

**FIRST SUPPLEMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR  
RIVER BEND TOWNHOMES  
(Annexation of Phase 3A Amended Amended Plat)**

This FIRST SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR RIVER BEND TOWNHOMES (“**Supplemental Declaration**”) is executed and adopted by River Bend Townhomes Owners Association, Inc. (the “**Association**”).

**RECITALS**

A. This Supplemental Declaration shall modify and supplement the Declaration of Covenants, Conditions and Restrictions for River Bend Townhomes (“**Declaration**”) recorded with the Utah County Recorder’s Office on January 29, 2018 as Entry No. 9003:2018.

B. The Declaration affects the real property situated in Saratoga Springs, Utah County, Utah described with particularity on Exhibit A (the “**Project**”), and is binding on all parties having or acquiring any right, title, interest to the Project or any part thereof.

C. Starting 5, LLC was the original Declarant under the Declaration. At some point thereafter, Starting 5, LLC transferred its Declarant rights to D.R. Horton, Inc.

D. Effective August 23, 2019, D.R. Horton, Inc. relinquished control of the Association. D.R. Horton, Inc. recorded a Notice of Relinquishment for River Bend Townhomes with the Utah County Recorder’s Office on August 19, 2019 as Entry No. 79687:2019.

E. Section 4.1 of the Declaration grants the Board of Directors of the Association (the “**Board**”) the right to expand the Project at any time by adding to the Project the Additional Land (as defined by the Declaration) or a portion or portions thereof.

F. Section 4.1 of the Declaration states the Board may exercise its right to expand the Project without obtaining the vote or consent of any other person, including any Owner or Mortgagee.

G. The Additional Land under the Declaration includes Phase 3A, which is the land included on the Phase 3A Amended Amended Plat and which is described with particularity on Exhibit B attached hereto.

H. Phase 3A is comprised of three (3) Lots and Common Area. All Lots are currently owned by TBS/LOT 10 Sundance Recreational, LLC (“**TBS**”).

I. The Board desires to expand the Project by adding Phase 3A to the Project as hereinafter provided for. TBS agrees to the annexation, as is evidenced by its consent included below.

J. Adjacent to the River Bend Townhomes are the Riverbend Condominiums.

K. The Riverbend Condominiums are subject to the Condominium Declaration for Riverbend Phase 1, recorded in the Office of the Utah County Recorder on July 2, 2007 as Entry No. 95901:2007. Owners in the Riverbend Condominiums are members of the Riverbend Owners Association (the "**Condominium Association**").

L. On March 30, 2016, a Supplemental Declaration for Riverbend Phase 3A was recorded in the Office of the Utah County Recorder as Entry No. 26821:2016. ("**Condominium Supplemental Declaration**"). This Condominium Supplemental Declaration purported to annex Phase 3A into the Riverbend Condominiums. However, the entity that executed the Condominium Supplemental Declaration (Riverbend Townhomes, LLC) had no authority to do so and the Condominium Supplemental Declaration is void and of no force. As such, Phase 3A is not currently part of the Riverbend Condominiums. The Condominium Association makes no claim that Phase 3A is part of the Riverbend Condominiums and fully consents to this Supplemental Declaration, as is evidenced by its consent below.

M. The Condominium Association has entered into an Interim Maintenance Agreement with TBS. Upon the recording of this Supplemental Declaration with the Utah County Recorder, the Interim Maintenance Agreement will terminate. Both the Condominium Association and TBS approve of this termination of the Interim Maintenance Agreement, as is evidenced by their consents below.

**ANNEXATION OF PHASE 3A**

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

1. Annexation of Phase 3A. The Board hereby confirms that all of the real property identified on Exhibit B attached hereto, together with (i) all buildings, if any, 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 ("**Phase 3A**") is submitted to and properly annexed into the Declaration.

2. Membership. The Owner of each Lot or Parcel within Phase 3A shall be a member of River Bend Townhomes Owners Association, Inc., and shall be entitled to all benefits of such membership and shall be subject to the Declaration.

3. Voting. Each Owner in Phase 3A is allotted one vote in the Association per Lot owned.

4. Apportionment of Common Expenses. The Association Common Expenses shall be apportioned among the Lots within Phase 3A in accordance with the Declaration. The Association shall maintain the Common Area portions in Phase 3A in accordance with the Declaration.

5. Submission. Phase 3A 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. Phase 3A is not, nor was it ever, subject to the Condominium Declaration.

6. Effective Date. This Supplemental Declaration shall take effect upon being recorded with the Utah County Recorder.

7. Interim Maintenance Agreement. The Interim Maintenance Agreement between the Condominium Association and TBS shall terminate upon the recording of this Supplemental Declaration with the Utah County Recorder.

IN WITNESS WHEREOF, the Association has executed this Supplemental Declaration on the date set forth below.

DATED this 5<sup>th</sup> day of February, 2020.

