

AFTER RECORDING, PLEASE RETURN TO:

Charles L. Maak  
Martineau & Maak  
1800 Beneficial Life Tower  
36 South State Street  
Salt Lake City, Utah 84111  
804

10.07

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Date JUN 10 1976 at 3:44 P.M. MARGUERITE S. BOURNE Recorder Davis County  
BY L. Dell Manning Deputy Book 604 Page 804

435720

NOTICE OF MERGER

OF

PHASE 1, PHASE 2, AND PHASE 3 OF  
THE SUNDOWNER CONDOMINIUM

THIS NOTICE OF MERGER is made and executed this  
7th day of JUNE, 1976, by COUNTRY HILLS,  
INC., a Utah corporation (hereinafter referred to as "Declarant").

RECITALS:

A. On January 22, 1974 Declarant created Phase 1 of The Sundowner Condominium Project (hereinafter referred to as "Phase 1") by filing for record in the office of the County Recorder of Davis County, Utah an instrument entitled "Declaration of Covenants, Conditions, and Restrictions, The Sundowner Condominium Phase 1" and an instrument styled "Record of Survey Map of The Sundowner Condominium Phase 1" (hereinafter referred to as the "Phase 1 Map"). Said Declaration was recorded as Entry No. 390625 in Book 532 at Page 190. The Phase 1 Map was recorded as Entry No. 390624 in Book "S" at Page 567. Heretofore there has been or concurrently with the recordation of this Notice there is being recorded an "Amendment to Declaration of Covenants, Conditions, and Restrictions, The Sundowner Condominium Phase 1" by which said Declaration concerning Phase 1 is amended in certain respects. Said Declaration concerning Phase 1, as amended by said Amendment to Declaration, is hereinafter referred to as the "Phase 1 Declaration." The Real Property included in Phase 1 is situated in Clearfield, Davis County, Utah, and is described as follows:

- Abstracted
- Indexed
- Entered
- Platted
- On Merger
- Completed

Beginning at a point on the South right of way of 700 South Street being West 1687.93 feet, South 112.57' and S 89°54' 15" W 90 feet from the Northeast corner of Section 7, T4N, R1W, SLB&M; thence S 0°08'33" W 150.00 feet; thence N 89°54' 15" E 170.00 feet; thence S 0°08'33" W 120.00 feet; thence S 89°54'15" W 35 feet; thence S 0°08'33" W 330.00 feet; thence S 89°54'15" W 340.00 feet; thence N 0°08' 33" E 230.00 feet; thence S 89°54'15" W

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60.27 feet; thence N 57°24'35" W 147.80 feet; thence N 0°08'33" E 120.00 feet; thence N 89°54'15" E 140.00 feet; thence N 0°08'33" E 170.00 feet; thence N 89°54'15" E 250.00 feet to the point of beginning. (Containing 5.32 acres.)

The Real Property included in Phase 1 comprises a portion of a larger tract (hereinafter referred to as the "Entire Tract") which includes all of the land described on Exhibit "C" to the Phase 1 Declaration.

B. The Phase 1 Declaration anticipated that the Condominium Project related thereto would be but the first Phase of a larger Condominium Project (hereinafter sometimes referred to as the "Project") which ultimately might come into existence. Accordingly, in the Phase 1 Declaration, and particularly in Paragraph 12 thereof, Declarant reserved the right, upon the occurrence of certain conditions, to include one or more additional Phases (occupying a portion of the Entire Tract) as a part of a single Condominium Project consisting of Phase 1 and all subsequent Phases which may be merged with Phase 1.

C. On October 1, 1975 Declarant created Phase 2 of The Sundowner Condominium Project (hereinafter referred to as "Phase 2") by filing for record in the office of the County Recorder of Davis County, Utah an instrument entitled "Declaration of Covenants, Conditions, and Restrictions, The Sundowner Condominium Phase 2" and an instrument styled "Record of Survey Map of The Sundowner Condominium Phase 2" (hereinafter referred to as the "Phase 2 Map"). Said Declaration was recorded as Entry No. 420454 in Book 579 at Page 513. The Phase 2 Map was recorded as Entry No. 420453 in Book 579 at Page 512. Heretofore there has been or concurrently with the recordation of this Notice there is being recorded an "Amendment to Declaration of Covenants, Conditions, and Restrictions, The Sundowner Condominium Phase 2," by which said Declaration concerning Phase 2 is amended in certain respects. Said Declaration, as amended by said Amendment to Declaration, is hereinafter referred to as the "Phase 2 Declaration." The Real Property included in Phase 2 is situated in Clearfield, Davis County, Utah, and is described as follows:

