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RUTH EAMES OLSEN
WEBER COUNTY REGISTER

Ruth Eames Olsen

DECLARATION OF
EMERALD HILLS CONDOMINIUM
PHASE-NUMBER 5

and

AMENDMENTS TO DECLARATIONS OF
EMERALD HILLS CONDOMINIUM
PHASES NUMBERED 1, 2, 3 and 4

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07-153-6001 to 0048

THIS DECLARATION is made and executed in Weber County, Utah, this 31 day of March, 1972, by C & W ENTERPRISES, a Utah corporation, hereinafter designated and referred to as "Declarant", pursuant to the provisions of the Utah Condominium Ownership Act.

WITNESSETH:

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

Beginning at a point South 89° 26' 45" East 803.25 feet from the South Quarter corner of Section 16, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U. S. Survey; and running thence North 0° 15' West 171.27 feet; thence South 89° 45' West 30.00 feet; thence North 0° 15' West 126.03 feet; thence North 89° 45' East 45.00 feet; thence North 0° 15' West 105.00 feet; thence North 89° 45' East 45.00 feet; thence North 0° 15' West 150.00 feet; thence South 89° 45' West 84.00 feet; thence North 0° 15' West 180.00 feet; thence North 89° 45' East 75.00 feet; thence North 0° 15' West 430.00 feet; to the south line of Highway 89; thence South 60° 50' East 419.83 feet; thence South 0° 15' East 961.95 feet; to the south line of said Section 16; thence North 89° 26' 45" West along the section line 416.74 feet to the point of beginning. Contains 9.72 acres.

and,

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 5; and

WHEREAS, Declarant has heretofore filed of record Declaration and Record of Survey Maps of Emerald Hills Condominium, Phases 1, 2, 3 and 4 as follows, to-wit:

PHASE 1:

DECLARATION: Dated May 18, 1966; recorded May 18, 1966 in Book 836, Page 560 of Records as Entry Number 473451.

RECORD OF SURVEY MAP: Dated May 18, 1966; recorded May 18, 1966 in Book 15, Page 34 of Plats as Entry Number 473452.

PHASE 2:

DECLARATION: Dated January 29, 1968; recorded January 29, 1968 in Book 881, Page 394 as Entry Number 499860.

RECORD OF SURVEY MAP: Dated January 29, 1968; recorded January 29, 1968 in Book 15, Page 81 of Plats as Entry Number 499858.

PHASE 3:

DECLARATION: Dated November 4, 1969; recorded November 7, 1969 in Book 929, Page 85 as Entry Number 527726.

RECORD OF SURVEY MAP: Dated November 3, 1969; recorded November 7, 1969 in Book 16, Page 31 of Plats as Entry Number 527725.

PHASE 4:

DECLARATION: Dated June 22, 1971; recorded July 1, 1971 in Book 969 Page 87⁸ as Entry Number 553328.

RECORD OF SURVEY MAP: Dated March 4, 1971; recorded July 1,

1971 in Book 16, Page 90 through 94, as Entry Number 553329.
and,

WHEREAS, Declarant desires and intends to sell the fee title to the apartment units contained in said Phase 5, 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 Phases 1, 2, 3 and 4 and the agreements in writing attached to deeds of conveyance between Declarant and purchasers of apartment units in Phases 1, 2, 3 and 4, Declarant desires to amend said Declaration to provide that the common areas and facilities of Phase 5 shall be included in the common areas and facilities of Phases 1, 2, 3 and 4 and the common areas and facilities of Phases 1, 2, 3, and 4 shall be included in the common areas and facilities of Phase 5, and to establish one condominium project of Phase 1, 2, 3, 4 and 5. The property of Phase 1, 2, 3, 4 and 5 is in Weber County, State of Utah, and is described as follows:

Beginning at a point South 89° 26' 45" East 200.00 feet from the South Quarter corner of Section 16, Township 5 North, Range 1 West, Salt Lake Base & Meridian, and running thence North 0° 15' West 1067.34 feet, thence along a 150.28 foot radius curve to the right 77.16 feet (chord bears North 14° 27' 30" East 76.31 feet), thence North 29° 10' East 322.82 feet to the Southerly line of Highway 89; thence South 60° 50' East 966.57 feet; thence South 0° 15' East 961.95 feet; thence North 89° 26' 45" West 1019.99 feet to the point of beginning. Contains 28.23 acres

NOW, THEREFORE, Declarant hereby publishes and declares that all of the property held in Phase 5 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, successors, assigns, executors, administrators, heirs and devisees.

