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Gary Christensen Washington County Recorder
12/16/2021 03:27:52 PM Fee \$40.00 By MILLER
HARRISON LLC

When Recorded Return To:

Desert Color St. George, LLC
730 North 1500 West
Orem, Utah 84058

**SUPPLEMENTAL DECLARATION
TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, EASEMENTS, TERMS AND RESERVATIONS FOR
DESERT COLOR COMMUNITY**

(Auburn Hills Phase 18A Condominiums)

This Supplemental Declaration to the Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements, Terms and Reservations for Desert Color Community ("Supplemental Declaration") is executed and adopted by Desert Color St. George, LLC, a Utah limited liability company ("Declarant").

RECITALS

- A. This Supplemental Declaration shall supplement the Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements, Terms and Reservations for Desert Color Community ("Declaration") recorded with the Washington County Recorder's Office on July 29, 2020 as Entry No. 20200039512.
- B. The initial Declaration of Covenants was recorded against the Subject Property on December 20, 2018 as Entry No. 20180050210.
- C. Desert Color St. George, LLC is the Declarant as identified and set forth in the Declaration.
- D. Under the terms of the Declaration, Declarant reserved the unilateral right to add or define additional rights and use restrictions for portions of the Desert Color Community without the requirement of Owner vote or consent.
- E. Declarant desires to confirm that the Subject Property is subject to the terms, covenants and restrictions contained in the Declaration and as hereinafter provided for.
- F. Capitalized terms shall have the same meaning as set forth in the Declaration.

TERMS AND RESTRICTIONS

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

1. Submission. 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 subject to the Declaration. 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, this Supplemental Declaration, and all supplements and amendments thereto.

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 this Supplemental Declaration, are more particularly set forth on the **AUBURN HILLS PHASE 18A CONDOMINIUMS** plat, which plat map is recorded in the office of the Washington County Recorder.

3. **Membership.** The Owner of each Unit or parcel within the Subject Property shall be a member of the Desert Color Community Master Association, Inc. ("Master Association"), and shall be entitled to all benefits and voting rights of such membership and shall be subject to the Declaration.

4. **Assessments.** Each Unit or Parcel within the Subject Property shall be apportioned a share of the Common Expenses of the Master Association as set forth in the Declaration and shall be liable for all Assessments levied by the Master Association as permitted under the Declaration.

5. **Neighborhood.** In addition to the rights and obligations set forth in the Declaration and this Supplemental Declaration, the Units and Parcels within the Subject Property shall also be members of Auburn Hills at Desert Color Condominiums ("Neighborhood Association") and are also subject to additional rights and obligations as set forth in the Declaration of Condominium for Auburn Hills at Desert Color Condominiums recorded as Entry Number 20210078825, as may be amended ("Neighborhood Declaration"). The Neighborhood Declaration governs the maintenance and use of common facilities or amenities unique to the Neighborhood Association including, but not limited to, private streets, alleys, storm drainage improvements, structures, pools, parks, or any other private Parcels or Limited Common Areas exclusive to the Neighborhood Association.

6. **Maintenance Allocations.** Unless otherwise set forth in a Neighborhood Notice, the Neighborhood Declaration, or an additional Supplemental Declaration, the Units within the Subject Property shall be subject to the general maintenance allocations set forth in the Declaration for Units within the Residential Area.

7. **Common Area.** Certain Common Areas, Limited Common Areas, open spaces, civic spaces, and private streets shall be owned by the Master Association as indicated on the Plat, and the cost to maintain such facilities shall be borne by all of the Lots, Units, or Parcels within the entire Desert Color Community as further set forth in the Declaration. The costs to maintain those Common Areas and Limited Common Areas owned by the Neighborhood Association shall be allocated to Units pursuant to the Neighborhood Declaration.

8. **Reservation of Declarant's Rights.** Pursuant to the Declaration, 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 terms, provisions and limitations set forth in the Declaration.

9. **Effective Date.** This Supplemental Declaration shall take effect upon being recorded with the Washington County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Declaration this 16 day of December, 2021.



