After Recording, Please Return To:

Park View at Riverwalk Condominium and Townhome Association, Inc. c/o Dan Gifford, Director 10421 South Jordan Gateway, Suite 600 South Jordan, Utah 84095

Copy to:

Christopher A. Jones Prince Yeates & Geldzahler 175 E. 400 South, Suite 900 Salt Lake City, Utah 84111 10524911 09/22/2008 11:15 AM \$85.00 Book - 9644 Pg - 4777-4797 GARY W. OTT RECORDER, SALT LAKE COUNTY, UTAH DAN GIFFORD 10421 S JORDAN GATEWAY #600 S JORDAN UT 84095 BY: ZJM, DEPUTY - WI 21 P.

DECLARATION OF PARTIAL REMOVAL FROM THE PROVISIONS OF THE UTAH CONDOMINIUM OWNERSHIP ACT FOR PARK VIEW AT RIVERWALK A UTAH CONDOMINIUM AND P.U.D PROJECT

THIS DECLARATION OF PARTIAL REMOVAL FROM THE PROVISIONS OF THE UTAH CONDOMINIUM OWNERSHIP ACT FOR PARK VIEW AT RIVERWALK ("Declaration") is made and executed on the date evidenced below, by D.G. DEVELOPMENT & INVESTMENT, INC., a Utah corporation, and MIDVALE 72nd PROPERTY, INC. a Utah corporation, as successor in interest to GIFFORD DEVELOPMENT COMPANY, L.L.C., a Utah limited liability company (collectively, "Declarant"), subject to and pursuant to the provisions of the Utah Condominium Ownership Act (the "Act").

RECITALS:

- A. Original Declaration and Plat. On May 10, 2007, Declarant filed a "Combined Declaration of Condominium and Planned Use Development for Parkview at Riverwalk Condominiums and Town Homes, an expandable Utah Condominium and P.U.D. Project," as Entry No. 10095781, Book 9462, beginning at Page 5393 of the Official Records of the Salt Lake County Recorder's Office, State of Utah ("Original Declaration"), together with the Record of Survey Map ("Original Plat"), which was recorded as Entry No. 10095780, Book 2007P, Page 192, in the Official Records of the Salt Lake County Recorder's Office, State of Utah.
- B. <u>Supplemental Declaration and Plat.</u> On January 11, 2008, Declarant filed a "Supplemental Combined Declaration of Condominium and Planned Use Development for Parkview at Riverwalk Condominiums and Town Homes, an expandable Utah Condominium and P.U.D. Project," as Entry No. 10321197, Book 9558, beginning at Page 2763 of the Official Records of the Salt Lake County Recorder's Office, State of Utah ("Supplemental Declaration"), together with the Supplemental Record of Survey Map ("First Supplemental Plat"), which was recorded as Entry No. 10321196, Book 2008, Page 9, in the Official Records of the Salt Lake County Recorder's Office, State of Utah. These documents added lands within the expansion area of the Original Declaration and subjected them to the provisions of the Act.
- C. <u>Amended and Restated Declaration</u>. On June 23, 2008, Declarant filed an "Amended and Restated Declaration of Covenants, Conditions and Restrictions of the Parkview at Riverwalk Condominiums and Town Homes," as Entry No. 10461081, Book 9620, beginning at Page 263 of the Official Records of the Salt Lake County Recorder's Office, State of Utah ("Amended Declaration"). The Amended Declaration incorporated and superseded both the Original and Supplemental Declarations.
- D. <u>Units</u>. The effect of the referenced series of Declarations, culminating in the Amended Declaration, was the creation of a residential condominium and P.U.D. project (the "Project") consisting of forty-eight (48) condominium units and seventy-one (71) town home units, subject to the Utah Condominium Ownership Act, Utah Code Ann. § 57-8-1 et seq. (the "Act"). The real property subject to the Original Declaration, Supplemental Declaration and the Amended Declaration is located in Midvale City, Salt Lake County, State of Utah ("Original Property").
- E. <u>Ownership</u>. At all times from the filing of the Original Declaration and the Plat through and including the date of this Declaration, Declarant has been the owner in fee of all condominium and town home units, together with one hundred percent (100%) ownership

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interest in the common areas appurtenant to such units, within the lands that are subject to the partial removal contemplated herein.