Beginning at a point which is on the East boundary of Sundowner Condominium, Phase 1, being West 1687.93 ft., and South 112.57 ft., and S 89°54'15" W 90.0 ft., and S 0°08'33" W 150.0 ft., and N 89°54'15" E 170.0 ft., and S 0°08'33" W 120.0 ft., and S 89°54'15" W 35.0 ft., and S 0°08'33" W 115.0 ft. from the Northeast corner of Section

7, T. 4N., R. 1W., S.L.B.&M.; and running thence S 89°51'27" E 110.0 ft.; thence S 0°08'33" W 227.49 ft.; thence S 32°35'25" W 94.94 ft.; thence N 57°24'35" W 70.0 ft.; thence N 0°08'33" E 270.0 ft. to the point of beginning. (Contains .70 acres, more or less).

The Real Property included in Phase 2 comprises a portion of the Entire Tract and is contiguous to the Real Property included in Phase 1.

D. The Phase 2 Declaration provides that Phase 2 constitutes the second Phase of the Project and anticipates that said Phase may be added to and merged with Phase 1 and/or subsequent Phases previously or thereafter merged with Phase 1.

E. Heretofore there has been or concurrently with the recordation of this Notice there is being recorded in the office of the County Recorder of Davis County, Utah an instrument entitled "Declaration of Covenants, Conditions, and Restrictions, The Sundowner Condominium Phase 3" (hereinafter referred to as the "Phase 3 Declaration") and an instrument styled "Record of Survey Map of The Sundowner Condominium Phase 3" (hereinafter referred to as the "Phase 3 Map") whereby Phase 3 of The Sundowner Condominium Project is created. The Real Property included in Phase 3 is situated in Clearfield, Davis County, Utah, and is described as follows:

BEGINNING at a point on the East boundary of Sundowner Condominium Phase 1, being W 1687.93 feet and S 112.57 feet, and S 89°54'15" W 90.00 feet, and S 0°08'33" W 150.00 feet, and N 89°54'15" E 170.00 feet from the Northeast corner of Section 7, T4N, R1W, S.L.B.&M., and running thence S 0°08'33" W 120.00 feet; thence S 89°54'15" W 35.00 feet; thence S 0°08'33" W 115.00 feet; thence S 89°51'27" E 110.00 feet; thence S 0°08'33" W 227.49 feet; thence S 32°35'25" W 72.50 feet; thence S 57°24'35" E 289.01 feet; thence N 0°08'33" E 680.00 feet; thence S 89°54'15" W 280.00 feet to the point of beginning.

The Real Property included in Phase 3 comprises a portion of the Entire Tract and is contiguous to the Real Properties included in Phases 1 and 2.

F. The Phase 3 Declaration provides that Phase 3 constitutes the third Phase of the Project and anticipates that said Phase may be added to and merged with Phase 1 and/or

other Phases of the Project previously or thereafter merged with Phase 1.

H. Declarant desires, pursuant to the applicable provisions of the above-referenced instruments, to exercise its right to merge Phase 1, Phase 2, and Phase 3 into one another so as to result in but a single Project. Under Paragraph 12 of each of the Phase 1, Phase 2, and Phase 3 Declarations, such right may be exercised by Declarant's filing an appropriate "Notice of Merger" at any time within seven (7) years after the Phase 1 Declaration (as originally constituted) was filed for record, so long as at the time such Notice is filed a Declaration and Map have been recorded for each Phase which is to be merged into the Project as it previously existed. Such time period (which ends on January 22, 1981) has not yet expired and, as noted and referred to above, a Declaration and Map for each of Phases 1, 2, and 3 is of record in Davis County, Utah. Accordingly, all prerequisites to Declarant's exercise of its right to so merge Phase 1, Phase 2, and Phase 3 are satisfied.

NOW, THEREFORE, for the foregoing purposes and pursuant to the right provided for in Paragraph 12 of each of the Phase 1, Phase 2, and Phase 3 Declarations, Declarant hereby states, declares, and gives notice as follows:

1. Merger. Upon the recordation of this Notice, Phase 2 and Phase 3, and each of them, shall automatically be added to and merged with Phase 1 and thereafter Phase 1, Phase 2, and Phase 3 shall for all purposes constitute but constituent parts of a single Condominium Project known as "The Sundowner Condominium Project."

2. Project's Declaration and Map. After the recordation of this Notice, the Declaration of Covenants, Conditions, and Restrictions of The Sundowner Condominium Project shall consist of the Phase 1, the Phase 2, and the Phase 3 Declarations taken together, and the Record of Survey Map of The Sundowner Condominium Project shall consist of the Phase 1, the Phase 2, and the Phase 3 Maps taken together.

