

32  
⑨  
Recorded at the request of:  
Tawa Development, L.L.C.

After Recording Mail to:  
Jenkins & Jensen, LLP  
352 E. Riverside Dr., C-4  
St. George, UT 84790

00820554 Bk 1548 Pg 0274  
RUSSELL SHIRTS \* WASHINGTON CO RECORDER  
2003 MAY 21 15:26 PM FEE \$32.00 BY AMH  
FOR: DIXIE TITLE CO

**SUPPLEMENT TO DECLARATION OF CONDOMINIUMS  
OF  
LAS PALMAS RESORT CONDOMINIUMS II  
Phase VIII - (A Utah Expandable Condominium Community)**

TAWA DEVELOPMENT, L.L.C., as Declarant by assignment and pursuant to Article VI of the following described Declaration, hereby files this Supplement to (i) the Declaration of Condominium of Las Palmas Resort Condominiums II (a Utah Expandable Condominium Community), dated March 20, 1996, and recorded on the records of the Washington County Recorder on May 23, 1996, as Entry No. 533360, in Book 1004, at Pages 1-46 (the "Declaration"); (ii) that certain Amendment to Declaration of Condominium of Las Palmas Resort Condominiums II (a Utah Expandable Condominium Community), dated October 7, 1996, and recorded on the records of the Washington County Recorder on December 17, 1996, as Entry No. 552312, in Book 1061, at Pages 23-27; (iii) that certain Supplement to Declaration of Condominiums of Las Palmas Resort Condominiums II (a Utah Expandable Condominium Community) dated June 9, 1998, and recorded on the records of the Washington County Recorder on July 27, 1998, as Entry No. 611495, in Book 1238, at pages 779-785; (iv) that certain Supplement to Declaration of Condominiums of Las Palmas Resort Condominiums II (a Utah Expandable Condominium Community) dated June 21, 2001, and recorded on the records of the Washington County Recorder on July 6, 2001, as Entry No. 727192, in Book 1416, at Pages 1522-1529; (v) that certain Supplement to Declaration of Condominiums of Las Palmas Resort Condominiums II (a Utah Expandable Condominium Community) dated July 3, 2002, and recorded on the records of the Washington County Recorder on March 6, 2003, as Entry No. 807368, in Book 1527, at Pages 2221-2228; and (vi) such other Supplements to the Declaration as may have been recorded in the records of the Washington County Recorder.

Declarant hereby adds the Additional Land located in Washington County, State of Utah, and described below, to the Las Palmas Resort Condominium II.

See Exhibit A attached hereto and incorporated herein.

Building 21 of the Project will be constructed upon the above-described property, unless prior to construction of the Building this Supplemental Declaration is voided, set aside or terminated by the Unit Owners of Building 21 and the Survey Map for Building 21 is vacated by the Unit Owners of Building 21. Said property shall include such Common Areas and Limited Common Areas as shown on the Survey Map recorded concurrently herewith. Building 21 shall consist of a three-story condominium building, without basement, and containing enclosed garages located across the street from the Units. The location and configuration of said improvements are shown

on the Survey Map. The Property may also contain other improvements such as, without limitation, outdoor lighting, walkways, landscaping, and fencing. The Survey Map shows the number of the Building, the number of Units which are included in the Building, and the general parking areas. Building 21 when constructed will be composed of the following building materials: exterior walls consisting of stucco; tile roof; interior walls of stick lumber construction with walls finished with sheet rock according to applicable building codes. The Survey Map shows each Unit number, its location, dimensions from which the Size may be determined, the Common Areas to which it has immediate access, and the Limited Common Areas, if any, reserved for each Unit. The content of Exhibit B establishes the Unit number and its Size for Building 21. The content of Exhibit C contains the following information with respect to each Unit contained in the Project: (i) Unit Number, (ii) its Size; (iii) the Percentage Interest which is assigned to and appurtenant to the Unit; and (iv) the Number of votes of the Owner of the Unit as a Member of the Association.

Until such time as Building 21 has been constructed and the Units in Building 21 have been certified for occupancy by the City of St. George, the following shall apply to the Properties affected by this Supplemental Declaration and the Survey Map recorded in connection herewith: (i) the Association shall have no jurisdiction over the Common Area (as defined in the Declaration and the Utah Condominium Ownership Act, Utah Code Ann. Sections 57-1-1, et. seq.) identified on the Survey Map; (ii) the Common Area shall not be deemed to have been established for the benefit of the Members of the Association; (iii) no voting rights in the Association shall accrue to the Owners of Units; (iv) Owners of Units shall not be subject to assessment under the Declaration; (v) neither the Association nor its Members shall have a right to access, utilize or control the Common Areas, the Units or the Property identified on the Survey Map; (vi) the Owners of Units in Building 21 shall own and hold legal title to the Units and the appurtenant Common Area; and (vii) the Owners of Units shall be subject to and receive the benefit of the Declaration, except as otherwise provided for herein. Without limiting the foregoing, upon recording of this Supplemental Declaration and the Survey Map, the property described in Exhibit A hereto shall be deemed to be annexed into and made a part of the Project.

