

DOC # 20220044148

Restrictive Page 1 of 4
Gary Christensen Washington County Recorder
09/23/2022 11:30:34 AM Fee \$ 40.00
By SOUTHERN UTAH TITLE CO



FCS Community Management
3143 S. 840 East, Suite 325
St. George, UT 84790-8689
435-627-1776
cottamcove@hoaliving.com

**FOURTH SUPPLEMENT TO THE
DECLARATION OF RESTRICTIVE COVENANTS FOR
COTTAM COVE SUBDIVISION**

Phase 5

This Fourth Supplement to the Declaration of Restrictive Covenants for Cottam Cove Subdivision (the "Project") is executed by CWI Enterprises LLC of 527 E Pioneer Rd., Suite 100, Draper, Utah 84020 (the "Declarant").

RECITALS

Whereas, the Declaration of Restrictive Covenants for Cottam Cove Subdivision was recorded in the office of the County Recorder of Washington County, Utah on June 20, 2015 as Document No. 20150017123, of the official records (the "Declaration").

Whereas, the First Supplement to the Declaration of Restrictive Covenants for Cottam Cove Subdivision was recorded in the office of the County Recorder of Washington County, Utah on March 29, 2018 as Document No. 20180012667, of the Official records (the "First Supplement").

Whereas, the Second Supplement to the Declaration of Restrictive Covenants for Cottam Cove Subdivision was recorded in the office of the County Recorder of Washington County, Utah on July 28, 2020 as Document No. 20200039256, of the Official records (the "Second Supplement").

Whereas, the Third Supplement to the Declaration of Restrictive Covenants for Cottam Cove Subdivision was recorded in the office of the County Recorder of Washington County, Utah on 8/8/2022 as Document No. 20220039251 of the Official records (the "Third Supplement").

Whereas, under Article II Section 5.5 of the Declaration, Declarant reserved an option to unilaterally expand the subdivision in accordance with the Declaration.

Whereas, CWI Enterprises LLC ("the Developer") is the fee simple owner of record of that certain real property located in Washington, Utah and described with particularity on Exhibit A attached hereto and incorporated herein by this reference (Phase 5).

Whereas, Declarant desires to expand the Project by creating additional Lots, Common Areas and other improvements of a less significant nature.

Whereas, the Developer now intends that the property, which plat shall be known as "Cottam Cove Phase 5," shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, the Declarant hereby executes this Fourth Supplement to the Declaration of Restrictive Covenants for Cottam Cove Subdivision for and on behalf of and for the benefit of all of the Owners and Members of Cottam Cove Homeowners Association.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

a. **Fourth Supplement Declaration** shall mean and refer to this Fourth Supplement to the Declaration of Restrictive Covenants for Cottam Cove Subdivision.

b. **Phase 5 Plat Map** shall mean and refer to the map of Cottam Cove Phase 5 subdivision of the Project previously recorded in the office of the County Recorder of Washington County, Utah on September 23, 2022 as Document No. 20220044147, of the Official records thereof.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. Legal Description. The real property described in Exhibit A is hereby submitted to the provisions of the Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration as it may be supplemented or amended from time to time.

3. Annexation. Developer hereby declares that the Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Fourth Supplement Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association.

4. Effective Date. The effective date of this Fourth Supplement Declaration and the Plat Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Washington County, Utah.

EXECUTED the 17 day of May, 2022

DEVELOPER:
CWI ENTERPRISES LLC



Name: Derek Wright

Title: Manager

ACKNOWLEDGMENT

STATE OF UTAH)

:ss.

County of Salt Lake)

The foregoing instrument was acknowledged before me this 17 day of May,
2022 by Derek Wright, the Manager of CWI Enterprises LLC and said Derek Wright duly
acknowledged to me that said CWI Enterprises LLC executed the same.



