thence North 89° 45' East 120.00 feet; thence South  
0°15' East 200.00 feet; thence North 89° 45' East  
27.00 feet; thence South 0°15' East 159.23 feet;  
thence South 89°45' West 246.54 feet; thence South  
0°15' East 130.00 feet; thence South 89°45' West  
123.92 feet to point of beginning.  
ALSO: Beginning at a point North 0°15' West 621.03  
feet and North 89° 45' East 543.46 feet from the South  
¼ corner of said Sec. 16, Township 5 North, Range 1  
West, Salt Lake Base and Meridian, and running thence  
North 0° 15' West 115.66 feet; thence North 89°45'  
East 153.94 feet; thence North 0° 15' West 502.74 feet  
to the South right-of-way line of U.S. Highway 89;  
thence South 60° 50' East 180.00 feet along said right-  
of-way line; thence South 0° 15' East 430.00 feet;  
thence South 89° 45' West 75.00 feet; thence South  
0° 15' East 100.00 feet; thence South 89° 45' West  
235.73 feet to the point of beginning.

07-121-0000-121-10

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

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 3; and

WHEREAS, Declarant has heretofore filed of record that certain Declaration of Emerald Hills Condominium, Phase Number 1, dated the 18th day of May, 1966, recorded in Book 836, Page 590 of Records, as Entry Number 473451, on May 18, 1966; and that certain Record of Survey Map dated May 18, 1966, recorded in Book 15, Page 34 of Plats as Entry number 473452 on May 18, 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 Emerald Hills Condominium, Phase Number 2, dated the 29th day of January, 1968, recorded in Book 881, page 394, of Records as Entry number 499860 on January 29, 1968; and that certain Record of Survey Map dated January 29, 1968, recorded in Book 15, Pages 81 - 84 of Plats as Entry number 499858 on January 29, 1968, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 2; and

WHEREAS, Declarant desires and intends to sell the fee title to the apartment units contained in said Phase 3, 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 Declaration relation to Phase 1 and Phase 2, and the agreement in writing attached to deeds of conveyance between Declarant and purchasers of units in Phase 1 and Phase 2, Declarant desires to amend said Declaration to provide that the common areas and facilities of Phase 3 shall be included in the common areas and facilities of Phase 1 and Phase 2, and the common areas and facilities of Phase 1 and Phase 2 shall be included in the common areas and facilities of Phase 3, and to establish one condominium project of Phase 1 and Phase 2 and Phase 3. The property of phases 1, 2 and 3 is in Weber County, State of Utah, and is described as follows:

Beginning at a point North 89° 45' East 200.00 feet and North 0° 15' West 105.00 feet from the South  $\frac{1}{4}$  corner of Section 16, Township 5 North, Range 1 West, Salt Lake Base & Meridian; and running thence North 0° 15' West 959.44 feet; thence along a 150.28 foot radius curve to the right 77.26 feet (chord bears North 14°27'30" East 75.04 feet); thence North 29° 10' East 322.82 feet to the Southerly line of U.S. Highway 89; thence South 60°50' East 546.74 feet; thence South 0°15' East 430.00 feet; thence South 89°45' West 75.00 feet; thence South 0°15' East 100.00 feet; thence South 89°45' West 235.73 feet; thence South 0°15' East 226.80 feet; thence North 89°45' East 27.00 feet; thence South 0°15' East 159.23 feet; thence South 89°45' West 246.54 feet; thence South 0° 15' East 130.00 feet; thence South 89°45' West 123.92 feet to the point of beginning.

NOW, THEREFORE, Declarant hereby publishes and declares that all of the property in Phase 3 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 persons, successors, assigns, executors, administrators, heirs and devisees.

1. The above described Phase 3 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 Emerald Hills Condominium, Phase Number 3.

2. The said Phase 3 project consists of:

Six Buildings; two buildings with two stories, four single story buildings; four apartment units in four of the buildings, and six apartment units in two of the buildings, twenty-eight total apartment units (as per Phase 3, Record of Survey Map).

3. The said Phase 3 buildings are or shall be constructed of steel, concrete, masonry and wood.

4. The apartment number of each apartment, its location, approximate area and number of rooms regarding Phase 3 is as indicated on the attached Exhibit marked "A" and by this reference made a part hereof.

5. The common areas and facilities of Phase 3 shall be and are:

A. The land upon which the buildings are located or are to be located.

B. The roofs and foundations.

C. Pipes, ducts, flues, chutes, conduits, wires and other utility installations to the outlets.

D. Bearing walls, perimeter walls, columns and girders to the interior surfaces thereof.

E. Greens, gardens, service streets and parking areas.

F. All installations of power and lights existing for common use.

G. Those common areas and facilities specifically set forth and designated as such in the Record of Survey Map.

H. That part of the condominium project not specifically within the units as hereinafter defined.

I. All other parts of the property necessary or convenient to the existence, maintenance and safety of the common area, or normally in common use.

J. The common areas and facilities of Phase 1 and Phase 2.

K. The limited common areas and facilities of Phase 3 shall be and are the patios, carports and storage rooms which are hereby set aside and reserved for the use of the respective apartments to which they are attached and/or appurtenant and as designated and appears on the Record of Survey Map, to the exclusion of the other apartments, and the limited common areas and facilities of Phase 1 with the uses and restrictions thereto appertaining.