Upon completion of construction of Building 21 and issuance of certificates of occupancy for the Units therein by the City of St. George, the foregoing shall not longer apply and the Association, its Members and Owner of Units in Building 21 shall specifically have the following rights in addition to all others provided for in the Declaration, as the same is amended and supplemented from time to time: (i) the Association shall have jurisdiction over the Common Area (as defined in the Declaration and the Utah Condominium Ownership Act, Utah Code Ann. Sections 57-1-1, et. seq.) identified on the Survey Map; (ii) the Common Area shall be deemed to have been established for the benefit of the Members of the Association; (iii) voting rights in the Association shall accrue to the Owners of Units; (iv) Owners of Units shall be subject to assessment under the Declaration; (v) the Association and its Members shall have the right to access, utilize and manage the Common Areas, the Units or the Property, as provided for in the Declaration.

Capitalized terms in this Supplemental Declaration are defined and shall have such meaning as given to them in the Declaration, unless the context requires otherwise.



STATE OF UTAH,

ss.

County of Washington. )

On this 7<sup>th</sup> day of March, 2003, personally appeared before me Ronald W. Snow, who being personally known to me (or satisfactorily proved to me), and who being by me duly sworn did say that he is a Manager of Tawa Development, L.L.C., a Utah limited liability company, and that he executed the foregoing Supplemental Declaration on behalf said limited liability company being authorized and empowered to do so by the operating agreement of said company or resolution of its managers, and he/she acknowledged before me that such company executed the same for the uses and purposes stated therein.

Anne M. Burnett  
Notary Public

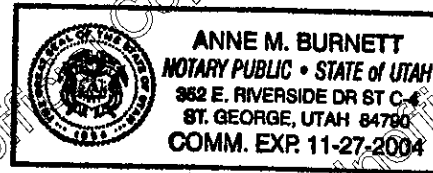


EXHIBIT A  
Phase VIII

Real Property located in Washington County, Utah

LEGAL DESCRIPTION:

Beginning at the southeast corner of Las Palmas Resort Condominiums II Phase VI, said point being South  $88^{\circ}45'14''$  East 890.30 feet along the center section line and South 101.08 feet from the West Quarter Corner of Section 35, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running

thence northeasterly, southeasterly, and northeasterly the following (3) descriptions along the east line of said Las Palmas Resort Condominiums II Phase VI;

thence North  $17^{\circ}53'14''$  East 125.12 feet;

thence South  $88^{\circ}42'40''$  East 47.34 feet;

thence North  $01^{\circ}17'20''$  East 43.17 feet to the south line of Las Palmas Resort Condominiums II Phase IV;

thence South  $88^{\circ}42'40''$  East 308.25 feet along the south line of said Las Palmas Resort Condominiums II Phase IV and to and along the south line of Las Palmas Resort Condominiums II Phase V;

thence South  $01^{\circ}17'20''$  West 9.17 feet along the south line of said Las Palmas Resort Condominiums II Phase V;

thence South  $88^{\circ}42'40''$  East 54.18 feet along the south line of said Las Palmas Resort Condominiums II Phase V;

thence South  $00^{\circ}32'25''$  West 154.08 feet;

thence North  $88^{\circ}41'52''$  West 447.58 feet to the Point of Beginning.

Containing 66.613 square feet or 1.529 acres.

BASIS OF BEARING NARRATIVE

Considering the Basis of Bearing of this description is a calculated line between the West Quarter Corner of Section 35 and the North Quarter Corner of Section 35, which is North  $46^{\circ}06'52''$  East.

