

WHEN RECORDED MAIL TO:

Miller Harrison LLC
5292 So. College Drive, Suite 304
Murray, UT 84123

**SUPPLEMENTAL DECLARATION AND NEIGHBORHOOD COVENANTS
FOR
STONELEIGH HEIGHTS**

This SUPPLEMENTAL NEIGHBORHOOD DECLARATION FOR STONELEIGH HEIGHTS (“**Supplemental Neighborhood Declaration**”) is executed and adopted by SunCrest Owners Association, Inc. (the “**Master Association**”) and by the Stoneleigh Heights Homeowners Association, Inc. (“**Sub-Association**”); to bind and govern the Stoneleigh Heights Subdivision situated in Draper City Utah, spanning both Utah County and Salt Lake County, described with more particularity on Exhibit “A” (the “**Stoneleigh Property**”) according to the terms herein.

RECITALS

A. The Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest recorded with the Salt Lake County Recorder’s Office as Entry No. 13010993 and with the Utah County Recorder’s Office as Entry No. 55628:2019 on June 17, 2019 (the “**Master Declaration**”) which governs the real property within the Suncrest Master Planned Community (the “**Suncrest Community**”).

B. Section 4.1 and Section 4.5.12 of the Master Declaration allow the Master Association, in its sole discretion, to impose Land Use Classifications by Neighborhood Declaration and/or Supplemental Declaration, which includes Community Areas and Limited Community Areas.

C. Section 7.6 of the Master Declaration allows the Master Association to provide maintenance services to Limited Community Areas and to accordingly assess the costs and expenses of such maintenance service to the Lots within such Limited Community Area as a Maintenance Charge.

D. The Stoneleigh Property is located within the Suncrest Community as is identified on the following plats (the “**Stoneleigh Plats**”):

- (i) STONELEIGH HEIGHTS AT SUNCREST PHASE No. 1 recorded with the Salt Lake County Recorder’s Office as Entry No. 9122093 on July 16, 2004.

- (ii) STONELEIGH HEIGHTS AT SUNCREST PHASE No. 2A recorded with the Salt Lake County Recorder's Office as Entry No. 9395675 on June 6, 2005.
- (iii) STONELEIGH HEIGHTS AT SUNCREST PHASE No. 2B recorded with the Utah County Recorder's Office as Entry No. 141419:2005 on December 7, 2005.
- (iv) STONELEIGH HEIGHTS AT SUNCREST PHASE No. 3A & 3B Amended recorded with the Utah County Recorder's Office as Entry No. 18744:2012 on March 7, 2012.

E. The Stoneleigh Plats are subject to the Master Declaration pursuant to the plat notes.

F. Section 11.5 of the *Stoneleigh Heights Neighborhood Associations, Inc. Declaration of Covenants, Conditions and Restrictions*, recorded as entry no. 9189360 in the office of the Salt Lake County Recorder (the "Stoneleigh Declaration") specifies that the Sub-Association is subject and subordinate to the Master Declaration.

G. Section 5.2(d) of the Stoneleigh Declaration grants the power to amend and modify the Stoneleigh Plats specified in Section 5.11, to the Sub-Association.

H. The Stoneleigh Plats specify that the Private Roads as identified on the Stoneleigh Plats ("Private Roads") may be maintained either by the Association *or its assigns*.

I. Section 2.2, 4.1 and 4.5.12 of the Master Declaration, allows the Master Association, in its sole discretion, to adopt and record Neighborhood Declarations and/or Supplemental Declarations to specify a project's Land Use Specification, which includes Community Areas and Limited Community Areas.

J. Utah Code § 57-8a-501 clarifies that, except as limited in an association's governing documents, "a board acts in all instances on behalf of the association."

K. The Master Association and the Sub-Association mutually desire to designate the Private Roads as Limited Community Areas to allow the Sub-Association to assign the maintenance responsibilities of the (1) Private Roads, (2) private sidewalks, and (3) common area landscaping within the Stoneleigh Property as Limited Community Areas which the Master Association has authority to maintain.

L. This Supplemental Neighborhood Declaration shall, with respect to the Stoneleigh Property, supplement the Master Declaration.

