

7112447

WHEN RECORDED RETURN TO:  
SOUTH WILLOW, L.C.  
Wayne H. Corbridge  
758 South 400 East  
Suite 203  
Orem, Utah 84058

7112447  
10/07/98 1:48 PM 66.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
SOUTH WILLOW L.C.  
758 S 400 E STE.203  
OREM, UT 84097  
REC BY: R JORDAN DEPUTY - WI

NINTH SUPPLEMENT TO THE  
DECLARATION OF CONDOMINIUM  
FOR  
SOUTH WILLOW CREEK, A Condominium Project

This NINTH SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR SOUTH WILLOW CREEK is made and executed this 14th day of August, 1998, by SOUTH WILLOW, L.C., a Utah Limited Partnership of 758 South 400 East, Suite 203, Orem, Utah 84058 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Original Declaration was recorded in the office of the County Recorder of Salt Lake County, Utah on the 25th day of August, 1997 as Entry No. 6722899, in Book 7741, at Pages 2091-2155 of the Official Records;

Whereas, the related Plat Map for Phase I of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement was recorded on August 25, 1997 as Entry No. 6722900, in Book 7741, at Page 2156 of the official records of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration was re-recorded in the office of the County Recorder of Salt Lake County, Utah on the 9th day of October, 1997 as Entry No. 6760214, in Book 7778, at Page 1777 of the Official Records;

Whereas, the related Plat Map for Phase II of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Second Supplement was recorded on August 25, 1997 as Entry No. 6722901, in Book 7741, at Page 2161 in the office of the County Recorder of Salt Lake County, Utah.

BK8119PG1059

Whereas, the Second Supplement to the Declaration was re-recorded in the office of the County Recorder of Salt Lake County, Utah on the 9th day of October, 1997 as Entry No. 6760215, in Book 7778, at Page 1782 of the Official Records;

Whereas, the related Plat Map for Phase III of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Third Supplement to the Declaration was recorded in the office of the County Recorder of Salt Lake County, Utah on the 25th day of August, 1997 as Entry No. 6722902, in Book 7741, at Page 2167;

Whereas, the Third Supplement was re-recorded in the office of the County Recorder of Salt Lake County, Utah on the 9th day of October, 1997, as Entry No. 6760216, in Book 7778, at Page 1789.

Whereas, the related Plat Map for Phase IV of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fourth Supplement was recorded in the office of the County Recorder of Salt Lake County, Utah on the 29th day of June, 1998, as Entry No. 7010840 in Book 8021 at pages 37-43.

Whereas, the related Plat Map for Phase V of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fifth Supplement was recorded in the office of the County Recorder of Salt Lake County, Utah on the 29th day of June, 1998, as Entry No. 7010842 in Book 8021 at Pages 44-50.

Whereas, the related Plat Map for Phase VI of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Sixth Supplement was recorded in the office of the County Recorder of Salt Lake County, Utah on the 29th day of June, 1998, as Entry No. 7010844 in Book 8021 at Pages 51-59.

Whereas, the related Plat Map for Phase VII of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Seventh Supplement was recorded in the office of the County Recorder of Salt Lake County, Utah on the 29th day of June, 1998, as Entry No. 7010846 in Book 8021 at Pages 60-68.

BK8119PG1060

Whereas, the related Plat Map for Phase VIII of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Eighth Supplement was recorded in the office of the County Recorder of Salt Lake County, Utah on the 29th day of June, 1998, as Entry No. 7010848 in Book 8021 at Pages 69-79.

Whereas, the related Plat Map for Phase XIII of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 44 of the Declaration, Declarant reserved an option until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser to expand the Project in accordance with the Act.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-9" attached hereto and incorporated herein by this reference (the "Phase IX Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right, pursuant to Sections 11, 29 and 44 of Article III of the Declaration and subject to the approval of the Office of Veterans Affairs, to unilaterally amend the Declaration and add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the Phase IX Property a residential condominium development.

Whereas, Declarant now intends that the Phase IX Property shall become subject to the Declaration and the Act.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this NINTH SUPPLEMENT to the DECLARATION OF CONDOMINIUM FOR SOUTH WILLOW CREEK, a Condominium Project.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. Ninth Supplemental Declaration shall mean and refer to this Ninth Supplement to the DECLARATION OF CONDOMINIUM FOR SOUTH WILLOW CREEK, a Condominium Project.

