

*Return to Westenskow Co  
552 S. 850 E.  
Ogden, Utah*

BOOK 881 PAGE 394

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*1/15/50*

FILED AND RECORDED FOR

*Security Title Co.*

1968 JAN 29 PM 2 02

Plotted  Indexed   
Recorded  Abstracted   
Compared  Page

RUTH EAMES OLSEN  
WEBER COUNTY RECORDER  
DEPUTY *Ruth E. Olsen*

DECLARATION OF  
EMERALD HILLS CONDOMINIUM

Phase Number 2

And

AMENDMENT TO DECLARATION OF  
EMERALD HILLS CONDOMINIUM

Phase Number 1

--ooOoo--

This declaration is made and executed in Weber County, State of Utah, this 29th day of January, 1968, by WESTENSKOW AND CO., 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, 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 241.60 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 325.00 feet; thence North 89° 45' East 223.46 feet; thence South 0° 15' East 325.00 feet; thence South 89° 45' West 223.46 feet to the point of beginning.

ALSO:

Beginning at a point North 0° 15' West 802.44 feet and North 89° 45' East 413.66 feet from the South Quarter corner of said Section 16, Township 5 North, Range 1 West, Salt Lake Base & Meridian, and running thence North 0° 15' West 596.98 feet to the South Right-of-Way line of U. S. Highway 89; thence South 60° 50' East 325.74 feet along said Right-of-Way line; thence South 0° 15' East 502.74 feet; thence South 89° 45' West 153.94 feet; thence North 0° 15' West 65.75 feet; thence South 89° 45' West 129.80 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,

3191-B10DXST ; 3191-AX ST, Pt. 3196 ST ; OVERLAPS PT. 3197 ST

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 2; and,

WHEREAS, Declarant has heretofore filed of record that certain Declaration of Emerald Hills Condominium, Phast 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 desires and intends to sell the fee title to the apartment units contained in said Phase 2, 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 relating to Phase 1, and the agreements in writing attached to deeds of conveyance between Declarant and purchasers of units in Phase 1, Declarant desires to amend said Declaration to provide that the common areas and facilities of Phase 2 shall be included in the common areas and facilities of Phase 1, and the common areas and facilities of Phase 1 shall be included in the common areas and facilities of Phase 2, and to establish one condominium project of Phase 1 and Phase 2. The property of phases 1 and 2 is in Weber County, State

PHASE 1 : 1380-157 TO  
1380-32 ST

PHASE 2 : 1380-33 TO  
1380-48 ST

of Utah, and is described as follows:

Beginning at a point North 89° 45' East 200.00 feet and North 0° 15' West 241.60 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 822.84 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 366.74 feet; thence South 0° 15' East 502.74 feet; thence South 89° 45' West 153.94 feet; thence South 0° 15' East 142.46 feet; thence South 89° 45' West 120.00 feet; thence South 0° 15' East 352.63 feet; thence South 89° 45' West 223.46 feet to the point of beginning.

NOW, THEREFORE, Declarant hereby publishes and declares that all of the property in Phase 2 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 2 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 2.

2. The said Phase 2 project consists of:

Six buildings; two buildings with two stories; four single story buildings; six apartment units in each building; thirty-six total apartment units (as per Phase 2, Record of Survey Map).

3. The said Phase 2 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 2 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 2 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 or convenient to the existances, maintenance and safety of the common area, or normally in common use.

J. The common areas and facilities of Phase 1.

K. The limited common areas and facilities of Phase 2 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 2 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 encompassed and includes the heating and air

conditioning unit.

7. The common areas and facilities of Phase 1 include the common areas and facilities of Phase 2. The limited common areas and facilities of Phase 1 include the limited common areas and facilities of Phase 2 with the uses and restrictions there-to appertaining.

