

WHEN RECORDED, RETURN TO:
Paxton Guymon, Esq.
YORK HOWELL & GUYMON
10610 South Jordan Gateway #200
South Jordan, Utah 84095



ENT 4659:2021 PG 1 of 6
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Jan 08 3:41 pm FEE 278.00 BY MA
RECORDED FOR AMERICAN FORK CITY

**DECLARATION OF INCLUSION
AND NOTICE OF REINVESTMENT FEE COVENANT**

(Rockwell Ranch; American Fork City, Utah County)

This *Declaration of Inclusion* is made effective as of the date set forth on the signature page hereof by RWR Property Holdings, LLC and McArthur Towns – 19, LC (both a “**Declarant**”).

RECITALS

A. Declarant (or its affiliate or predecessor in interest) has previously executed a *Master Declaration of Covenants, Conditions and Restrictions of Rockwell Ranch* (the “**Master Declaration**”). The Master Declaration was recorded in the real property records of Utah County, Utah, on October 5, 2020, as Entry No. 154279:2020 against the real property identified in the Master Declaration.

B. In accordance with Section 1.1 and Article XIX of the Master Declaration, the Property included in the Rockwell Ranch development (the “**Project**”) may be expanded, and Declarant has the absolute right and option, but not the obligation, to expand the Project by making all or a portion of the “Additional Land” therein defined part of the Project and subject to the Master Declaration.

C. Pursuant to Article XIX of the Master Declaration, the Project can be expanded to include additional land by recording a Supplemental Declaration (or Declaration of Inclusion) against such additional land, and recording the same with the Utah County Recorder’s Office against such additional land.

D. This Declaration of Inclusion is intended to comply with Article XIX of the Master Declaration; to expand the Rockwell Ranch development to include the real property described in **Exhibit A** hereto (the “**Expansion Property**”); and to subject such real property to all the terms, conditions, and restrictions of the Master Declaration.

E. Unless otherwise indicated, capitalized terms used herein shall have the meanings provided in the Master Declaration.

NOW THEREFORE, Declarant adopts the following covenants, conditions, and restrictions with respect to the Expansion Property:

1. Expansion of Project. Declarant hereby declares that all of the Expansion Property described in Exhibit A hereto shall be included within the Project and shall be held, sold, conveyed, encumbered, leased, used, occupied, and approved subject to, and in accordance with, the protective covenants, conditions, restrictions, easements, and equitable servitudes set forth in the Master Declaration, all of which are created for the benefit of the Owners and the Project as a whole. The covenants, conditions, and restrictions set forth in the Master Declaration are intended to, and shall in all cases, run with title to the land, and be binding upon the successors, assigns, heirs, lien holders, and any other person holding any interest in the Expansion Property, and shall inure to the benefit of all other Lots and Dwelling Units within the Project.

2. Membership in the Master Association. Each Owner of a Lot or Dwelling Unit in the Expansion Property shall be a member of the Association, with all of the rights, duties, benefits, and obligations associated with membership in the Association as set forth in the Master Declaration, the Association's Bylaws, and the Association's other governing documents.

3. Reinvestment Fee. All Dwelling Units in the Expansion Property are subject to a reinvestment fee requirement (payment obligation) as described in Article VII of the Master Declaration.

4. Declarant's Rights. Notwithstanding the foregoing, no provision of this Declaration of Inclusion shall prevent Declarant from doing any of the following, which shall be deemed to be among Declarant's reserved rights – in addition to such rights as may be elsewhere described in the Master Declaration: (1) installing and completing the Project; (2) using any Lot or residential unit owned by the Declarant as a model home or for the placement of a temporary construction or sales office; (3) installing and maintaining signs incidental to sales or construction which are in compliance with applicable ordinances; (4) assigning Declarant's rights under the Master Declaration and this Declaration of Inclusion in whole or in part, to one or more persons intending to construct the Project or any portion thereof; (5) retaining Declarant's rights with respect to subsequent phases of the Project; (6) constructing any improvements as approved by the municipality or other governmental entity with appropriate jurisdiction; (7) enjoying access over, under, and through any portion of the Project for the installation of utilities or any other improvements; and (8) erecting permanent or temporary signs for use during the selling and marketing of the Project.

5. Recording. This Declaration of Inclusion shall be recorded in the real property records of Utah County against the Expansion Property described in Exhibit A hereto.

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Inclusion this 7 day of December, 2020.

