

AFTER RECORDING PLEASE RETURN TO:

Mesa Del Sol, L.L.C.
215 South Orem Blvd.
Orem, Utah 84058

DECLARATION OF CONDOMINIUM

(Including Owner Association Bylaws)

**PELICAN HILLS CONDOMINIUMS
An Expandable Condominium Project
St. George City, Washington County, Utah**

THIS DECLARATION OF CONDOMINIUM is made this 21st day of May, 2006, by Mesa Del Sol, L.L.C. ("Declarant"), pursuant to the provisions of Sections 57-8-1 *et seq.* of the *Utah Code* (1953), as amended, known as the Condominium Ownership Act (the "Act").

RECITALS:

- A. Declarant is the record owner of that certain Property, more particularly described in **Exhibit A**, attached hereto and by this reference made a part hereof.
- B. Declarant has constructed, or is in the process of constructing, the Condominium Project upon the Property, including Units and other improvements, in accordance with the plans and drawings reflected on the Condominium Plat.
- C. Declarant desires, by concurrently recording this Declaration and the Condominium Plat in the Public Records, to submit the Property and all improvements to be constructed thereon, to the provisions of the Act as a condominium project to be known as "Pelican Hills Condominiums" and to establish for its own benefit and for the mutual benefit of all future Owners, certain covenants, conditions, restrictions, easements, rights, privileges, assessments, and liens as set forth herein, which shall run with and be a burden upon the Property.
- D. Declarant intends to sell to various purchasers fee title to the individual Units contained in the Project, together with an undivided percentage interest in and to the Common Areas and Facilities appurtenant to such Units, subject to the covenants, conditions, restrictions, reservations, and easements herein set forth.
- E. Declarant intends that the Owners, occupants, lenders and all other persons hereafter acquiring any interest in the Property shall at all times enjoy the benefits of, and shall hold their interest subject to, this Declaration, which is recorded in the furtherance of establishing a general plan of condominium ownership for the Property, and for establishing rules for the use, occupancy, management, and enjoyment thereof all for the purpose of

13.10 **Waiver.** No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of time lapse or the number of violations or breaches which may occur.

13.11 **Duration/Termination.** This Declaration shall remain in effect until such time as there is recorded in the Public Records, following approval of the appropriate governmental authority authorizing such action, the appropriate instruments to remove the Project from the provisions of the Act as set forth in Section 57-8-22 of the Act, or a successor provision thereto.

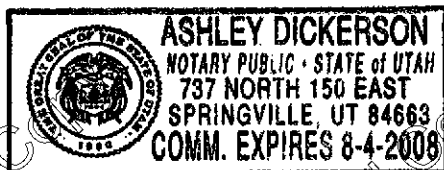
13.12 **Effective Date.** This Declaration, and any amendment or Supplemental Declaration hereto, shall take effect upon its being filed for record in the Public Records.

EXECUTED by Declarant on the day and year first above written.

By: 
Bruce R. Dickerson, Manager

State of Utah, County of Utah

The within instrument was acknowledged before me this 24th day of May, 2006, by Bruce R. Dickerson in the capacity indicated.




NOTARY PUBLIC

Exhibit "A"

Beginning at a point being on the Northeast corner of Pelican Hills Condominiums Phase 1, said point being on the Westerly line of Dixie Drive, said point also being South $00^{\circ}14'54''$ West 903.70 feet and West 544.62 feet from the North corner of Section 35, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running;

thence Westerly the following (9) courses along said Northerly line of Pelican Hills Condominiums Phase 1;

thence West 108.17 feet;
thence North $69^{\circ}48'50''$ West 95.47 feet;
thence southwesterly 38.93 feet along an arc of a 96.00 foot radius curve to the right (center bears North $69^{\circ}48'50''$ West long chord bears South $31^{\circ}48'14''$ West 38.66 feet with a central angle of $23^{\circ}14'07''$);

thence North $46^{\circ}34'42''$ West 24.93 feet;
thence South $43^{\circ}19'54''$ West 43.47 feet;
thence North $82^{\circ}40'21''$ West 169.98 feet;
thence South $44^{\circ}34'29''$ West 117.78 feet;
thence North $47^{\circ}37'47''$ West 137.74 feet;
thence North $29^{\circ}39'00''$ West 61.15 feet;
thence North $60^{\circ}23'17''$ East 71.96 feet;
thence North $04^{\circ}50'43''$ East 28.77 feet;
thence North $28^{\circ}28'14''$ East 48.00 feet;
thence North $38^{\circ}17'38''$ West 60.37 feet;
thence North $04^{\circ}13'19''$ West 73.02 feet;
thence North $42^{\circ}58'47''$ East 42.28 feet;
thence North $31^{\circ}53'33''$ East 65.45 feet;

thence North $59^{\circ}02'23''$ East 386.14 feet to the Westerly line of said Dixie Drive;
thence southeasterly 326.79 feet along an arc of a 760.00 foot radius curve to the right (center bears South $51^{\circ}56'47''$ West long chord bears South $25^{\circ}44'08''$ East 324.27 feet with a central angle of $24^{\circ}38'10''$) along said Westerly line of Dixie Drive;

thence South $13^{\circ}25'03''$ East 297.11 feet along said Westerly line of Dixie Drive to the point of beginning.

Contains 259,490 square feet or 5.95 acres

SG-6-2-35-411