- F. Intention of Declarant. Declarant desires to file an amendment to the Amended Declaration, which would amend the Original Declaration, the Supplemental Declaration and the Amended Declaration, to allow for the separation of the Project into a series of seven smaller phases rather than two large phases. Declarant intends to accomplish such objective by recording a "First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of the Parkview at Riverwalk Condominiums and Town Homes" ("First Amendment"), followed by a series supplemental declarations to periodically add portions of the Additional Land (as defined below) back into the Project pursuant to Article XIII of the Amended Declaration which provides for expansion of the Project. The First Amendment and each supplemental declaration will be recorded along with amended and supplemental plats, reduced copies of which are attached hereto as Exhibit "D" and incorporated herein by this reference. The Project shall consist of that portion of the Original Property currently under development (the "Project Property"). The remainder of the Original Property, less dedicated or soon to be dedicated public streets created with the Original Property, shall be considered the removal lands and shall be removed from the Project and designated in the First Amendment as additional land, which additional land may be used to expand the Project with up to a total of eighty (80) additional town home units and eighty (80) additional condominium units ("Additional Land").
- G. Consent of Unit Owners. The removal and related actions contemplated constitute amendments to the Amended Declaration. The Amended Declaration requires the affirmative vote or written approval of at least sixty-seven percent (67%) in order to amend the Amended Declaration. Declarant, as the original Declarant under the Original, Supplemental and Amended Declarations and as the owner of greater than 67% of the Units and membership of the Association, has the power to amend the Amended Declaration as contemplated herein.
- H. <u>Description of Property</u>. The Original Property, the Project Property, and the Additional Land are more particularly described on Exhibits "A," "B," and "C" respectively. Such exhibits are attached hereto and incorporated in this Declaration by reference.
- NOW, THEREFORE, in pursuance of the foregoing purposes, Declarant hereby makes the following declaration:
- 1. Incorporation by Reference. The recitals to this Declaration are an integral part of this Declaration, and are incorporated by reference in this Declaration.
- 2. Partial Removal of the Original Property. That portion of the Original Property consisting of Condominium Units A-1 through A-12, B-1 through B-12, and C-1 through C-12, as shown on the Original Plat, together with the common areas surrounding such Units, less the dedicated public streets created within the Original Property previously submitted to the provisions of the Act, are hereby removed from the provisions of the Act pursuant to § 57-8-22 of the Act. Such removed property shall become the Additional Land created under the

terms of the First Amendment to be recorded concurrently with the recordation of this Declaration in the office of the Salt Lake County Recorder.

3. Consent and Acknowledgment of Unit Owners. The Declarant, as owner of greater than sixty-seven percent (67%) of the Condominium and Town Home units within the Project and the Original Property, hereby consents to, acknowledges and requests the recording of this Declaration of Partial Removal of From the Provisions of the Utah Condominium Ownership Act for Park View At Riverwalk, the recording of the First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of the Parkview at Riverwalk Condominiums and Town Homes on or about the date hereof, and the recording of the amended and supplemental plats depicted in Exhibit "D" attached hereto. Declarant further authorizes and instructs the Park View at Riverwalk Condominium and Town Home Association, Inc. to approve the actions taken herein by executing this Declaration and all other instruments necessary to accomplish the intent of this Declaration.