M. THEREFORE, it is hereby agreed between the Master Association and the Sub Association that this Supplemental Neighborhood Declaration shall bind and govern the Stoneleigh Property

SUPPLEMENTAL DECLARATION AND NEIGHBORHOOD COVENANTS

(i) Incorporation of Recitals. The foregoing recitals are hereby expressly incorporated into the entire agreement comprising the Supplemental Neighborhood Declaration.

(ii) Designation of Limited Community Area Under the Master Declaration. The Master Association hereby classifies the (1) Private Roads, (2) private sidewalks, and (3) common area landscaping within the Stoneleigh Property for which the Sub-Association has a responsibility to maintain, as Limited Community Areas, as the same is defined in the Master Declaration

(iii) Designation of Limited Community Area Under the Stoneleigh Plats. The Sub-Association hereby recognizes and adopts the Land Use designation of Limited Community Area by the Master Association over the (1) Private Roads (2) private sidewalks, and (3) common area landscaping for which the Sub-Association has a responsibility to maintain and incorporates the same onto the Stoneleigh Plats in addition to the existing Sub-Association designations.

(iv) Subject to Master Association. The Stoneleigh Limited Community Area shall remain subject to all the Master Declaration's governing documents, including but not limited to the Master Declaration, the Bylaws, Rules & Regulations, and other resolutions established by the Board of the Master Association. All other terms not expressly modified herein shall be enforceable under the Master Declaration and the other governing documents of the Master Association against the current and future Owners within the Project.

(v) Effective Date. This Supplemental Neighborhood Declaration shall take effect upon being recorded over the property identified in the Stoneleigh Plats with the respective County Recorder.

IN WITNESS WHEREOF, the Master Association and Sub-Association have executed this Supplemental Neighborhood Declaration on the date set forth below.

(Signatures on the following page)

DATED this 2 day of April, 2023.

SunCrest Owners Association, Inc.
A Utah Nonprofit Corporation

Adam Koch

By: Adam Koch

Its: HOA President (Suncrest)

STATE OF UTAH)
) ss.
COUNTY OF Salt Lake)



On the 2 day of April, 2023, personally appeared before me Brianna Magarrell who by me being duly sworn, did say that she/he is an authorized representative of SunCrest Owners Association, Inc., and that the foregoing instrument is signed on behalf of said entity and executed with all necessary authority.

Brianna Magarrell

Notary Public

Stoneleigh Heights Homeowners Association, Inc.
A Utah Nonprofit Corporation

Stacy Hermcen

By: Stacy Hermcen

Its: President

STATE OF UTAH)
 Salt Lake) ss.
COUNTY OF Utah)



On the 2 day of April, 2023, personally appeared before me Brianna Magarrell who by me being duly sworn, did say that she/he is an authorized representative of the Stoneleigh Heights Homeowners Association, Inc., and that the foregoing is signed on behalf of said entity and executed with all necessary authority.

EXHIBIT A
STONELEIGH PROPERTY
Legal Description

All Lots and Common Area identified in the STONELEIGH HEIGHTS AT SUNCREST PHASE No. 1 plat recorded with the Salt Lake County Recorder's Office as Entry No. 9122093 on July 16, 2004, including:

Parcel No: 34094260010000 through 34094260150000; 34103010010000 through 34103010190000; and 34103020010000 through 34103020140000.

All Lots and Common Area identified in the STONELEIGH HEIGHTS AT SUNCREST PHASE No. 2A plat recorded with the Salt Lake County Recorder's Office as Entry No. 9395675 on June 6, 2005, including:

Parcel No: 34103540010000 through 34103540340000

All Lots and Common Area identified in the STONELEIGH HEIGHTS AT SUNCREST PHASE No. 2B plat recorded with the Utah County Recorder's Office as Entry No. 141419:2005 on December 7, 2005, including:

Parcel No: 66:111:0092 through 66:111:0121

All Lots and Common Area identified in the STONELEIGH HEIGHTS AT SUNCREST PHASE No. 3A & 3B AMENDED plat recorded with the Utah County Recorder's Office as Entry No. 18744:2012 on March 7, 2012, including:

Parcel No: 66:354:0129 through 66:354:0180