1. The above described Phase 5 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 5.

2. The said Phase 5 project consists of 13 one story buildings, each building having four apartment units except two of the buildings, which have two apartment units each, for a total of 48 apartments as per Record of Survey Map, Phase 5.

3. The said Phase 5 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 5 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 5 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 included within the units as hereinafter defined.

I. All other parts of the property necessary and/or

convenient to the existences, maintenance and safety of the common area, or normally in common use.

J. The common areas and facilities of Phases 1, 2, 3 and 4.

K. The limited common areas and facilities of Phase 5 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 Phases 1, 2, 3 and 4 with the uses and restrictions thereto appertaining.

6. The apartment units of Phase 5 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, main 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 encompassed and includes the heating and air conditioning unit.

7. The common areas and facilities of Phases 1, 2, 3 and 4 include the common areas and facilities of Phase 5. The limited common areas and facilities of Phases 1, 2, 3 and 4 include the limited common areas and facilities of Phase 5 with the uses and restrictions thereto appertaining.

Phases 1, 2, 3, 4 and 5 shall be one condominium project.

The proportionate share of the separate owners of the respective apartments in the common areas and facilities is as indicated on the attached Exhibit "B".

8. The value of the apartments in Phase 5 is as indicated on the attached Exhibit "A". The total value of all apartments in Phase 5 is \$1,056,000.00. The total value of all apartments in Phases 1, 2, 3, 4 and 5 is \$3,848,000.00. The total value of the property in Phase 5 as defined by the Utah Condominium Ownership

Act is \$1,224,000.00. Such value regarding Phases 1, 2, 3, 4 and 5 is \$4,478,000.00.

9. Paragraphs ten (10) through and including nineteen (19) of the Declaration of Phase 1 as amended 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
BENTON M. CLAY
PRESIDENT

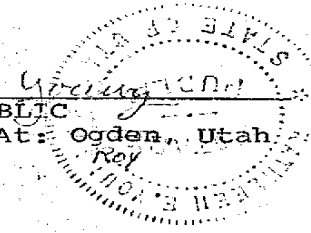
ATTEST:

S. Harold Young
S. HAROLD YOUNG
SECRETARY

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

On this 31 day of March, 1972, 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 the Board of Directors and that 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 the said corporation.

Kathleen E. Young
NOTARY PUBLIC
Residing At: Ogden, Utah



My Commission Expires: MY COMMISSION EXPIRES MARCH 15, 1973

EXHIBIT "A"

BUILDING NO.	APARTMENT NO.	APPROXIMATE AREA IN SQUARE FEET	NO. OF ROOMS	VALUE
26	133	2925	10	\$22,000.00
26	134	2925	10	22,000.00
26	135	2925	10	22,000.00
26	136	2925	10	22,000.00
27	137	2925	10	22,000.00
27	138	2925	10	22,000.00
27	139	2925	10	22,000.00
27	140	2925	10	22,000.00
28	141	2925	10	22,000.00
28	142	2925	10	22,000.00
28	143	2925	10	22,000.00
28	144	2925	10	22,000.00
29	145	2925	10	22,000.00
29	146	2925	10	22,000.00
29	147	2925	10	22,000.00
29	148	2925	10	22,000.00
30	149	2925	10	22,000.00
30	150	2925	10	22,000.00
31	151	2925	10	22,000.00
31	152	2925	10	22,000.00
31	153	2925	10	22,000.00
31	154	2925	10	22,000.00
32	155	2925	10	22,000.00
32	156	2925	10	22,000.00
32	157	2925	10	22,000.00
32	158	2925	10	22,000.00
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33	160	2925	10	22,000.00
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36	172	2925	10	22,000.00
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37	175	2925	10	22,000.00
37	176	2925	10	22,000.00
37	177	2925	10	22,000.00
37	178	2925	10	22,000.00
38	179	2925	10	22,000.00
38	180	2925	10	22,000.00

EXHIBIT "B".

BUILDING NO.	APARTMENT NO.	PERCENTAGE OF OWNERSHIP IN THE COMMON AREAS AND FACILITIES
1	1	.055483
1	2	.055483
1	3	.057172
1	4	.057172
1	5	.050543
1	6	.050543
1	7	.045348
1	8	.045348
2	9	.055483
2	10	.055483
2	11	.045348
2	12	.045348
2	13	.050543
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PAGE TWO - EXHIBIT "B"

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PAGE THREE - EXHIBIT "B"

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