Executed this	d	lay of	Septem	ber, 2008.
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ASSOCIATION:

PARK VIEW AT RIVERWALK CONDOMINIUM AND

TOWN HOME ASSOCIATION, INC.,

a Utah non-profit corporation

By: Its:

Director

DECLARANT(s):

DG DEVELOPMENT & INVESTMENT, INC.

a Utah Corporation

By:

Its:

President

MIDVALE 72nd PROPERTY, INC.

a Utah Corporation

By:

Its:

President

(Acknowledgements on following page)

ACKNOWLEDGMENTS

	STATE OF UTAH :ss)					
	COUNTY OF SALT LAKE)					
	This is to certify that on thissaid County and State, personally me on the basis of satisfactory ev At Riverwalk Condominium and and that by authority duly given I Home Association, Inc., and as the Home Association, Inc., the foregriverwalk Condominium and To	came Dani idence, and Town Hom by said Park ne act of Par going instru wn Home A	iel G. Gifford, person acknowledged that the Association, Inc., View At Riverwall of View At Riverwall ment was signed in Association, Inc. by	nally known to me or prove he is the Director of Park V a Utah non-profit corporation of Condominium and Town lik Condominium and Town the name of the Park View Daniel G. Afford.	d to liew on,		
•	Witness by my hand and official KATHY PALMER Notary Public, State of Utal My Commission Expires February 20, 2012 10421 8. Jordan Gtwy, SJ, UT 8		day of September	2008.			
	STATE OF UTAH	•)					
	:ss County of Salt Lake)					
_	This is to certify that on thissaid County and State, personally me on the basis of satisfactory ev Development & Investment, Inc. Investment, Inc., and as the act of instrument was signed in the name Gifford.	came Danidence, and and that by D.G. Deve	iel G. Gifford, person acknowledged that authority duly give elopment & Investm	he is the President of D.G. en by said D.G. Development tent, Inc., the foregoing	ed to nt &		
	Witness by my hand and official seal this 4 day of September, 2008						
	•						

Notary Public

KATHY PALMER
Notary Public, State of Utah
My Commission Expires
February 20, 2012
10421 S. Jordan Gtwy, SJ, UT 84095

STATE OF UTAH		
	:ss	
COUNTY OF SALT LAKE)

This is to certify that on this ____ day of September, 2008 before me, a Notary Public in and for said County and State, personally came Daniel G. Gifford, personally known to me or proved to me on the basis of satisfactory evidence, and acknowledged that he is the President of Midvale 72nd Property, Inc., and that by authority duly given by said Midvale 72nd Property, Inc., and as the act of Midvale 72nd Property, Inc., the foregoing instrument was signed in the name of the Midvale 72nd Property, Inc. by Daniel G. Gifford.

Witness by my hand and official seal this 2 day of September, 2008.



KATHY PALMER
Notary Public, State of Utah
My Commission Expires
February 20, 2012
10421 S. Jordan Gtwy, SJ, UT 84085

Notary Public

G:\caj\Client\DG Development & Investment - 15556\07 - Condominium\Dec of Partial Removal from Condo Act.doc

EXHIBIT "A"

Original Property

PHASE 1(in Original Declaration)

The following property is located in Salt Lake County, Utah:

Beginning at a point being South 0°18'00" West 2276.80 feet along the section line and West 1425.76 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence South 45°19'31" West 289.03 feet along the north line of said River Walk Drive;

thence Southwesterly 63.06 feet along the arc of a 530.00 foot radius curve to the left(center bears South 44°40'29" east and the long chord bears South 41°55'00" West 63.02 feet with a central angle of 6°49'01") along the north line of said River Walk Drive;

thence Southwesterly 35.42 feet along the arc of a 25.00 foot radius curve to the right(center bears North 51°29'30" West and the long chord bears South 79°05'48" West 32.53 feet with a central angle of 81°10'37") along the north line of said River Walk Drive to the east line of River Walk Court;

thence North 60°18'53" West 302.48 feet along the east line of said River Walk Court;

thence Northwesterly 276.56 feet along the arc of a 150.00 foot radius curve to the right(center bears North 29°41'07" East and the long chord bears North 7°29'41" West 239.02 feet with a central angle of 105°38'24") along the east line of said River Walk Court;

thence North 45°19'31" East 47.09 feet along the east line of said River Walk Court;

thence South 60°18'53" East 252.76 feet;

thence North 45°19'31" East 200.85 feet;

thence South 44°40'29" East 252.66 feet to the point of beginning.