EXHIBIT B  
PHASE VIIIUNIT NUMBERUNIT SIZE

2101	1261
2102	1253
2103	1561
2104	1575
2105	1817
2106	1330
2107	1261
2108	1286
2109	1278
2110	1286
2111	1606
2112	1848
2113	1358
2114	1286
2115	1286
2116	1278
2117	1286
2118	1606
2119	1848
2120	1358
2121	1286

EXHIBIT C  
PHASE VIII

(This Exhibit C amends and replaces Exhibit B to the  
Declaration of Condominium at Las Palmas Resort II)

<u>UNITS</u>	<u>SIZE</u>	<u>PERCENTAGE INTEREST</u>	<u>VOTES</u>
601	1375	.570	570
602	1910	.792	792
603	1684	.699	699
604	1451	.602	602
605	1375	.570	570
606	1910	.792	792
607	1684	.699	699
608	1451	.602	602
609	1375	.570	570
610	1910	.792	792
611	1684	.699	699
612	1451	.602	602
	19260	7.989	7989
701	1375	.570	570
702	1910	.792	792
703	1684	.699	699
704	1451	.602	602
705	1375	.570	570
706	1910	.792	792
707	1684	.699	699
708	1451	.602	602

709	1375	.570	570
710	1910	.792	792
711	1684	.699	699
712	1451	.602	602
	19260	7.989	7989
801	2311	.959	959
802	1971	.818	818
803	2311	.959	959
804	2347	.974	974
805	2003	.830	830
806	2347	.974	974
807	2347	.974	974
808	2003	.830	830
809	2347	.974	974
	19987	8.292	8292
901	1375	.570	570
902	1910	.792	792
903	1684	.699	699
904	1451	.602	602
905	1375	.570	570
906	1910	.792	792
907	1684	.699	699
908	1451	.602	602
909	1375	.570	570
910	1910	.792	792



911	1684	.699	699
912	1451	.602	602
	19260	7.989	7989
1001	868	.360	360
1002	1440	.597	597
1003	1915	.795	795
1004	1685	.699	699
1005	1346	.558	558
1006	1362	.565	565
1007	868	.360	360
1008	1440	.597	597
1009	1915	.795	795
1010	1685	.699	699
1011	1346	.558	558
1012	1362	.565	565
1013	868	.360	360
1014	1440	.597	597
1015	1915	.795	795
1016	1685	.699	699
1017	1346	.558	558
1018	1362	.565	565
	25848	10.722	10722
1201	1147	.476	476
1202	1147	.476	476
1203	1147	.476	476

1204	1147	.476	476
1205	1147	.476	476
1206	1147	.476	476
1207	1147	.476	476
1208	1147	.476	476
1209	1147	.476	476
1210	1147	.476	476
1211	1147	.476	476
1212	1147	.476	476
1213	1147	.476	476
1214	1147	.476	476
1215	1147	.476	476
1216	1147	.476	476
1217	1147	.476	476
1218	1147	.476	476
1219	1147	.476	476
1220	1147	.476	476
1221	1147	.476	476
	24087	9.996	9996
1701	1346	.558	558
1702	1578	.655	655
1703	2000	.830	830
1704	1578	.655	655
1705	1735	.720	720
1706	1346	.558	558
1707	1578	.655	655

1708	2000	.830	830
1709	1578	.655	655
1710	1735	.720	720
1711	1346	.558	558
1712	1578	.655	655
1713	2000	.830	830
1714	1578	.655	655
1715	1735	.720	720
	24711	10.254	10254
1801	1636	.678	678
1802	1487	.617	617
1803	1896	.787	787
1804	1349	.560	560
1805	1668	.692	692
1806	1519	.630	630
1807	1931	.801	801
1808	1377	.571	571
	12863	5.336	5336
1901	1735	.720	720
1902	2000	.830	830
1903	1578	.655	655
1904	1346	.558	558
1905	1735	.720	720
1906	2000	.830	830
1907	1578	.655	655

1908	1346	.558	558
1909	1735	.720	720
1910	2000	.830	830
1911	1578	.655	655
1912	1346	.558	558
	19977	8.289	8289
2001	1253	.520	520
2002	1261	.523	523
2003	1575	.654	654
2004	1817	.754	754
2005	1330	.552	552
2006	1260	.523	523
2007	1278	.530	530
2008	1286	.534	534
2009	1606	.666	666
2010	1848	.767	767
2011	1358	.563	563
2012	1286	.534	534
2013	1278	.530	530
2014	1286	.534	534
2015	1606	.666	666
2016	1848	.767	767
2017	1358	.563	563
2018	1286	.534	534
	25820	10.714	10714

2101	1261	.523	523
2102	1253	.520	520
2103	1561	.648	648
2104	1575	.654	654
2105	1817	.754	754
2106	1330	.552	552
2107	1261	.523	523
2108	1286	.534	534
2109	1278	.530	530
2110	1286	.534	534
2111	1606	.666	666
2112	1848	.767	767
2113	1358	.563	563
2114	1286	.534	534
2115	1286	.534	534
2116	1278	.530	530
2117	1286	.534	534
2118	1606	.666	666
2119	1848	.767	767
2120	1358	.563	563
2121	1286	.534	534
	29954	12.43	12430
158 Units	241028	100%	100000