**River Bend Townhomes Owners Association, Inc.**  
A Utah Nonprofit Corporation

*Linda Engberson*

By: LINDA B Engberson

Its: President

STATE OF UTAH )  
 ) ss.  
COUNTY OF UTAH )

On the 5<sup>th</sup> day of February, 2020, personally appeared before me Linda Engberson who by me being duly sworn, did say that she/he is an authorized representative of River Bend Townhomes Owners Association, Inc., and that the foregoing instrument is signed on behalf of said entity and executed with all necessary authority.

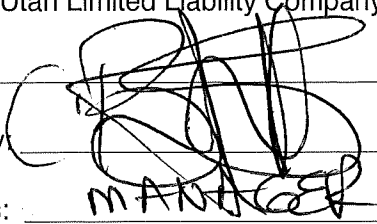
*Matthew Todd Traynor*  
Notary Public

Matthew Todd Traynor  
# 687693  
Commission Expires  
February 16, 2020



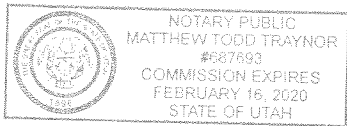
Consented to:

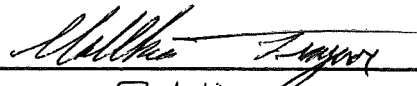
**TBS/LOT 10 Sundance Recreational, LLC**  
A Utah Limited Liability Company

By:  C. Bryant Stafford  
Its: MANAGER

STATE OF UTAH )  
COUNTY OF UTAH ) ss.

On the 5<sup>th</sup> day of February, 2020, personally appeared before me C. Bryant Stafford who by me being duly sworn, did say that she/he is an authorized representative of TBS/Lot 10 Sundance Recreational, LLC, and that the foregoing is signed on behalf of said entity and executed with all necessary authority.




  
Notary Public

Matthew Todd Traynor  
# 687693  
Commission Expires  
February 16, 2020

Consented to:

**Riverbend Owners Association**  
A Utah Nonprofit Corporation

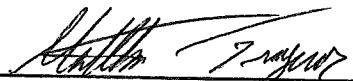
By:   
Its: President

STATE OF UTAH )  
COUNTY OF UTAH ) ss.

On the 5<sup>th</sup> day of February, 2020, personally appeared before me George Johnson who by me being duly sworn, did say that she/he is an authorized representative of Riverbend Owners Association, and that the foregoing is signed on behalf of said entity and executed with all necessary authority.

Matthew Todd Traynor  
# 687693  
Commission Expires  
February 16, 2020



  
Notary Public

**EXHIBIT A**

**LEGAL DESCRIPTION AND PARCEL NUMBERS**

**Phase 3B**

Common Area, Roads, and Lots 44-69, as shown on the River Bend Townhomes Phase 3B Amended Plat recorded in the Office of the Utah County Recorder.

**Parcel Numbers:**

51:602:0044 – 51:602:0069

51:602:0070 (Roads)

51:602:0071 (Common Area)

**Phase 4**

Common Area, Roads, and Lots 70-84, as shown on the River Bend Townhomes Phase 4 Amended Plat recorded in the Office of the Utah County Recorder.

**Parcel Numbers:**

51:603:0070 – 51:603:0084

51:603:0085 (Roads)

51:603:0086 (Common Area)

**Phase 5**

Common Area and Lots 85-101, as shown on the River Bend Townhomes Phase 5 Amended Plat recorded in the Office of the Utah County Recorder.

**Parcel Numbers:**

51:604:0085 – 51:604:0101

51:604:0102 (Common Area)

**EXHIBIT B**

**ANNEXED PROPERTY  
Legal Description and Parcel Numbers**

**PHASE 3A**

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE RIVER BEND PHASE 2 PLAT BOUNDARY AS DESCRIBED IN THE RIVER BEND PHASE 2 SUBDIVISION PLAT AS RECORDED AS ENTRY 12407 IN THE UTAH COUNTY RECORDER'S OFFICE, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF RIVER BEND ROAD, SAID POINT ALSO BEING EAST 499.53 FEET AND NORTH 2036.19 FEET AND SOUTH 89°22'26" EAST 331.32 FEET AND NORTH 305.32 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG SAID PHASE 2 BOUNDARY NORTH 00°37'34" EAST 76.00 FEET TO A POINT ON THE SOUTH LINE OF THE JORDAN RIDGE CONDO PHASE 2 PLAT RECORDED AS ENTRY 2013-18466 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDERS OFFICE. THENCE ALONG SAID SOUTH LINE SOUTH 89°22'26" EAST 108.29 FEET; THENCE SOUTH 00°37'34" WEST 76.00 FEET TO A POINT ON SAID RIVER BEND PHASE 2 PLAT BOUNDARY AND THE NORTH RIGHT OF WAY LINE OF RIVER BEND ROAD, THENCE NORTH 89°22'26" WEST ALONG SAID RIGHT OF WAY LINE 108.29 FEET TO THE POINT OF BEGINNING.

ACRES: 0.19 SQUARE FEET: 8230 # OF UNITS: 3

Common Area and Lots 41-43, as shown on the River Bend Townhomes Phase 3A Amended Amended Plat recorded in the Office of the Utah County Recorder.

**Parcel Numbers:**

51:606:0041 – 51:606:0043

51:606:0044 (Common Area)