3. Management Committee. Upon the recordation of this Notice, the respective Management Committees of or which was exercising authority over Phase 2 and Phase 3 immediately prior to the recordation hereof shall automatically be dissolved and shall cease to have any power whatsoever. After the recordation of this Notice, the Management Committee of or which was exercising authority over Phase 1 immediately prior to the recordation hereof shall be the Management Committee of and which exercises authority over the entire Project.

4. Revised Percentage Interests. The following schedule sets forth the revised percentage of undivided ownership interest which shall appertain to each Unit in the Project upon and after the recordation of this Notice:

<u>Apartment Unit No.</u>	<u>Location (Building No.)</u>	<u>Value</u>	<u>% Ownership in Common Areas</u>
a	Bldg. 1	23,702	1.0757
b	Bldg. 1	24,694	1.1207
c	Bldg. 1	24,694	1.1207
d	Bldg. 1	22,710	1.0307
a	Bldg. 2	23,702	1.0757
b	Bldg. 2	24,694	1.1207
c	Bldg. 2	24,694	1.1207
d	Bldg. 2	22,710	1.0307
a	Bldg. 3	23,702	1.0757
b	Bldg. 3	24,694	1.1207
c	Bldg. 3	24,694	1.1207
d	Bldg. 3	22,710	1.0307
a	Bldg. 4	23,702	1.0757
b	Bldg. 4	24,694	1.1207
c	Bldg. 4	24,694	1.1207
d	Bldg. 4	22,710	1.0307
a	Bldg. 5	23,702	1.0757
b	Bldg. 5	24,694	1.1207
c	Bldg. 5	24,694	1.1207
d	Bldg. 5	22,710	1.0307
a	Bldg. 6	23,702	1.0757
b	Bldg. 6	24,694	1.1207
c	Bldg. 6	24,694	1.1207
d	Bldg. 6	22,710	1.0307
a	Bldg. 7	23,702	1.0757
b	Bldg. 7	24,694	1.1207
c	Bldg. 7	24,694	1.1207
d	Bldg. 7	22,710	1.0307
a	Bldg. 8	23,702	1.0757
b	Bldg. 8	24,694	1.1207
c	Bldg. 8	24,694	1.1207
d	Bldg. 8	22,710	1.0307
a	Bldg. 9	23,702	1.0757
b	Bldg. 9	24,694	1.1207
c	Bldg. 9	24,694	1.1207
d	Bldg. 9	22,710	1.0307

<u>Apartment Unit No.</u>	<u>Location (Building No.)</u>	<u>Value</u>	<u>% Ownership in Common Areas</u>
a	Bldg. 10	23,702	1.0757
b	Bldg. 10	24,694	1.1207
c	Bldg. 10	24,694	1.1207
d	Bldg. 10	22,710	1.0307
a	Bldg. 11	23,702	1.0757
b	Bldg. 11	24,694	1.1207
c	Bldg. 11	24,694	1.1207
d	Bldg. 11	22,710	1.0307
a	Bldg. 12	23,702	1.0757
b	Bldg. 12	24,694	1.1207
c	Bldg. 12	24,694	1.1207
d	Bldg. 12	22,710	1.0307
a	Bldg. 13	23,702	1.0757
b	Bldg. 13	24,694	1.1207
c	Bldg. 13	24,694	1.1207
d	Bldg. 13	22,710	1.0307
a	Bldg. 14	23,702	1.0757
b	Bldg. 14	24,694	1.1207
c	Bldg. 14	24,694	1.1207
d	Bldg. 14	22,710	1.0307
a	Bldg. 15	23,702	1.0757
b	Bldg. 15	24,694	1.1207
c	Bldg. 15	24,694	1.1207
d	Bldg. 15	22,710	1.0307
a	Bldg. 16	23,702	1.0757
b	Bldg. 16	24,694	1.1207
c	Bldg. 16	24,694	1.1207
d	Bldg. 16	22,710	1.0307
a	Bldg. 17	23,702	1.0757
b	Bldg. 17	24,694	1.1207
c	Bldg. 17	24,694	1.1207
d	Bldg. 17	22,710	1.0307
a	Bldg. 18	23,702	1.0757
b	Bldg. 18	24,694	1.1207
c	Bldg. 18	24,694	1.1207
d	Bldg. 18	22,710	1.0307
a	Bldg. 19	23,702	1.0757
b	Bldg. 19	24,694	1.1207
c	Bldg. 19	24,694	1.1207
d	Bldg. 19	22,710	1.0307