Contains 154,446 square feet. 3.55 acres.

(cont.)

EXHIBIT "A" (cont.)

PHASE 2 (in Supplemental Declaration)

Beginning at a point being South 0°18'00" West 2049.02 feet along the section line and East 1130.60 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence Southwesterly 148.65 feet along the arc of a 230.00 foot radius curve to the left(center bears South 7°38'36" East and the long chord bears South 60°50'27" West 146.08 feet with a central angle of 37°01'53" along the north line of said River Walk Drive;

thence South 45°19'31" West 232.37 feet along the north line of said River Walk Drive;

thence North 44°40'29" West 252.66 feet;

thence South 45°19'31" West 200.85 feet;

thence North 60°18'53" West 252.76 feet;

thence North 45°19'31" East 99.56 feet along the east line of said River Walk Court;

thence Northeasterly 69.03 feet along the arc of a 50.00 foot radius curve to the left(center bears 44°40'29" West and the long chord bears North 5°46'21" East 54.77 feet with a central angle of 66°25'19") along the east line of said River Walk Court;

thence North 45°19'31" East 151.85 feet;

thence Northeasterly 176.92 feet along the arc of a 225.55 foot radius curve to the right(center bears South 44°40'29" East and the long chord bears North 67°47'48" East 172.42 feet with a central angle of 44°56'34");

thence South 89°43'55" East 62.72 feet;

thence North 0°31'16" West 70.94 feet;

thence East 363.10 feet;

thence South 12°01'27" East 318.76 feet to the point of beginning.

Contains 281,170 square feet. 6.45 acres.

EXHIBIT "B"

Project Property

PHASE 1 Amended

Beginning at a point being South 0°18'00" West 2276.80 feet along the section line and West 1425.76 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence South 45°19'31" West 163.09 feet along the north line of said River Walk Drive;

thence North 44°43'13"W 133.28 feet;

thence South 45°19'31" West 47.14 feet;

thence West 123.54 feet;

thence North 60°18'53" West 275.14 feet along to the east line of River Reserve Court; thence Northwesterly 57.70 feet along the arc of a 150.00 foot radius curve to the right (center bears South 66°42'47" East and the long chord bears North 34°18'22" East 57.34 feet with a central angle of 22°02'17") along the east line of said River Reserve Court;

thence North 45°19'31" East 47.09 feet along the east line of River Reserve Court;

thence South 60°18'53" East 252.76 feet;

thence North 45°19'31" East 200.85 feet;

thence South 44°40'29" East 252.66 feet to the point of beginning.

Contains 79,361 Square Feet or 1.82 Acres.

(cont.)

EXHIBIT "B" (cont.)

PHASE 2 Amended

Beginning at a point being South 00°18'00" West 2093.50 feet along the section line and West 1480.68 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence South 45°19'31" West 90.50 feet;

thence North 44°40'29" West 84.37 feet;

thence South 45°19'31" West 200.85 feet;

thence North 60°18'53" West 252.76 feet to a point on the east line of River Reserve Court;

thence North 45°19'31" East 99.56 feet along the east line of said River Reserve Court; thence Northeasterly 69.03 feet along the arc of a 50.00 foot radius curve left (center bears North 45°19'31" East and the chord bears North 05°46'21" East 63.68 feet with a central angle of 79°06'20") along the east line of said River Reserve Court;

thence North 45°19'31" East 151.85 feet;

thence Northeasterly 176.92 feet along the arc of a 225.55 foot radius curve to the right (center bears South 44°40'29" East and the chord bears North 67°47'48" East 172.42 feet with a central angle of 44°56'34");

thence South 88.67 feet;

thence South 45°19'31" West 142.01 feet;

thence South 44°40'29" East 109.70 feet;

thence North 45°19'31" East 104.00 feet;

thence South 44°40'29" East 129.67 feet to the point of beginning.