DECLARANT
DESERT COLOR ST. GEORGE, LLC
a Utah limited liability company

By: [Signature]

Name: Mitchell Dansie

Title: Manager

STATE OF UTAH)
) ss.
COUNTY OF Washington)

On the 16 day of December, 2021, personally appeared before me Mitchell Dansie who by me being duly sworn, did say that she/he is an authorized representative of Desert Color St. George, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

Notary Public: [Signature]

EXHIBIT A
SUBJECT PROPERTY
(Legal Description)

All of **AUBURN HILLS PHASE 18A CONDOMINIUMS**, according to the official plat on file in the office of the Washington County Recorder as Entry No. 20210078824.

Including Units: 2101 through 2304

Parcel Numbers: **SG-AUBC-18A-2101-2102; SG-AUBC-18A-2201-2204; SG-AUBC-18A-2301-2304** and **Common Area Parcels**

More particularly described as:

BEGINNING AT A POINT THAT LIES NORTH 88°50'55" WEST ALONG THE SECTION LINE 832.75 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 25, TOWNSHIP 43 SOUTH RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 22°46'27" EAST 0.99 FEET; THENCE SOUTH 67°14'26" WEST 85.08 FEET; THENCE NORTH 24°21'17" WEST 185.92 FEET; THENCE NORTH 86°10'36" WEST 19.52 FEET; THENCE NORTHWESTERLY ALONG A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, (LONG CHORD BEARS NORTH 47°41'13" WEST A DISTANCE OF 24.90 FEET), CENTER POINT LIES SOUTH 80°48'11" WEST THROUGH A CENTRAL ANGLE OF 76°58'47", A DISTANCE OF 26.87 FEET; THENCE NORTH 86°10'36" WEST 59.08 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF GARNET DRIVE; THENCE NORTH 03°49'24" EAST ALONG SAID LINE 25.00 FEET; THENCE SOUTH 86°10'36" EAST 59.08 FEET; THENCE NORTHEASTERLY ALONG A 20.00 FOOT RADIUS CURVE TO THE LEFT, (LONG CHORD BEARS NORTH 48°49'24" EAST A DISTANCE OF 28.28 FEET), CENTER POINT LIES NORTH 03°49'24" EAST THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 31.42 FEET; THENCE NORTH 03°49'24" EAST 31.48 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SCARLET HILL DRIVE; THENCE ALONG SAID LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTH 86°10'36" EAST 107.92 FEET AND 2) NORTH 03°49'24" EAST 11.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF CARNELIAN PARKWAY; THENCE ALONG SAID LINE THE FOLLOWING TWO COURSES: 1) SOUTHEASTERLY ALONG A 26.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (LONG CHORD BEARS SOUTH 41°10'36" EAST A DISTANCE OF 36.77 FEET), CENTER POINT LIES SOUTH 03°49'24" WEST THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 40.84 FEET AND 2) SOUTH 03°49'24" WEST 147.25 FEET; THENCE NORTH 86°10'37" WEST 108.92 FEET; THENCE SOUTH 03°49'24" WEST 155.42 FEET; THENCE SOUTHERLY ALONG A 50.00 FOOT RADIUS CURVE TO THE LEFT, (LONG CHORD BEARS SOUTH 09°55'56" EAST A DISTANCE OF 24.34 FEET), CENTER POINT LIES SOUTH 86°10'36" EAST THROUGH A CENTRAL ANGLE OF 28°10'40", A DISTANCE OF 24.59 FEET; THENCE SOUTH 24°21'17" EAST 173.28 FEET; THENCE EASTERLY ALONG A 10.00 FOOT RADIUS CURVE TO THE LEFT, (LONG CHORD BEARS SOUTH 88°33'52" EAST A DISTANCE OF 13.95 FEET), CENTER POINT LIES NORTH 65°38'43" EAST THROUGH A CENTRAL ANGLE OF 88°25'11", A DISTANCE OF 15.43 FEET; THENCE NORTH 67°13'33" EAST 51.04 FEET; THENCE SOUTH 22°46'27" EAST 24.05 FEET, TO THE POINT OF BEGINNING.

CONTAINING 35,761 SQUARE FEET OR 0.82 ACRES.