

3

DOC # 20140017185

Restrictive Page 1 of 3
Russell Shirts Washington County Recorder
06/09/2014 10:20:18 AM Fee \$ 14.00
By PROVO LAND TITLE CO



Phase 5 Supplemental Declaration

To

Declaration of Easements, Covenants, Conditions and Restrictions

Of

Cottonwood a residential subdivision

This Phase 5 supplemental declaration to the Declaration of Covenants, Conditions and Restrictions of Cottonwood Estates Subdivision, (Phase 5 Supplemental Declaration) is made and executed this 18 day of February 2014, by Salisbury Developers Inc., a Utah Corporation, ("Declarant") in contemplation of the following facts and circumstances:

- A. On July 30, 2013, Declarant executed and recorded that certain Declaration of Easements, Covenants, Conditions and Restrictions of Cottonwood Subdivision, which was recorded in the office of the Washington County Recorder as Entry 20130029767 (the Declaration)
- B. Under the terms of Article I of the Declaration, the Declarant has the right to annex all or part of the Expansion Property to the Declaration.
- C. Declarant desires to expand the Subdivision and to add the portion of the Expansion Property comprising Phase 5 to the Declaration.

Now therefore, pursuant to the foregoing, Declarant hereby makes the following Phase 5 Supplemental Declaration:

1. Recitals. The recitals as set forth above are hereby incorporated herein.
2. Definitions. Unless specifically defined in this Phase 5 Supplemental Declaration, any capitalized terms used in this Phase 5 Supplemental Declaration shall have the meaning set forth in the Declaration.
3. Supplemental Plat. Recorded concurrently herewith is a plat of Phase 5 of the Cottonwood Subdivision, (the Phase 5 Plat). The Phase 5 plat shall be deemed to amend add to or supplement the Plat as defined in Article I "Definitions" section 1.7 of the Declaration and any reference to the Plat as provided in the Declaration shall hereafter be deemed to be amended to include the Phase 5 Plat.
4. Description of Additional Land. The real property which is described as the Phase 5 on Exhibit "A" attached hereto is hereby made subject to the Declaration and deemed incorporated into the Project (the "Phase 5 land"). The Phase 5 Land shall be included in the term Land as contained in the Declaration.
5. Submission of Common Area Improvements. Declarant hereby submits to the Declaration, as supplemented by this Phase 5 Supplemental Declaration, any and all improvements which have been constructed by or shall hereafter be constructed by Declarant upon all Common Areas located upon the Phase 5 Land.
6. Rights and Benefits; Covenants and Restrictions. The Phase 5 Land, and the Residences located thereon, shall be entitled to all of the rights, benefits, easements, privileges and licenses, and subject to all the covenants, conditions, restrictions, uses, limitations, obligations and responsibilities places upon the Land, all as set forth in the Declaration

or as provided by law. Each and every provision of the Declaration shall be deemed to run with and apply to the Phase 5 Land, and shall be binding upon the Declarant, its successors and assigns, and any person acquiring, leasing or owning, an interest in the real property and improvements comprising the Project, and to their respective personal representatives, heirs, successors and assigns.

- 7. Governing Law. This Phase 5 Supplemental Declaration shall be construed in accordance with the laws of the State of Utah.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Supplemental Declaration the day and year first above written.

Declarant:

Salisbury Developers Inc., a Utah Corporation

By: [Signature]
Its: President

State of Utah)
SS:
County of Washington)

On this the 18 day of February, 2014, personal appeared before me Rick Salisbury, the president of Salisbury Developers Inc, a Utah Corporation, and that said document was signed by him in behalf of said corporation and said Rick Salisbury acknowledged to me that said corporation executed the same

[Signature]

Notary Public
Residing at:
Commission Expires:

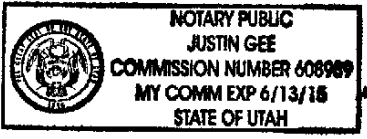


EXHIBIT "A"