<u>Apartment Unit No.</u>	<u>Location (Building No.)</u>	<u>Value</u>	<u>% Ownership in Common Areas</u>
a	Bldg. 20	23,702	1.0757
b	Bldg. 20	24,694	1.1207
c	Bldg. 20	24,694	1.1207
d	Bldg. 20	22,710	1.0307
a	Bldg. 21	23,702	1.0757
b	Bldg. 21	24,694	1.1207
c	Bldg. 21	24,694	1.1207
d	Bldg. 21	22,710	1.0307
a	Bldg. 22	23,702	1.0757
b	Bldg. 22	24,694	1.1207
c	Bldg. 22	24,694	1.1207
d	Bldg. 22	22,710	1.0307
a	Bldg. 23	23,702	1.0757
b	Bldg. 23	24,694	1.1207
c	Bldg. 23	24,694	1.1207
d	Bldg. 23	22,710	1.0307
		2,203,400	99.9994%

NOTE: Each value indicated in the above schedule is the estimated value that the Unit concerned would have had if it had been in existence, and if said value had been determined, at the time the Phase 1 Declaration (as originally constituted) was filed for record.

NOTE: It is recognized that the undivided ownership interests set forth in the foregoing schedule do not total exactly 100.00%. Due to the number of Units involved and their respective values, it is a mathematical impossibility to have such interests total an even 100.00% and at the same time to have Units with the same values also have appurtenant thereto identical percentage interests. Achieving a total of exactly 100.00% was sacrificed for the sake of uniformity of treatment of identical Units.

NOTE: The Percentages of Ownership shown in the foregoing schedule are subject to periodic change in the future as to both magnitude and the Common Areas to which they relate.

Upon the recordation of this Notice the schedule of undivided ownership interests set forth above shall automatically become effective for all purposes and shall completely supersede the schedules which are set forth in Exhibit "A" to the Phase 1 Declaration, in Exhibit "A" to the Phase 2 Declaration, and in Exhibit "A" to the Phase 3 Declaration.

5. Future Phases and Merger. Declarant hereby reaffirms and reserves its right from time to time in the future to create additional Phase(s) of The Sundowner Condominium Project and to add such additional Phase(s) to, and to merge such additional Phase(s) with, the Project as it previously existed, all upon the terms and conditions, and under the provisions, set forth in Paragraph 12 of each of the Phase 1, the Phase 2, and the Phase 3 Declarations.

6. Effective Date. This Notice of Merger shall take effect upon recording in the office of the County Recorder of Davis County, Utah.

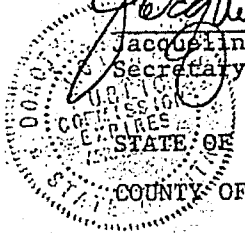
IN WITNESS WHEREOF, the undersigned, being the Declarant, has caused this instrument to be executed this 7 day of June, 1976.

COUNTRY HILLS, INC.

ATTEST:

Jacqueline M. Jackson  
Jacqueline M. Jackson,  
Secretary

By Robert B. Jackson  
Robert B. Jackson,  
President



STATE OF UTAH )  
COUNTY OF Weber ) ss.

On this 7 day of June, 1976, personally appeared before me ROBERT B. JACKSON and JACQUELINE M. JACKSON, who being by me duly sworn, did say that they are the President and Secretary, respectively, of COUNTRY HILLS, INC., a Utah corporation, and that the foregoing Notice of Merger was signed on behalf of said corporation by authority of its Bylaws or a resolution of its Board of Directors, and said Robert B. Jackson and Jacqueline M. Jackson acknowledged to me that said corporation executed the same.

My Commission Expires:

April 28, 1979

Dorothy M. Thrush  
Notary Public  
Residing at:  Ogden, Utah

CITY APPROVAL

On this 5th day of June, 1976, CLEARFIELD CITY CORPORATION, a body corporate and politic and the municipality in which Phases 1, 2, and 3 of The Sundowner Condominium are located, hereby gives final approval to the foregoing "Notice of Merger of Phase 1, Phase 2, and Phase 3 of The Sundowner Condominium."

ATTEST:

[Signature]  
City Recorder

CLEARFIELD CITY CORPORATION

By [Signature]  
Mayor



STATE OF UTAH )  
COUNTY OF DAVIS ) ss.

On this 8th day of June, 1976, personally appeared before me O. Ross Sanders and Bonnie S. Hodge, known to me to be the Mayor and City Recorder, respectively, of CLEARFIELD CITY CORPORATION, a body corporate and politic, who duly acknowledged to me that they executed the foregoing instrument on behalf of said municipality pursuant to authority.

My Commission Expires:

July 8, 1978

Loannia Pettiberg  
Notary Public  
Residing at: Clearfield, Utah