B. Ninth Supplemental Phase IX Map shall mean and refer to the Ninth Supplemental Plat Map of Phase IX of the Project,

prepared and certified to by Matthew B. Judd, a duly registered Utah Land Surveyor holding Certificate No. 6913 and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Ninth Supplemental Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. Legal Description. The real property described in Exhibit A-9 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of this Ninth Supplemental Declaration.

3. Annexation. Declarant hereby declares that the Phase IX Property shall be annexed to and become subject to the Declaration, which upon recordation of this Ninth Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-9 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Units Revised. As shown on the Phase IX Map, nine (9) additional Units are created in the Project on the Phase IX Property. Said additional Units are contained in one 4-plex and another 5-plex, which are located within a portion of the Additional Land. Upon the recordation of the Phase IX Map and this Ninth Supplemental Declaration, the total number of Units in the Project will be ninety-nine (99). The said additional Units are substantially similar in construction, design and quality to the Units in the prior Phases.

5. Percentage Interest Revised. Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the Percentage Interest. The Eighth Revised Exhibit "C" to the Declaration is deleted in its entirety and "Ninth Revised Exhibit 'C'" attached hereto is substituted in lieu thereof and incorporated herein by this reference. The Percentage Interests set forth in Ninth Revised Exhibit "C" have been computed on the basis of par value.

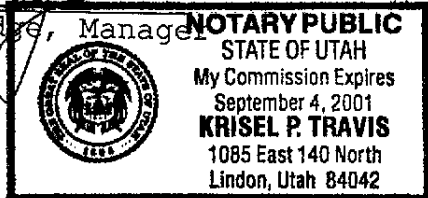
6. Effective Date. The effective date of this Ninth Supplemental Declaration and the Phase IX Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

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IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above written.

SOUTH WILLOW, L.C.

BY: Wayne H. Corbridge  
TITLE: Wayne H. Corbridge, Manager



STATE OF UTAH )

) SS:

COUNTY OF UTAH )

On the 4 day of ~~August~~ <sup>September</sup>, 1998, personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of SOUTH WILLOW, L.C., a Utah Limited Liability Company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members or its Articles of Organization, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.

Krisel P. Travis

NOTARY PUBLIC  
Residing At: Lindon, UT  
Commission Expires: Supt. 4, 2001

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Exhibit "A-9"  
SOUTH WILLOW CREEK PHASE IX  
BOUNDARY DESCRIPTION

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

Commencing North 89d 48' 40" West along the section line 961.34 Feet and North 3254.41 Feet from the South Quarter corner of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian; thence as follows: thence West 155.68 feet; thence North 126.03 feet; thence East 19.89 feet; thence North 20.22 feet; thence East 6.23 feet; thence North 74.83 feet; thence East 93.18 feet; thence South 74.83 feet; thence North 89d 59' 28" East 49.13 feet; thence South 72.21 feet; thence West 12.75 feet; thence South 74.05 feet to the point of beginning.

Contains .69 acres

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NINTH REVISED EXHIBIT "C"  
 PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase/Bldg No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>	<u>Par Value</u>	
I	A	1	1/100 (1.0%)	100
I	A	2	1/100 (1.0%)	100
I	A	3	1/100 (1.0%)	100
I	A	4	1/100 (1.0%)	100
I	B	5	1/100 (1.0%)	100
I	B	6	1/100 (1.0%)	100
I	B	7	1/100 (1.0%)	100
I	B	8	1/100 (1.0%)	100
I	B	9	1/100 (1.0%)	100
I	B	10	1/100 (1.0%)	100
I	C	119	1/100 (1.0%)	100
I	C	120	1/100 (1.0%)	100
I	C	121	1/100 (1.0%)	100
I	C	122	1/100 (1.0%)	100
I	D	123	1/100 (1.0%)	100
I	D	124	1/100 (1.0%)	100
I	D	125	1/100 (1.0%)	100
I	D	126	1/100 (1.0%)	100
II	E	11	1/100 (1.0%)	100
II	E	12	1/100 (1.0%)	100
II	E	13	1/100 (1.0%)	100
II	E	14	1/100 (1.0%)	100
II	E	15	1/100 (1.0%)	100
II	E	16	1/100 (1.0%)	100
II	F	69	1/100 (1.0%)	100
II	F	70	1/100 (1.0%)	100
II	F	71	1/100 (1.0%)	100
II	F	72	1/100 (1.0%)	100
III	G	103	1/100 (1.0%)	100
III	G	104	1/100 (1.0%)	100
III	G	105	1/100 (1.0%)	100
III	G	106	1/100 (1.0%)	100