RWR Property Holdings, LLC
A Utah limited liability company

McArthur Towns – 19, LC
A Utah limited liability company

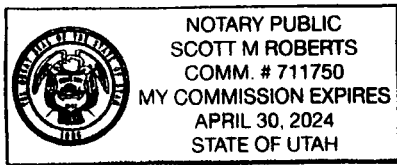
By: [Signature]
Name: Grant Lefgren
Title: Member

By: [Signature]
Name: JOHN E. GASSMAN
Title: VICE-PRESIDENT

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged to me this 7th day of December, 2020, by Grant Lefgren, in his capacity as Member of RWR Property Holdings, LLC, a Utah limited liability company.

SEAL:

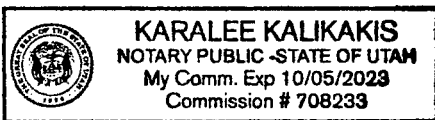


[Signature]
NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged to me this 7th day of December, 2020, by John E. Gassman, in his capacity as Vice-President of McArthur Towns – 19, LC, a Utah limited liability company.

SEAL:



[Signature]
NOTARY PUBLIC

Exhibit A**(Legal Description of Expansion Property being added to the Rockwell Ranch Project)****Block 1 – Phase 2 Plat**

Beginning at a point being South 89°53'31" East 1,422.35 feet along section line and South 2,799.47 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

thence South 89°23'30" East 293.66 feet;
 thence Southeasterly 23.59 feet along the arc of a 15.00 foot radius curve to the right (center bears South 00°30'22" West and the chord bears South 44°26'00" East 21.24 feet with a central angle of 90°07'16");
 thence South 00°46'16" West 5.06 feet;
 thence South 89°23'30" East 56.00 feet;
 thence South 00°46'16" West 752.37 feet;
 thence Southeasterly 23.76 feet along the arc of a 15.00 foot radius curve to the left (center bears South 89°13'44" East and the chord bears South 44°36'52" East 21.36 feet with a central angle of 90°46'16");
 thence South 01°29'37" West 56.02 feet;
 thence Southwesterly 23.25 feet along the arc of a 15.00 foot radius curve to the left (center bears South and the chord bears South 45°35'26" West 20.99 feet with a central angle of 88°49'08");
 thence South 89°22'03" West 56.03 feet;
 thence Northwesterly 23.87 feet along the arc of a 15.00 foot radius curve to the left (center bears North 88°49'08" West and the chord bears North 44°24'39" West 21.43 feet with a central angle of 91°11'03");
 thence Northwesterly 130.78 feet along the arc of a 382.00 foot radius curve to the right (center bears North 00°00'11" West and the chord bears North 80°11'42" West 130.15 feet with a central angle of 19°36'59");
 thence Southwesterly 22.36 feet along the arc of a 15.00 foot radius curve to the left (center bears South 19°36'48" West and the chord bears South 66°54'25" West 20.35 feet with a central angle of 85°24'46");
 thence North 63°29'17" West 56.03 feet;
 thence Northwesterly 21.70 feet along the arc of a 15.00 foot radius curve to the left (center bears North 65°04'20" West and the chord bears North 16°30'36" West 19.85 feet with a central angle of 82°52'32");
 thence Northwesterly 86.33 feet along the arc of a 382.00 foot radius curve to the right (center bears North 32°03'08" East and the chord bears North 51°28'26" West 86.14 feet with a central angle of 12°56'52");
 thence North 45°00'00" West 50.68 feet;
 thence Northwesterly 40.33 feet along the arc of a 325.00 foot radius curve to the left (center bears South 45°00'00" West and the chord bears North 48°33'19" West 40.31 feet with a central angle of 07°06'38");
 thence North 24°38'42" East 57.30 feet;

thence Northwesterly 20.51 feet along the arc of a 15.00 foot radius curve to the right (center bears North 35°54'54" East and the chord bears North 14°54'24" West 18.95 feet with a central angle of 78°21'25");

thence Northeasterly 52.22 feet along the arc of a 128.00 foot radius curve to the left (center bears North 65°41'00" West and the chord bears North 12°37'47" East 51.86 feet with a central angle of 23°22'27");

thence North 00°56'33" East 48.23 feet;

thence Northeasterly 23.56 feet along the arc of a 15.00 foot radius curve to the right (center bears South 89°03'27" East and the chord bears North 45°56'33" East 21.21 feet with a central angle of 90°00'00");

thence North 00°56'33" East 56.00 feet;

thence Northwesterly 23.56 feet along the arc of a 15.00 foot radius curve to the right (center bears North 00°56'33" East and the chord bears North 44°03'27" West 21.21 feet with a central angle of 90°00'00");

thence North 00°56'33" East 403.13 feet;

thence Northeasterly 23.47 feet along the arc of a 15.00 foot radius curve to the right (center bears South 89°03'27" East and the chord bears North 45°46'32" East 21.15 feet with a central angle of 89°39'57") to the point of beginning.

