

3284555

SUPPLEMENTARY DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
ESSEX COURT CONDOMINIUM PROJECT

(Phase Two)

2250
GUARDIAN TITLE CO.
DEF. CLERK
DAVID L. DIXON

MAY 24 2 41 PM '79
KATIE L. DIXON
RECORDER
SALT LAKE COUNTY,
UTAH

THIS SUPPLEMENTARY DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS is made and executed this
21ST day of MAY, 1979, by WARRANTY
CONSTRUCTION COMPANY, INC., a Utah corporation (herein-
after referred to as "Declarant").

R E C I T A L S:

A. On April 24, 1979, Declarant made and executed
a Declaration of Covenants, Conditions and Restrictions of
Essex Court Condominium Project (hereinafter referred to
as "the Declaration") as part of a plan for the Essex Court
Condominium Project ("the Project"), which Declaration was
recorded in the office of the County Recorder of Salt Lake
County, State of Utah, on May 3, 1979 in Book 4856 at page
488 et seq. as Entry No. 3274083. The related Record of
Survey Map of Phase One was recorded concurrently with the
Declaration in Book 79-5 at page 173 as Entry No. 3274082.
The Declaration and the Phase One Map submitted to the pro-
visions of the Act the following described real property
situated in Salt Lake County, State of Utah, to-wit:

Beginning at a point that is South 131.514
feet and East 2344.864 feet from the NW
corner of Section 29, Township 2 South, Range
1 East, Salt Lake Base and Meridian; thence
North 149.598 feet, thence S87°27'22" W
126.125 feet; thence South 8.732 feet, thence
S87°06'49" W 187.265 feet, thence N4°07'07" E
102.257 feet, thence N87°47'04" E 152.962 feet;
thence N0°02" W 61.000 feet thence S89°58" W
181.000 feet, thence N0°02" W 45.000 feet,
thence S89°52'20" W 17.000 feet, thence
N0°01'40" W 84.051 feet, thence N89°52'20" E
38.725 feet, to a point of a 140.00 feet radius

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curve to the right (bearing to center curve bears S0°07'40" E), thence Southeasterly 44.295 feet along the arc of said curve, thence S72° E 75.004 feet, thence N18° E 42.298 feet, thence N11°10'05" E 94.372 feet, thence S72° E 110.000 feet, thence S18° W 136.000 feet, thence S72° E 55.000 feet, thence N 18° E 12.563 feet, thence S54°18' E 59.441 feet, thence N35°42' E 138.00 feet, thence S66° E 53.940 feet, thence S53° E 40.00 feet, thence S30° E 21.802 feet, thence East 13.664 feet, thence S52°35'18" W 140.341 feet, thence S35°42' W 12.067 feet; thence S46°36'03" E 29.762 feet, thence S24°33' E 31.000 feet, thence N65°27' E 133.000 feet, thence S18° E 37.474 feet, thence S33° E 75.000 feet, thence S77°09'16" W 110.488 feet, thence S65°27' W 26.284 feet, thence S24°33' E 47.073 feet, thence South 8.76 feet, thence S30°36'37" E 34.857 feet, thence S 18° E 70.000 feet, thence West 204.11 feet, to the point of beginning. Contains 3.5125 acres.

B. Under Section 23 of Article III of the Declaration, Declarant reserved an option until the seventh anniversary of the recording of the Declaration to expand the Condominium Project from time to time in compliance with Section 57-8-13.6 of the Utah Condominium Ownership Act (hereinafter referred to as "the Act").

C. Declarant is the fee simple owner of record of that certain real property more particularly described in Article II of this Supplementary Declaration. Declarant desires to expand the initial Project by creating on the real property described in Article II a residential condominium development.

D. Under the provisions of the Declaration, Declarant expressly reserved the absolute right to add to the Project any or all portions of the Additional Land at any time, in order, without limitation. Accordingly,

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Declarant now intends that the real property described in Article II of this Supplementary Declaration shall become subject to the Declaration. To this end and for the benefit of the Project and the Owners thereof, Declarant desires to adopt this Supplementary Declaration pursuant to the provisions of Article III of the Declaration.

I. DEFINITIONS

Except as otherwise defined herein or as may be required by the context, all terms defined in Article I of the Declaration shall have such defined meanings when used in this Supplementary Declaration.

II. PROPERTY DESCRIPTION

The Tract which is hereby submitted to the provisions of the Act and which shall be held, transferred, sold, conveyed and occupied subject to the provisions of this Supplementary Declaration consists of the following described real property situated in Salt Lake County, State of Utah:

PARCEL ONE:

Beginning at a point that is North 292.132 feet and East 1993.927 feet from the NW corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence $N0^{\circ}01'40''$ W 163.000 feet, thence $S72^{\circ}$ E 194.584 feet, thence $S11^{\circ}10'05''$ W 94.372 feet, thence $S18^{\circ}$ W 42.298 feet, thence $N72^{\circ}$ W 75.004 feet to a point of a 140.00 feet radius curve to the left (bearing to center curve bears $S18^{\circ}07'40''$ W); thence Northwestly 44.295 feet along the arc of said curve, thence $S89^{\circ}52'20''$ W 38.725 feet, to the point of beginning. Contains 0.772 acres.