BK8119PG1065

<u>Phase/Bldg No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>	<u>Par Value</u>	
III	H	99	1/100 (1.0%)	100
III	H	100	1/100 (1.0%)	100
III	H	101	1/100 (1.0%)	100
III	H	102	1/100 (1.0%)	100
IV	I	115	1/100 (1.0%)	100
IV	I	116	1/100 (1.0%)	100
IV	I	117	1/100 (1.0%)	100
IV	I	118	1/100 (1.0%)	100
IV	J	73	1/100 (1.0%)	100
IV	J	74	1/100 (1.0%)	100
IV	J	74	1/100 (1.0%)	100
IV	J	76	1/100 (1.0%)	100
V	K	17	1/100 (1.0%)	100
V	K	18	1/100 (1.0%)	100
V	K	19	1/100 (1.0%)	100
V	K	20	1/100 (1.0%)	100
V	K	21	1/100 (1.0%)	100
V	K	22	1/100 (1.0%)	100
V	L	64	1/100 (1.0%)	100
V	L	65	1/100 (1.0%)	100
V	L	66	1/100 (1.0%)	100
V	L	67	1/100 (1.0%)	100
V	L	68	1/100 (1.0%)	100
VI	M	96	1/100 (1.0%)	100
VI	M	97	1/100 (1.0%)	100
VI	M	98	1/100 (1.0%)	100
VI	N	92	1/100 (1.0%)	100
VI	N	93	1/100 (1.0%)	100
VI	N	94	1/100 (1.0%)	100
VI	N	95	1/100 (1.0%)	100
VII	O	23	1/100 (1.0%)	100
VII	O	24	1/100 (1.0%)	100
VII	O	25	1/100 (1.0%)	100
VII	O	26	1/100 (1.0%)	100
VII	O	27	1/100 (1.0%)	100
VII	O	28	1/100 (1.0%)	100
VII	P	29	1/100 (1.0%)	100
VII	P	30	1/100 (1.0%)	100

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<u>Phase/Bldg No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>	<u>Par Value</u>	
VII	P	31	1/100 (1.0%)	100
VII	P	32	1/100 (1.0%)	100
VII	P	33	1/100 (1.0%)	100
VII	Q	111	1/100 (1.0%)	100
VII	Q	112	1/100 (1.0%)	100
VII	Q	113	1/100 (1.0%)	100
VII	Q	114	1/100 (1.0%)	100
VII	T	77	1/100 (1.0%)	100
VII	T	78	1/100 (1.0%)	100
VII	T	79	1/100 (1.0%)	100
VII	T	80	1/100 (1.0%)	100
IX	U	60	1/100 (1.0%)	100
IX	U	61	1/100 (1.0%)	100
IX	U	62	1/100 (1.0%)	100
IX	U	63	1/100 (1.0%)	100
IX	V	34	1/100 (1.0%)	100
IX	V	35	1/100 (1.0%)	100
IX	V	36	1/100 (1.0%)	100
IX	V	37	1/100 (1.0%)	100
IX	V	38	1/100 (1.0%)	100
IX	V	39	1/100 (1.0%)	100
XIII	R	107	1/100 (1.0%)	100
XIII	R	108	1/100 (1.0%)	100
XIII	R	109	1/100 (1.0%)	100
XIII	R	110	1/100 (1.0%)	100
XIII	S	81	1/100 (1.0%)	100
XIII	S	82	1/100 (1.0%)	100
XIII	S	83	1/100 (1.0%)	100
XIII	S	84	1/100 (1.0%)	100
XIII	S	85	1/100 (1.0%)	100
TOTAL:			100%	

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