Phase 1 and Phase 2 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 and Phase 2, and shall not cover in excess of thirty acres, including the land in Phases 1 and 2, and shall not exceed two hundred thirty-two (232) apartments including the apartments of Phases 1 and 2. The said future common areas and facilities shall be included in the common area 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 the future phase or phases. Phase 1 and Phase 2 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 Declaration, 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 2 is \$22,000.00, and the total value of all apartments regarding Phase 2 is \$792,000.00. The total value of all apartments of Phase 1 and Phase 2 is \$1,456,000.00.

9. The total value of the property of Phase 2, as defined by the Utah Condominium Ownership Act is \$918,000.00. Such value regarding Phase 1 and Phase 2 is \$1,694,000.00.

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:

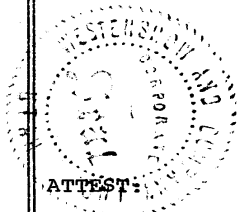
Home address: 5452 South 850 East  
South Ogden, Utah

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.

WESTENSKOW AND CO., INC.

By Lewis A. Westenskow  
Lewis A. Westenskow  
President

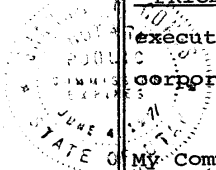


ATTEST:

Janet C. Price  
Secretary

STATE OF UTAH )  
:SS  
County of Weber)

On this 29th day of January, 1968, personally appeared before me LEWIS A. WESTENSKOW and JANET C. PRICE, who being by me duly sworn, did say, each for himself, that he, the said LEWIS A. WESTENSKOW is the President and she, the said JANET C. PRICE, is the Secretary of WESTENSKOW AND CO., INC., 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 LEWIS A. WESTENSKOW and JANET C. PRICE each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.



My Commission Expires:  
June 4, 1971

Sharon D. Crumba  
NOTARY PUBLIC  
Residing in Ogden, Utah

EXHIBIT "A"

<u>APARTMENT UNIT NUMBER</u>	<u>LOCATION</u>	<u>APPROXIMATE AREA IN SQUARE FEET</u>	<u>NUMBER OF ROOMS</u>
33	Building 5, first apartment on North end	2586	10
34	Building 5, second apartment from North end	2586	10
35	Building 5, third apartment from North end	2586	10
36	Building 5, third apartment from South end	2586	10
37	Building 5, second apartment from South end	2586	10
38	Building 5, first apartment on South end	2586	10
39	Building 6, first apartment on West end	2586	10
40	Building 6, second apartment from West end	2586	10
41	Building 6, third apartment from West end	2586	10
42	Building 6, third apartment from East end	2586	10
43	Building 6, second apartment from East end	2586	10
44	Building 6, first apartment on East end	2586	10
45	Building 7, first apartment on South end	2925	10
46	Building 7, second apartment on South end	2885	10
47	Building 7, 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>
48	Building 7, third apartment from North end	2885	10
49	Building 7, second apartment from North end	2885	10
50	Building 7, first apartment on North end	2925	10
51	Building 8, first apartment on South end	2925	10
52	Building 8, second apartment from South end	2885	10
53	Building 8, third apartment from South end	2885	10
54	Building 8, third apartment from North end	2885	10
55	Building 8, second apartment from North end	2885	10
56	Building 8, first apartment on North end	2925	10
57	Building 9, first apartment on South end	2925	10
58	Building 9, second apartment from South end	2885	10
59	Building 9, third apartment from South end	2885	10
60	Building 9, third apartment from North end	2885	10
61	Building 9, second apartment from North end	2885	10
62	Building 9, first apartment on North end	2925	10



<u>APARTMENT UNIT NUMBER</u>	<u>LOCATION</u>	<u>APPROXIMATE AREA IN SQUARE FEET</u>	<u>NUMBER OF ROOMS</u>
63	Building 10, first apartment on North end	2925	10
64	Building 10, second apartment from North end	2885	10
65	Building 10, third apartment from North end	2885	10
66	Building 10, third apartment from South end	2885	10
67	Building 10, second apartment from South end	2885	10
68	Building 10, first apartment on South end	2925	10