

WHEN RECORDED, MAIL TO:

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Salt Lake City, Utah 84121

Parcel 13:059:0087

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Jeffery Smith
Utah County Recorder
2016 Dec 05 04:11 PM FEE 50.00 BY DA
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DECLARATION OF INCLUSION OF PHASE 2

of

SOUTH POINT

(a Planned Community in the City of American Fork, State of Utah)

This Declaration of Inclusion (this "Inclusion") is made this 5th day of December, 2016, by Oakwood Homes of Utah, LLC, referred to herein as "Declarant."

RECITALS

- A. Declarant executed and caused to be recorded that certain Declaration of Covenants, Conditions, and Restrictions of South Point (the "Declaration"). The Declaration was recorded against Phase 1 of the Project with the Utah County Recorder's Office on September 30, 2015, as Entry No. 89463:2015.
- B. Section 2.2 of the Declaration references the Additional Land, outside of Phase 1 of the Project, which the Project can be expanded to include as set forth in Section 4.1 of the Declaration.
- C. Declarant desires to expand the Project to include a portion of the Additional Land, known as South Point Phase 2 (the "Phase 2 Land"). The Phase 2 Land is described in Exhibit "A" hereto. Declarant desires to subject the Phase 2 Land to the terms and provisions of the Declaration, by recording this Inclusion against the Phase 2 Land with the Utah County Recorder's Office.
- D. All capitalized terms herein shall have the same meaning as those set forth in the Declaration unless otherwise stated herein.

DECLARATION

- 1. Expansion of Project to Include Phase 2 Land. Declarant hereby declares that all of the real property, improvements, streets, utilities, residential dwellings (now existing or hereafter constructed or installed) located on or providing access and service to the Phase 2 Land shall be held, sold, conveyed, encumbered, leased, used, occupied, and approved subject to, and in accordance with, the protective covenants, conditions, restrictions, easements, and equitable servitudes set forth in the Declaration, all of which are created for the benefit of the Owners and the Project as a whole. It is the intention of the Declarant in imposing these covenants, conditions and restrictions to protect and enhance the property values and aesthetic values of the Phase 2 Land and all improvements thereon and uses thereof, all for the mutual protection and benefit of the Owners and the Project as a whole. The covenants, conditions and restrictions set forth in the Declaration are intended to, and shall in all cases, run with the title of the land, and be binding upon the successors, assigns, heirs, lien holders, and any other person holding any interest in the Phase 2 Land, and shall inure to the benefit of all other Lots in the Project.
- 2. Membership in the HOA. Each Owner of a Lot in the Phase 2 Land shall be a Member of the South Point Owners Association, Inc. (the "HOA") with all of the rights, duties, benefits and obligations associated with membership in the HOA, as set forth in the Declaration and the other governing documents of the HOA (e.g., the Bylaws of the HOA).
- 3. Declarant Rights. Notwithstanding the foregoing, no provision of this Inclusion shall prevent the Declarant from doing any of the following, which shall be deemed to be among Declarant's reserved rights, in addition to such rights as may be described elsewhere in the

EXHIBIT "A"
(Legal Description)

This Declaration of Inclusion shall be recorded against the following property located in Utah County, State of Utah:

A parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian, the Basis of Bearings is N00°24'14"W between the East Quarter Corner and the Northeast Section Corner of Section 24, said parcel being more particularly described as follow:

Beginning at a point West 1647.58 feet and South 124.46 feet from the East Quarter Corner of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian, and running thence S01°04'55"W 95.30 feet to the beginning of a tangent curve to the right, having a radius of 15.00 feet; thence along the arc of said curve a length of 23.28 feet, passing through a central angle of 88°55'05", chord bears S45°32'28"W 21.01 feet; thence S01°46'20"W 47.02 feet to the beginning of a non-tangent curve to the right, having a radius of 15.00 feet; thence along the arc of said curve a length of 23.85 feet, passing through a central angle of 91°04'55", chord bears S44°27'32"E 21.41 feet; thence S01°04'55"W 139.37 feet to the beginning of a tangent curve to the right, having a radius of 15.00 feet; thence along the arc of said curve a length of 23.57 feet, passing through a central angle of 90°02'43", chord bears S46°06'17"W 21.22 feet; thence S01°03'37"W 66.00 feet; thence N88°52'22"W 28.34 feet to the beginning of a tangent curve to the right, having a radius of 483.00 feet; thence along the arc of said curve a length of 54.91 feet, passing through a central angle of 06°30'49", chord bears N85°36'58"W 54.88 feet, to the beginning of a tangent curve to the left, having a radius of 15.00 feet; thence along the arc of said curve a length of 24.14 feet, passing through a central angle of 92°12'55", chord bears S51°31'59"W 21.62 feet; thence N75°19'40"W 47.52 feet to the beginning of a non-tangent curve to the left, having a radius of 15.00 feet; thence along the arc of said curve a length of 21.97 feet, passing through a central angle of 83°54'35", chord bears N35°03'49"W 20.06 feet; thence N77°01'06"W 69.18 feet to the beginning of a tangent curve to the left, having a radius of 417.00 feet; thence along the arc of said curve a length of 93.47 feet, passing through a central angle of 12°50'35", chord bears N83°26'24"W 93.28 feet; thence N89°51'52"W 83.00 feet to the beginning of a tangent curve to the left, having a radius of 15.00 feet; thence along the arc of said curve a length of 23.50 feet, passing through a central angle of 89°45'27", chord bears S45°15'36"W 21.17 feet; thence N89°51'27"W 39.68 feet; thence N00°48'16"E 361.01 feet; thence East 472.60 feet to the point of beginning.

(* Note: The above-referenced legal description is intended to include all of the land and lots shown in the plat for South Point Phase 2, including Lots 68 through 100, and all public and private streets depicted therein, according to the official plat thereof on file and of record in the Utah County Recorder's Office, State of Utah).

EXHIBIT B

(Schedule of Paired Lots - Benefited Lot & Burdened Lot for South Point Phase 2)

Benefited Lot	Burdened Lot
Lot 69	Lot 68
Lot 70	Lot 71
Lot 73	Lot 72
Lot 74	Lot 75
Lot 77	Lot 76
Lot 78	Lot 79
Lot 81	Lot 80
Lot 82	Lot 83
Lot 86	Lot 87
Lot 89	Lot 88
Lot 90	Lot 91
Lot 94	Lot 93
Lot 93	Lot 92
Lot 95	Lot 96
Lot 96	Lot 97
Lot 100	Lot 99
Lot 99	Lot 98