

WHEN RECORDED, RETURN TO:

Ball Janik, LLP
2040 Murray Holladay Rd., Suite 106
Salt Lake City, UT 84117

**SUPPLEMENTAL DECLARATION OF ANNEXATION
AND
AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
SERGEANT COURT
a planned unit development**

THIS SUPPLEMENTAL DECLARATION OF ANNEXATION AND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SERGEANT COURT is made on the date evidenced below by Bach Land and Development LLC as Declarant (“Declarant”) pursuant to the Original Declaration (as defined below).

RECITALS

- A. Whereas, a Declaration of Covenants, Conditions and Restrictions for Sergeant Court was recorded in the office of the County Recorder of Utah County, Utah on November 16, 2007 as Entry No. 162355:2007 in the records of the County Recorder (as has been and may be amended from time to time, the “Original Declaration”).
- B. Whereas, the related plat map for Sergeant Court Phase 2 (fourth amended) (the “Original Project”) has also been recorded in the office of the Utah County Recorder.
- C. Whereas, the Original Declaration was amended by that certain Amendment to Declaration of Covenants, Conditions and Restrictions for Sergeant Court recorded March 12, 2015, as Entry No. 19968:2015, in the records of the Utah County Recorder, Utah (the “March 2015 Amendment”)
- D. Whereas, under Article III, Section 3.1 of the Original Declaration, Declarant reserved an option to expand the Original Project and annex in additional property at any time.
- E. Whereas, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit A attached hereto and incorporated herein by this reference (“Phase 3”).
- F. Whereas, Declarant desires to expand the Original Project by annexing the Phase 3 property into the Original Project and Declarant now intends that the Phase 3 property shall become subject to the Original Declaration.

G. Whereas, the March 2015 Amendment to the Original Declaration provides for the annexation of Phase 3 whereby owners of Phase 3 lots shall be members of a separate homeowners association until the time of termination of such association, at which time, such lot owners shall become members of the Sergeant Court Homeowners Association, Inc.

NOW THEREFORE, Declarant hereby declares as follows:

Article 1. The real property described in **Exhibit A** which property is situated in Utah County, Utah, is hereby submitted to the provisions of the Original Declaration and, pursuant thereto, is hereby annexed into the Original Project, as "Project" is defined in the Original Declaration, and is to be held, transferred, sold, conveyed, and occupied as a part of said project.

Article 2. The Original Declaration, (including as amended by the March 2015 Amendment), shall constitute the covenants, conditions and restrictions for Phase 3. By this Declaration of Annexation, the owners of lots within Phase 3 shall at all times have the same rights and easements as the lot owners within the Original Project in, to, over, under and upon the common area, including private roads, of the Original Project.

Article 3. Declaration Amendments. As applicable to Phase 3 only, the following sections of the Original Declaration (including the March 2015 Amendment) are hereby amended as follows. **The following amended sections shall only apply to Phase 3**, and shall only apply until the Termination Date described in the March 2015 Amendment:

The following section of the Original Declaration (including the March 2015 Amendment) is hereby amended to read as follows:

Section 7.3: *Voting Rights.* Each Owner shall have one vote for each Lot owned, except that Declarant shall have five votes for each Lot owned by Declarant.

Article 4. Bylaw Amendments. The Bylaws of Sergeant Court Homeowners Association recorded May 6, 2015, as Entry No. 38641:2015, in the records of the Utah County Recorder, are hereby adopted as the Bylaws of the Sergeant Court Phase 3 Homeowners Association, Inc., together with the following amendments (which amendments shall only apply to the Sergeant Court Phase 3 Homeowners Association, Inc.):

Section 1.1: *Name and Location.* These are the Bylaws of the Sergeant Court Phase 3 Homeowners Association (the "Association"). Sergeant Court Phase 3 is a community of single family lot owners that has been subjected to the Declaration.

Section 1.3: *Purposes.* This Association is formed to serve as a means through which the Owners may take action with regard to the administration, management and operation of Phase 3, the properties and lots therein.

Section 5.2: *Regular Meetings.* Regular meetings of the Board of Directors shall be held at least annually, at such place and hour as may be fixed by the Board.

Section 11.2: Adoption is hereby amended to add the following sentence:
Notwithstanding anything else herein, the Declarant may amend these Bylaws at any time prior to the Termination Date without the approval or joinder of the Association or any Owner.

Section 1.6: Incorporation of Association is hereby deleted in its entirety.

Section 2.3: Turnover Meeting is hereby deleted in its entirety.

Section 5.5: Open Meetings, Executive Sessions is hereby deleted in its entirety.

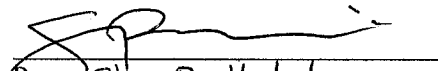
Section 5.7: Notice to Owners of Meetings of Board is hereby deleted in its entirety.

Section 6.3: Specific Duties is hereby deleted in its entirety.

Sections 9.1 through 9.4 are hereby deleted in their entirety.

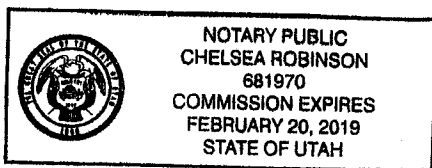
IN WITNESS WHEREOF, Declarant has executed this instrument the 25th day of April, 2017.

DECLARANT
BACH LAND AND DEVELOPMENT LLC


By: Shon Rindisbacher
Its: Managing Member

STATE OF UTAH)
)ss:
County of Salt Lake)

This document was acknowledged before me on this 25 day of April, 2015 by Shon Rindisbacher.



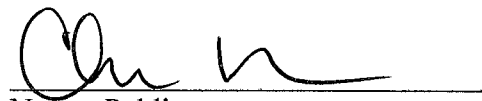

Notary Public

EXHIBIT A
Legal Description

Lots 1 through 55, FOURTH AMENDED PLAT OF SERGEANT COURT PHASE 2, according to the official plat thereof on record with the Utah County Recorder, Utah.

Serial Numbers 66:336:0001 through 66:336:0055

All Lots and Common Area, SERGEANT COURT PHASE 3, according to the official plat thereof on record with the Utah County Recorder, Utah.