Containing 92,188 Square Feet or 2.116 Acres

EXHIBIT "C"

Additional Land

Beginning at a point on the north line of River Gate Drive said point being South 00°18'00" West 2,391.46 feet along the section line and West 1,541.14 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence South 45°19'31" West 125.94 feet along said north line;

thence Southwesterly 63.06 feet along the arc of a 530.00 foot radius curve to the left (center bears South 44°40'29" East and the chord bears South 41°55'00" West 63.02 feet with a central angle of 06°49'01") along said north line;

thence Southwesterly 35.42 feet along the arc of 25.00 foot radius curve to the right (center bears North 51°29'30" West and the chord bears South 79°05'49" West 32.53 feet with a central angle of 81°10'37") along said north line to the east line of River Reserve Court;

thence North 60°18'53" West 302.48 feet along said east line;

thence Northwesterly 218.87 feet along the arc of a 150.00 foot radius curve to the right (center bears North 29°41'07" East and the chord bears North 18°30'50" West 199.96 feet with a central angle of 83°36'07") along said east line;

thence South 60°18'53" East 275.14 feet;

thence East 123.54 feet;

thence North 45°19'31" East 47.14 feet;

thence South 44°43'13" East 133.28 feet; to the point of beginning.

Containing 75,085 square feet or 1.72 acres.

And

Beginning at a point on the north line of River Gate Drive said point being South 00°18'00" West 2049.01 feet along the section line and West 1130.60 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence Southwesterly 117.52 feet along the arc of a 230.00 Foot radius curve to the left (center bears South 07°38'36" East and the chord bears South 67°43'08" West 116.24 feet with a central angle of 29°16'32") along the north to west line of said River Gate Drive;

thence North 36°55'08" West 43.00 feet;

thence North 12°01'27" West 39.29 feet:

thence North 64°17'57" East 19.38 feet:

thence North 26°06'58" West 52.00 feet;

thence South 64°12'05" West 61.14 feet;

thence North 25°47'55" West 18.11 feet;

thence South 64°17'23" West 25.49 feet;

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thence North 71°54'50" West 75.36 feet;
thence South 45°19'31" West 124.19 feet;
thence North 44°40'29" West 69.17 feet;
thence South 45°19'31" West 104.00 feet;
thence North 44°40'29" West 109.70 feet;
thence North 45°19'31" East 142.01 feet;
thence North 88.67 feet;
thence South 89°43'55" East 62.72 feet;
thence North 00°31'16" West 70.94 feet;
thence East 363.10 feet;
thence South 12°01'27" East 318.76 feet to the point of beginning.
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Containing 132,448 square feet or 3.041 acres.

And

Beginning at a point on the west line of River Gate Drive said point being South 00°18'00" West 2,099.57 feet and North 89°42'00" West 1,237.91 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running:

thence North 89°42'00" West 1,237.91 feet to the point of beginning; said point also being the beginning of a curve to the left, of which the radius point lies South 36°55'08" East, a radial distance of 230.00 feet; thence southwesterly along the arc, through a central angle of 07°45'22", a distance of 31.13 feet;

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thence South 45°19'31" West 232.37 feet; thence North 44°40'29" West 168.28 feet; thence North 45°19'31" East 90.50 feet; thence North 44°40'29" West 60.50 feet; thence North 45°19'31" East 124.19 feet; thence South 71°54'50" East 75.36 feet; thence North 64°17'23" East 25.49 feet; thence South 25°47'55" East 18.11 feet; thence South 25°47'55" East 61.14 feet; thence North 64°12'05" East 61.14 feet; thence South 26°06'58" East 52.00 feet; thence South 12°01'27" West 19.38 feet; thence South 12°01'27" East 39.29 feet; thence South 36°55'08" East 43.00 feet to the point of beginning.
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Containing 56,533.40 square feet or 1.2978 acres, more or less.

EXHIBIT "D"

Amended and Supplemental Plats















