

When Recorded Return To:
CW The Penny, LLC
1222 W. Legacy Crossing Blvd. #6
Centerville, UT 84014

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02/24/2021 09:17 AM \$92.00
Book - 11124 Pg - 2175-2178
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
CW THE PENNY
1222 W LEGACY CROSSING BLVD
#6
CENTERVILLE UT 84014
BY: CBA, DEPUTY - MI 4 P.

SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR THE PENNY

(Phase 2)

Supplement to the Declaration of Condominium for The Penny ("**Supplemental Declaration**") is executed and adopted by CW The Penny, LLC, a Utah limited liability company ("**Declarant**").

RECITALS

A. This Supplemental Declaration shall amend and supplement the Declaration of Condominium for The Penny ("**Declaration**") recorded in the office of the Salt Lake County Recorder on June 4, 2020 as Entry No. 13289998.

B. CW The Penny, LLC is the Declarant as identified and defined in the Declaration.

C. The Penny JV Partners, LLC is the owner of the real property subject to this Supplemental Declaration and consents to the recording of the Supplemental Declaration.

D. Under the terms of the Declaration, Declarant reserved the right to unilaterally amend the Declaration and to expand the Project by the addition of all or a portion of the Additional Land described in the Declaration.

E. Declarant desires to add a portion of the Additional Land as hereinafter provided for.

NOW THEREFORE, in consideration of the recitals set forth above, the Declarant hereby declares and certifies as follows:

ANNEXATION

1. Annexation of Additional Land. Declarant hereby confirms that all of the real property identified on Exhibit A attached hereto, together with (i) all buildings, improvements, and structures situated on or comprising a part of the above-described real property, whether now existing or hereafter constructed; (ii) all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying said real property; and (iii) all articles of personal property intended for use in connection therewith (collectively referred to herein as the "**Subject Property**") is submitted to and properly annexed into the Declaration.

2. Plat. The real properties described in Paragraph 1, and the improvements to

be constructed thereon, all of which are submitted to the terms and conditions of the Declaration, are more particularly set forth on **THE PENNY CONDOMINIUMS PHASE 2**, which plat map is recorded in the office of the Salt Lake County Recorder.

3. Submission. The Subject Property shall hereinafter be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration and all supplements and amendments thereto.

4. Membership. The Owner of each Unit within the Subject Property shall be a member of The Penny Owners Association ("**Association**") and shall be entitled to all benefits of such membership and shall be subject to the Declaration. Each Unit Owner is allotted voting rights in proportion to its Allocated Interest.

5. Apportionment of Common Expenses. In accordance with the Declaration, Common Expenses shall be apportioned among Unit Owners according to their Allocated Interest, including the Owners of Units annexed into to the Association through this Supplemental Declaration.

6. Allocated Interests. Each Unit shall have an equal Allocated Interest. At the time of recording of this Supplemental Declaration the Project consists of 36 Units, and therefore each Unit's Allocated Interest shall be equal to a 1/36 fractional amount.

7. Reservation of Declarant's Rights. All rights concerning the Project reserved to Declarant in the Declaration are hereby incorporated and reserved to Declarant with respect to the Subject Property. The exercise of Declarant's rights concerning such Subject Property shall be governed by the same terms, provisions and limitations set forth in the Declaration.

8. Effective Date. This Supplemental Declaration shall take effect upon being recorded with the Salt Lake County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Declaration this 9th day of February, 2020.

DECLARANT
CW THE PENNY, LLC
a Utah limited liability company

Signature: *Dartene Carter*

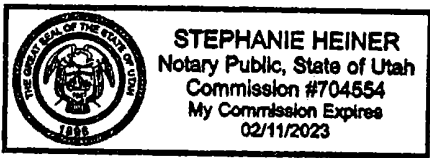
Name: *Dartene Carter*

Title: *Manager*

STATE OF UTAH)
) ss.
COUNTY OF Davis)

On the 9th day of February, 2020, personally appeared before me *Dartene Carter* who by me being duly sworn, did say that she/he is an authorized representative of CW The Penny, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

Notary Public: *Stephanie Heiner*



The Subject Property owner consents to the recording of this Supplemental Declaration this 9th day of February, 2020¹.

THE PENNY JV PARTNERS, LLC
a Delaware limited liability company

Signature: *Dale Cox*

Name: *Dale Cox*

Title: *Manager*

STATE OF UTAH)
) ss.
COUNTY OF *Davis*)

On the 9th day of February, 2020¹, personally appeared before me *Dartene Carter* who by me being duly sworn, did say that she/he is an authorized representative of The Penny JV Partners, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

Notary Public: *Stephanie Heiner*

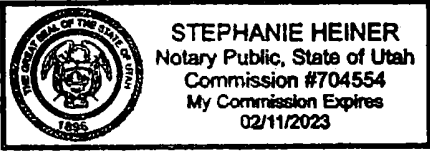


EXHIBIT A
(Legal Description of Subject Property)

All of **THE PENNY CONDOMINIUMS PHASE 2**, according to the official plat on file in the office of the Salt Lake County Recorder.

Including Units 25 – 36 and Common Area

More particularly described as:

Beginning at a point on the westerly right-of-way line of Major Street; said point being North 00°03'33" East, 198.29 feet from the Southeast Corner of Lot 1, Block 11, 5-Acre Plat "A" at the intersection of Major Street and 1700 South Street; said point also being South 89°59'39" West, along the monument line, 39.06 feet and North 00°00'21" West, 233.26 feet from a found street monument located at the intersection of 1700 South and Major Street; and running thence South 89°02'08" West, 165.05 feet; thence North 00°03'33" East, 90.85 feet; thence North 89°44'43" East, 165.03 feet to a point on said westerly right-of-way of Major Street; thence South 00°03'33" West, along said westerly right-of-way line, 88.81 feet to the point of beginning.

Contains: 14,824 Sq. Ft. (or 0.34 Acres)

Parcel Numbers Not Assigned

ALSO TO BE RECORDED AGAINST THE FOLLOWING PROPERTY:

All of **THE PENNY CONDOMINIUMS PHASE 1**, according to the official plat recorded in the office of the Salt Lake County Recorder as Entry Number 13289997, in Book 2020P, at Page 133.

Including Units 1 – 24 and Common Area

Parcel Numbers: 16181620010000 through 16181620250000