Contains 309,596 Square Feet or 7.107 Acres and 78 Lots and 3 Parcels

Block 3 – Phase 1 Plat

Beginning at a point being South 89°53'31" East 1,130.02 feet along section line and South 3,403.87 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

thence South 89°03'27" East 43.73 feet;

thence Southeasterly 118.76 feet along the arc of a 325.00 foot radius curve to the right (center bears South 00°56'33" West and the chord bears South 78°35'21" East 118.10 feet with a central angle of 20°56'12");

thence Southeasterly 24.66 feet along the arc of a 15.00 foot radius curve to the right (center bears South 21°52'45" West and the chord bears South 21°01'00" East 21.98 feet with a central angle of 94°12'31");

thence South 57°17'35" East 56.55 feet;

thence Southwesterly 47.11 feet along the arc of a 122.00 foot radius curve to the left (center bears South 66°58'31" East and the chord bears South 11°57'47" West 46.81 feet with a central angle of 22°07'24");

thence South 00°54'06" West 636.07 feet;

thence Southeasterly 23.55 feet along the arc of a 15.00 foot radius curve to the left (center bears South 89°05'54" East and the chord bears South 44°04'41" East 21.21 feet with a central angle of 89°57'32");

thence South 89°03'27" East 127.33 feet;

thence South 00°56'33" West 56.00 feet;

thence North 89°03'27" West 328.27 feet;

thence Southwesterly 23.57 feet along the arc of a 15.00 foot radius curve to the left (center bears South 00°56'33" West and the chord bears South 45°55'19" West 21.22 feet with a central angle of 90°02'28");

thence North 00°54'06" East 325.56 feet;

thence Northwesterly 63.33 feet along the arc of a 539.50 foot radius curve to the left (center bears North 89°05'54" West and the chord bears North 02°27'41" West 63.30 feet with a central angle of 06°43'33");

thence North 05°49'28" West 123.34 feet;

thence Northwesterly 54.39 feet along the arc of a 460.50 foot radius curve to the right (center bears North 84°10'32" East and the chord bears North 02°26'27" West 54.36 feet with a central angle of 06°46'01");

thence North 00°56'33" East 259.14 feet;

thence Northeasterly 23.56 feet along the arc of a 15.00 foot radius curve to the right (center bears South 89°03'27" East and the chord bears North 45°56'33" East 21.21 feet with a central angle of 90°00'00") to the point of beginning.

Contains 179,150 Square Feet or 4.113 Acres

Block 3 – Phase 1 Condominium “E”

Beginning at a point being South 89°53'31" East 1,130.02 feet along section line and South 3,403.87 feet from the Northwest Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running

thence South 89°03'27" East 43.73 feet;

thence Southeasterly 118.76 feet along the arc of a 325.00 feet radius curve to the right (center bears South 00°56'33" West and the chord bears South 78°35'21" East 118.10 feet with a central angle of 20°56'12");

thence Southeasterly 24.66 feet along the arc of a 15.00 feet radius curve to the right (center bears South 21°52'45" West and the chord bears South 21°01'00" East 21.98 feet with a central angle of 94°12'31");

thence Southwesterly 51.15 feet along the arc of a 178.00 feet radius curve to the left (center bears South 63°54'44" East and the chord bears South 17°51'22" West 50.97 feet with a central angle of 16°27'48");

thence North 89°03'27" West 151.41 feet;

thence South 00°56'33" West 13.00 feet;

thence North 89°03'27" West 16.84 feet;

thence North 00°56'33" East 88.61 feet;

thence Northeasterly 23.56 feet along the arc of a 15.00 feet radius curve to the right (center bears South 89°03'27" East and the chord bears North 45°56'33" East 21.21 feet with a central angle of 90°00'00") to the point of beginning.

Contains 15,329 Square Feet or 0.352 Acres