

WHEN RECORDED, RETURN TO:
Birkhill Holdings, LLC
299 South Main, Suite 2400
Salt Lake City, UT 84111

11843532
5/2/2014 2:04:00 PM \$76.00
Book - 10228 Pg - 2288-2291
Gary W. Ott
Recorder, Salt Lake County, UT
SEB LEGAL LLC
BY: eCASH, DEPUTY - EF 4 P.

**BIRKHILL TOWNHOME OWNERS' ASSOCIATION, INC.'S SUPPLEMENTAL
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR
BIRKHILL TOWNHOME**

THIS SUPPLEMENTAL DECLARATION is made by Birkhill Holdings, LLC ("Owner"), owner of the property known as Birkhill Phase 2 (as described in Exhibit "A" to this Supplemental Declaration, and hereinafter referred to as the "Birkhill Phase 2").

RECITALS

A. Real property in Salt Lake County, Utah, known as Birkhill Phase 1-2nd Amended was subjected to covenants, conditions, and restrictions recorded February 18, 2010, as Entry No. 10899706, in the Salt Lake County Recorder's Office, Utah ("Declaration");

B. Owner owns Birkhill Phase 2, which was not originally bound by the Declaration;

C. Pursuant to the written agreement between ATC Realty One, LLC and Owner, known as "Assignment of Declarant's Rights," recorded January 25, 2013 as Entry No. 11563363, assigning Declarant rights to Owner, Owner has all rights reserved to the Declarant in the Declaration, including but not limited to the right to annex property and to subject said property to the terms of the Declaration. Therefore, under authority of Article I, Section 1.4 of the Declaration, Owner signs this Supplemental Declaration as Declarant;

D. Owner, pursuant to the Assignment of Declarant's Rights, possesses Declarant rights to annex Additional Property and to subject Additional Property to the scheme of the Declaration, pursuant to Article III, Section 3.2 of the Declaration;

E. Owner desires to annex the Phase 2 Lots into the Development and to subject the Birkhill Phase 2 to the Declaration.

NOW THEREFORE, Owner declares as follows:

1. All defined terms as used in this Supplemental Declaration shall have the same meaning as those set forth and defined in the Declaration.

2. The real property described in Exhibit "A" and situated in Murray City, Salt Lake County, Utah, referred to herein as Birkhill Phase 2, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed into the Association and is to be held, transferred, sold, conveyed, and occupied subject to the Declaration and as a part of the Association.

3. The covenants, conditions, restrictions, easements, and limitations of the Declaration, as amended from time to time, shall run with Birkhill Phase 2, and shall be binding on all parties having or acquiring any right, title or interest in the described real property or any part thereof and shall inure to the benefit of each Owner in the Neighborhood, and are imposed upon said real property and every part thereof as a servitude in favor of each and every parcel thereof as the dominant tenement or tenements.

4. Except as amended by the provisions of this Supplemental Declaration, the Declaration as previously

EXHIBIT "A"

LEGAL DESCRIPTION OF BIRKHILL PHASE 2

Birkhill Phase 2, consisting of all lots and common area shown and designated on the official plat thereof, recorded with the Salt Lake County Recorder's Office as Entry No. 11771421, on December 6, 2013.

| Type | Lot / Quarter | Parcel Number |
|------|---------------|--------------------|
| L | 201 | 21-01-229-074-0000 |
| L | 202 | 21-01-229-075-0000 |
| L | 203 | 21-01-229-076-0000 |
| L | 204 | 21-01-229-077-0000 |
| L | 205 | 21-01-229-078-0000 |
| L | 206 | 21-01-229-079-0000 |
| L | 207 | 21-01-229-080-0000 |
| L | 208 | 21-01-229-081-0000 |
| L | 209 | 21-01-229-082-0000 |
| L | 210 | 21-01-229-083-0000 |
| L | 211 | 21-01-229-084-0000 |
| L | 212 | 21-01-229-085-0000 |
| L | 213 | 21-01-229-114-0000 |
| L | 214 | 21-01-229-115-0000 |
| L | 215 | 21-01-229-116-0000 |
| L | 216 | 21-01-229-117-0000 |
| L | 217 | 21-01-229-118-0000 |
| L | 218 | 21-01-229-119-0000 |
| L | 219 | 21-01-229-120-0000 |
| L | 220 | 21-01-229-121-0000 |
| L | 221 | 21-01-229-122-0000 |
| L | 222 | 21-01-229-123-0000 |
| L | 223 | 21-01-229-113-0000 |
| L | 224 | 21-01-229-112-0000 |
| L | 225 | 21-01-229-111-0000 |
| L | 226 | 21-01-229-110-0000 |
| L | 227 | 21-01-229-109-0000 |
| L | 228 | 21-01-229-108-0000 |

| | | |
|---|------|--------------------|
| L | 229 | 21-01-229-107-0000 |
| L | 230 | 21-01-229-106-0000 |
| L | 231 | 21-01-229-105-0000 |
| L | 232 | 21-01-229-104-0000 |
| L | 233 | 21-01-229-103-0000 |
| L | 234 | 21-01-229-073-0000 |
| L | 235 | 21-01-229-072-0000 |
| L | 236 | 21-01-229-071-0000 |
| L | 237 | 21-01-229-070-0000 |
| L | 238 | 21-01-229-069-0000 |
| L | 239 | 21-01-229-068-0000 |
| L | 240 | 21-01-229-067-0000 |
| L | 241 | 21-01-229-066-0000 |
| L | 242 | 21-01-229-065-0000 |
| L | 243 | 21-01-229-064-0000 |
| L | 244 | 21-01-229-086-0000 |
| L | 245 | 21-01-229-087-0000 |
| L | 246 | 21-01-229-088-0000 |
| L | 247 | 21-01-229-089-0000 |
| L | 248 | 21-01-229-090-0000 |
| L | 249 | 21-01-229-091-0000 |
| L | 250 | 21-01-229-092-0000 |
| L | 251 | 21-01-229-093-0000 |
| L | 252 | 21-01-229-094-0000 |
| L | 253 | 21-01-229-102-0000 |
| L | 254 | 21-01-229-101-0000 |
| L | 255 | 21-01-229-100-0000 |
| L | 256 | 21-01-229-099-0000 |
| L | 257 | 21-01-229-098-0000 |
| L | 258 | 21-01-229-097-0000 |
| L | 259 | 21-01-229-096-0000 |
| L | 260 | 21-01-229-095-0000 |
| L | AREA | 21-01-229-063-0000 |