Tax Serial No. SG-5-3-15-449

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SUN VALLEY ESTATES PHASE 11 SUBDIVISION AS RECORDED WITH THE OFFICE OF THE WASHINGTON COUNTY RECORDER, AND THE SOUTHEAST CORNER OF LOT 66, COTTONWOOD - PHASE 4 SUBDIVISION AS RECORDED WITH THE OFFICE OF THE WASHINGTON COUNTY RECORDER SAID POINT BEING SOUTH 01°09'55" WEST 1439.51 FEET ALONG THE SECTION LINE AND SOUTH 88°50'05" EAST, 2362.75 FEET FROM THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG THE BOUNDARY OF SAID COTTONWOOD - PHASE 4 THE FOLLOWING (4) FOUR COURSES: (1) NORTH 1°14'11" EAST 155.00 FEET; (2) NORTH 88°45'49" WEST 38.02 FEET; (3) NORTH 0°53'40" EAST 100.00 FEET; AND (4) NORTH 88°45'49" WEST 270.00 FEET TO THE SOUTHEAST CORNER OF LOT 37, COTTONWOOD - PHASE 3 SUBDIVISION AS RECORDED WITH THE OFFICE OF THE WASHINGTON COUNTY RECORDER; THENCE ALONG THE BOUNDARY OF SAID COTTONWOOD - PHASE 3 THE FOLLOWING (8) EIGHT COURSES: (1) NORTH 00°53'40" EAST 100.00 FEET; (2) SOUTH 88°45'49" EAST 60.31 FEET; (3) NORTH 01°14'09" EAST 50.00 FEET TO A POINT ON A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (RADIUS BEARS NORTH 1°14'11" EAST); (4) RUNNING NORTHWESTERLY 31.42 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00"; (5) NORTH 01°14'11" EAST 18.50 FEET TO THE POINT OF CURVE OF A 30.00 FOOT RADIUS CURVE TO THE RIGHT; (6) RUNNING NORTHEASTERLY 26.16 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°57'55", TO A POINT OF REVERSE CURVATURE OF A 50.00 FOOT RADIUS CURVE TO THE LEFT; (7) RUNNING 98.81 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 113°13'26"; AND (8) NORTH 34°11'34" EAST 128.68 FEET TO THE SOUTHWEST CORNER OF LOT 29. COTTONWOOD - PHASE 2 SUBDIVISION AS RECORDED WITH THE OFFICE OF THE WASHINGTON COUNTY RECORDER; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID COTTONWOOD - PHASE 2 SUBDIVISION THE FOLLOWING (2) TWO COURSES: (1) NORTH 73°40'50" EAST 111.23 FEET: AND (2) NORTH 68°21'14" EAST 25.02 FEET TO A POINT ON THE ARC OF A 800.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, (RADIUS BEARS NORTH 70°31'41" EAST); THENCE RUNNING SOUTHEASTERLY 220.19 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°46'11"; THENCE NORTH 51°48'10" EAST 16.68 FEET, TO THE POINT OF CURVE OF A 150.00 FOOT CURVE TO THE RIGHT; THENCE RUNNING NORTHEASTERLY 102.34 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°05'30"; THENCE SOUTH 89°06'20" EAST 138.57 FEET, THENCE SOUTH 0°53'40" WEST 434.58 FEET, THENCE NORTH 88°50'33" WEST 5.88 FEET, THENCE SOUTH 1°08'59" WEST 118.84 FEET, TO A POINT ON THE NORTHERLY BOUNDARY OF SAID SUN VALLEY ESTATES PHASE 11; THENCE ALONG THE BOUNDARY OF SAID SUN VALLEY ESTATES PHASE 11 THE FOLLOWING (2) TWO COURSES: (1) NORTH 88°51'01" WEST 55.60 FEET; AND (2) NORTH 88°45'49" WEST 223.41 FEET TO THE POINT OF BEGINNING.

(Proposed Cottonwood, Phase 5)