PARCEL TWO:

Beginning at a point that is North 231.673 feet and East 2241.500 feet from the NW corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence N18° E 136.000 feet, thence S72° E 58.050 feet, thence S66° E 96.060 feet, thence S35°42' W 138.000 feet, thence N54°18' W 59.441 feet, thence S 18° W 12.563 feet, thence N72° W 55.000 feet, to the point of beginning. Contains 0.4059 acres.

PARCEL THREE:

Beginning at a point that is North 144.054 feet and East 2413.759 feet from the NW corner of Section 29, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence N35°42' E 12.067 feet, thence N52°35'18" E 140.341 feet, thence East 8.230 feet, thence S 18° E 93.000 feet, thence S65°27' W 133.000 feet, thence N24°33' W 31.000 feet, thence N46°36'03" W 29.762 feet, to the point of beginning. Contains 0.2601 acres.

PARCEL FOUR:

Beginning at a point that is North 96.317 feet and East 2039.182 feet from the NW corner of Section 29 Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence N4°07'07" E 67.000 feet, thence N89°58' E 148.000 feet, thence S0°02' E 61.000 feet, thence S87°47'04" W 152.962 feet, to the point of beginning. Contains 0.2205 acres.

Subject to easements of record, and visible, and subject, also, to restrictions and covenants of record.

RESERVED FROM THE FOREGOING SUBMISSION are such easements and rights of ingress and egress over, across, through, and under the above-described parcels of land and any improvements nor or hereafter constructed thereon as may be necessary to develop the entire project. If pursuant to this reservation, the above-described real property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservation hereby effected shall terminate upon the completion and sale by Declarant of all Units in the Project as it may be expanded as reserved in the Declaration.

III. EFFECT OF FOREGOING SUBMISSION

Declarant hereby declares that the real property described in Article II of this Supplementary Declaration shall be annexed to and become subject to the Declaration, which upon recordation of this Supplementary Declaration shall constitute and effectuate the expansion of the initial (Phase One) Project, making the real property described in Article II of the Supplementary Declaration subject to the functions, powers, rights, duties and jurisdiction of the Association of Unit Owners.

IV. UNITS CREATED BY EXPANSION

As shown on the Supplementary Map II, twenty-four (24) additional Units are created in the Project on the real property described in Article II of the Supplementary Declaration. Said additional Units are located within a portion of the Additional Land. Upon the recordation of the "Record of Survey Map Essex Court Phase Two" and this Supplementary Declaration, the total number of Units in the Project will be forty eight. The said Additional Units are substantially similar in construction and design to the Units in Phase I.

V. REALLOCATION OF PERCENTAGE INTERESTS

1. Reallocation. Under the Act and by Article III of the Declaration, in connection with an amendment such as that accomplished by this instrument, Declarant is required to amend the Declaration so as to reallocate the Percentage Interest appurtenant to each Unit. Accordingly,

Exhibit "B" to the Declaration is amended in its entirety to read as does the "Revised Exhibit "B"" attached to this Supplementary Declaration and made a part hereof by reference. The reallocated Percentage Interest which are contained in said Revised Exhibit "B", as required by Paragraph 5 of Article III of the Declaration, have been computed on the basis of the par value that each of the Units bears to the total par value of all the Units.

VI. CONSOLIDATED LEGAL DESCRIPTION

The description of the Project as expanded by the recordation of the Supplemental Map II and this Supplementary Declaration consists of the real property described in Recital A and Article II of this Supplementary Declaration.

VII. EFFECTIVE DATE

The effective date of this Supplementary Declaration shall be the date on which it is filed for record in the office of the County Recorder of Salt Lake County, State of Utah. From and after said date the Declaration and Map of Essex Court Condominium Project shall consist of the Declaration and Map as supplemented by this Supplementary Declaration and said Phase Two Map.

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

WARRANTY CONSTRUCTION COMPANY, INC.
A Utah Corporation

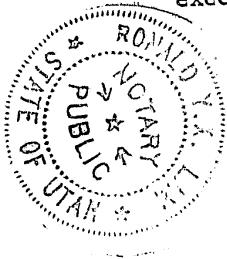
By: 

V. BLAINE TURNER
Its President

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STATE OF UTAH)
 : ss.
County of Salt Lake)

On the 21st day of MAY, 1979, personally appeared before me V. BLAINE TURNER who, on oath did say that he is the President of Warranty Construction Company, Inc., and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and the said V. BLAINE TURNER duly acknowledged to me that said corporation executed the same.



Ronald W. Linn
NOTARY PUBLIC
Residing at Salt Lake City, Utah

My Commission Expires:

SEPT 29, 1981

REVISED EXHIBIT "B"

ESSEX COURT CONDOMINIUM PROJECT

(After Phase II)

<u>Building</u>	<u>Unit</u>	<u>Par Value (based on points)</u>	<u>Percentage Interest</u>
1.	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
2	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
3	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
4	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
5	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
6	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
7	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
8	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
11	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
16	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
17	a	398.4	1.992%
"	b	"	"
"	c	"	"
"	d	471.6	2.358%
18	a	398.4	1.992%
"	b	398.4	1.992%
"	c	398.4	1.992%
"	d	471.6	2.358%