6. The apartment units Phase 3 are as designated on the Record of Survey Map and are the elements of the condominium which are not owned in common with the owners of the other apartments. The boundary lines of each apartment are the interior surfaces of its perimeter walls, bearing walls, basement floors, top story ceilings, windows and window frames, door and door frames, and trim, and includes the portions of the buildings so described and the air space so encumpassed and includes the heating and air conditioning unit.

7. The common areas and facilities of Phase 1 and Phase 2 include the common areas and facilities of Phase 3. The limited common areas and facilities of Phase 1 and Phase 2 include the limited common areas and facilities of Phase 3 with the uses and restrictions thereto appertaining.

Phase 1, Phase 2 and Phase 3 shall be one condominium project.

Within the next reasonable period of time, Declarant contemplates developing and constructing a future condominium project or

projects, including housing apartment units and common areas and facilities. The said future development and construction phases shall be on land contiguous to either or both of the projects sometimes referred to herein as Phase 1, Phase 2 and Phase 3, and shall not cover in excess of thirty (30) acres, including the land in Phases 1, 2 and 3, and shall not exceed Two Hundred Thirty-Two (232) apartments, including the apartments of Phases 1, 2 and 3. The said future common areas and facilities 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 the future phase or phases. Phase 1, Phase 2 and Phase 3 and the future phase or phases shall be treated, managed and governed as one condominium project. In this connection, Declarant reserves the irrevocable right, power and authority to amend this Declaration and the prior Declarations from time to time, to provide for the same, and such right, power and authority is granted to Declarant by the apartment owners.

The proportionate share of the separate owners of the respective apartments in the common areas and facilities is based on the proportionate value that each of the apartments bears to the total value of all of the apartments.

8. The value of each apartment in Phase 3 is \$ 22,000.00 except the apartments in Building 12 which are valued at \$17,000.00 each and the total value of all apartments regarding Phase 3 is

\$ 596,000.00. The total value of all apartments of Phase 1, Phase 2 and Phase 3 is \$ 2,052,000.00.

9. The total value of the property of Phase 3 as defined by the Utah Condominium Ownership Act is \$ 694,000.00. Such value regarding Phase 1 and Phase 2 and Phase 3 is \$ 2,388,000.00.

10. With the exception of the change of the home address of Lewis A. Westenskow in paragraph twelve (12) of the Declaration regarding Phase 1 to:

Home Address: 5452 South 850 East  
South Ogden, Utah

paragraphs ten (10) through and including nineteen (19) of the said Declaration of Phase 1 are adopted herein by reference as paragraphs ten (10) through and including nineteen (19).

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

C & W ENTERPRISES

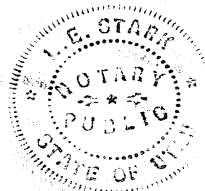
By Benton M. Clay  
President

ATTEST:

S. Harold Young  
Secretary

STATE OF UTAH )  
: ss.  
County of Weber )

On this 4th day of November, 1969, personally appeared before me BENTON M. CLAY and S. HAROLD YOUNG, who being by me duly sworn, did say, each for himself, that he, the said BENTON M. CLAY is the President and he, the said S. HAROLD YOUNG is the Secretary, of C. & W. ENTERPRISES, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and the said BENTON M. CLAY and S. HAROLD YOUNG each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.



I. E. Stark  
Notary Public  
Residing at Ogden, Utah  
My Commission Expires: 1-4-69

EXHIBIT "A"

<u>APARTMENT UNIT NUMBER</u>	<u>LOCATION</u>	<u>APPROXIMATE AREA IN SQUARE FEET</u>	<u>NUMBER OF ROOMS</u>
69	Building 11, first apartment on North end	2586	10
70	Building 11, second apartment from North end	2586	10
71	Building 11, third apartment from North end	2586	10
72	Building 11, third apartment from South end	2586	10
73	Building 11, second apartment from South end	2586	10
74	Building 11, first apartment on South end	2586	10
75	Building 12, first apartment on West end	1396	9
76	Building 12, second apartment from West end	1324	8
77	Building 12, second apartment from East end	1324	8
78	Building 12, first apartment from East end	1396	9
79	Building 13, first apartment on South end	2925	10
80	Building 13, second apartment on South end	2885	10
81	Building 13, second apartment from North end	2885	10
82	Building 13, first apartment on North end	2925	10
83	Building 14, first apartment on West end	2925	10
84	Building 14, second apartment from West end	2885	10
85	Building 14, second apartment from East end	2885	10
86	Building 14, first apartment on East end	2925	10
87	Building 15, first apartment on South end	2925	10
88	Building 15, second apartment from South end	2885	10
89	Building 15, third apartment from South end	2885	10



<u>APARTMENT UNIT NUMBER</u>	<u>LOCATION</u>	<u>APPROXIMATE AREA IN SQUARE FEET</u>	<u>NUMBER OF ROOMS</u>
90	Building 15, Third apartment from North end	2885	10
91	Building 15, Second apartment from North End	2885	10
92	Building 15, first apartment on North end	2925	10
93	Building 16, first apartment on South end	2885	10
94	Building 16, second apartment from South end	2885	10
95	Building 16, second apartment from North end	2885	10
96	Building 16, first apartment on North end	2925	10