NOTARY PUBLIC

Residing at: Salt Lake County

My Commission Expires: 4/12/2023



EXHIBIT A
COTTAM COVE PHASE 5

BOUNDARY DESCRIPTION

BEGINNING AT A POINT N 1°12'54" E 2641.69 FEET ALONG THE WEST LINE OF SECTION 4, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, TO THE RECORD LOCATION OF THE WEST 1/4 CORNER OF SAID SECTION 4, AND N 1°00'34" E 1306.12 FEET ALONG THE WEST LINE OF SAID SECTION 4, FROM THE SOUTHWEST CORNER OF SAID SECTION 4, POINT ALSO BEING THE SOUTHWEST CORNER OF A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20190011534, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH, AND RUNNING THENCE S 89°29'44" E 331.85 FEET ALONG THE SOUTH LINE OF SAID PARCEL; THENCE S 26°34'46" E 266.46 FEET; THENCE S 45°55'03" E 153.75 FEET; THENCE S 76°55'30" E 128.97 FEET, TO THE NORTHERN MOST POINT OF COTTAM COVE PHASE 4, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE S 36°31'19" W 546.71 FEET ALONG THE NORTHWEST BOUNDARY OF SAID SUBDIVISION, TO THE NORTHEAST CORNER OF COTTAM COVE PHASE 3, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING SIX (6) COURSES, (1) S 81°57'38" W 167.50 FEET, TO THE POINT OF A 227.50 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S 81°57'38" W, (2) THENCE ALONG THE ARC OF SAID CURVE 27.61 FEET THROUGH A CENTRAL ANGLE OF 6°57'14", (3) THENCE S 1°05'07" E 21.94 FEET, TO THE POINT OF A 717.50 FOOT RADIUS CURVE TO THE RIGHT, (4) THENCE ALONG THE ARC OF SAID CURVE 9.79 FEET THROUGH A CENTRAL ANGLE OF 0°46'54", (5) THENCE S 89°41'47" W 122.50 FEET, (6) THENCE S 3°56'14" W 10.77 FEET, TO THE NORTHEAST CORNER OF COTTAM COVE PHASE 2, RECORDED AND ON FILE IN THE OFFICE OF THE SAID RECORDER; THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING FIVE (5) COURSES, (1) N 89°16'06" W 279.23 FEET, (2) THENCE S 13°41'30" W 18.63 FEET, (3) THENCE N 78°16'13" W 116.96 FEET, TO A POINT ON A 247.50 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS WHICH BEARS N 78°16'13" W, (4) THENCE ALONG THE ARC OF SAID CURVE 26.19 FEET THROUGH A CENTRAL ANGLE OF 6°03'46", (5) THENCE N 84°19'59" W 135.85 FEET, TO A POINT ON A PARCEL MORE PARTICULARLY DESCRIBED IN DOCUMENT NO. 20160044159, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE N 24°40'56" W 224.24 FEET ALONG THE EASTERLY LINE OF SAID PARCEL, TO A POINT ON THE BOUNDARY OF QUAIL VALLEY ESTATES SUBDIVISION, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING FOUR (4) COURSES, (1) S 88°50'32" E 0.94 FEET, (2) THENCE N 88°54'53" E 611.33 FEET, (3) THENCE N 21°09'49" W 331.29 FEET, (4) THENCE N 19°51'39" W 285.89 FEET, TO THE SOUTHEAST CORNER OF EAGLE RIDGE SUBDIVISION PHASE 1, RECORDED AND ON FILE IN THE OFFICE OF THE SAID RECORDER; THENCE N 21°56'21" W 141.16 FEET ALONG THE EAST BOUNDARY OF SAID SUBDIVISION, TO THE SOUTHEAST CORNER OF EAGLE RIDGE SUBDIVISION PHASE II, RECORDED AND ON FILE IN THE OFFICE OF SAID RECORDER; THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING EIGHT (8) COURSES, (1) N 21°56'21" W 306.98 FEET, (2) THENCE N 42°00'25" W 73.91 FEET, (3) THENCE N 31°31'13" W 24.00 FEET, (4) THENCE N 23°07'00" W 24.00 FEET, (5) THENCE N 10°04'41" W 24.00 FEET, (6) THENCE N 4°56'43" E 72.97 FEET, (7) THENCE N 0°53'40" E 47.59 FEET, (8) THENCE N 12°18'43" W 71.84 FEET, TO A POINT ON THE SOUTHERN BOUNDARY OF THE BOULDERS SUBDIVISION PHASE 1, RECORDED AND ON FILE IN THE OFFICE OF THE SAID RECORDER; THENCE S 89°02'06" E 415.05 FEET ALONG SAID LINE AND THE EXTENSION THEREOF, TO A POINT ON THE SAID WEST LINE OF SECTION 4; THENCE S 1°00'34" W 651.26 FEET ALONG SAID LINE, TO THE POINT OF BEGINNING.

CONTAINS 17.97 ACRES MORE OR LESS

Upon recording of the subdivision plat the legal description shall be known as:

COTTAM COVE PHASE 5 subdivision, Lots 13-20; 40, 41, and 57-67, as recorded in the office of the Recorder, Washington County, State of Utah, recorded September 23, 2022, Entry number 20220044147, book N/A, page N/A.