

468593

SECOND SUPPLEMENTAL AND AMENDED DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS AND BY-LAWS FOR COUNTRY OAKS CONDOMINIUMS

This Second Supplemental and Amended Declaration of Covenants, Conditions, Restrictions and Bylaws, hereinafter called "Amended Declaration" is made and executed in Davis County, Utah, this 19 day of July, 1977, by COUNTRY OAKS PARTNERSHIP, a Utah partnership, hereinafter called "Declarant" for itself, its successors, grantees and assigns, pursuant to the provisions of the Utah Condominium Ownership Act, Utah Code Annotated, Section 57-8-1, et seq., (1953 as amended), hereinafter referred to as "Condominium Ownership Act".

Abstracted  
 Indexed  
 Entered  
  
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 On Margin  
 Compared

W I T N E S S E T H:

WHEREAS, Declarant is the owner of the following described real property situated in Davis County, State of Utah, to-wit:

Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, beginning at a point located North 89°49'30" East 611.13 feet and South 555.18 feet from the North quarter corner of said Section 14, thence North 79° East 199.36' thence North 27° West 100 feet thence North 11° West 145.87 feet, thence South 79° West 200 feet, thence South 11° East 112 feet, thence South 79° West 92.44 feet thence South 11° East 130 feet, thence North 79° East 120.64 feet to the point of beginning. Contains 1.42 acres. (Known as Phase Two.)

10/14/77

and

Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian beginning at a point located East 1161.13 feet and South 510.39 feet from the North quarter corner of said Section 14, thence North 16° West 137 feet, thence South 74° West 137.56 feet, thence North 16° West 92 feet, thence North 74° East 187.56 feet, thence South 16° East 248.40 feet, thence North 84°47'37" West 53.63 feet to the point of beginning. (Known as Phase Four.)

2/14/78

and

Part of the North 1/2 of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian. U. S. Survey; beginning at a point located 1049.94 East and 304.04 feet South from the North 1/4 corner of said Section 14; running thence North 10° East 200.0 feet; thence South 80° East 122.68 feet; thence South 27° East 167.76 feet; thence South 13° East 210.0 feet; thence South 74° West 118.96 feet; thence North 16° West 248.40 feet; and thence South 74° West 100.0 feet to the point of beginning. Contains 1.32 acres. (Known as Phase Five.)

7/14/78

WHEREAS, the aforesaid property consists of the land above described together with certain residential buildings and certain other improvements heretofore or hereafter to be constructed upon said premises; and

WHEREAS, Declarant has constructed or will construct residential buildings and other improvements upon the aforesaid premises in accordance with the plans and drawings set forth in the record of survey map filed heretofore consisting of Three (3) sheets prepared and certified by O. Neil Smith, a duly registered Utah Land Surveyor, recorded as Entry No. \_\_\_\_\_, No. \_\_\_\_\_, and No. \_\_\_\_\_, on \_\_\_\_\_, 1977, in Book \_\_\_\_\_ at Pages \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, Records, Davis County Recorder; and

WHEREAS, Declarant desires by filing this Amended Declaration and the aforesaid record of survey map, to submit the above-described real property and the said buildings and other improvements being constructed or to be constructed thereon to the provisions of the Utah Condominium Ownership Act as a condominium project known as COUNTRY OAKS CONDOMINIUM; and

WHEREAS, Declarant desires and intends to sell the fee title to the individual units contained in said condominium project, together with an undivided ownership interest in the common areas and facilities appurtenant thereto, to various purchasers, subject to the covenants, conditions and restrictions herein reserved to be kept and observed; and

WHEREAS, Declarant desires and intends by filing this Amended Declaration and the record of survey map to submit the property to the provisions of the aforesaid act as a condominium property and to impose upon said property mutually beneficial restrictions under a general plan of improvement for the benefit of said property and the owners thereof; and

WHEREAS, the Declarant intends to continue to develop the above condominium project in phases, the first and third

phases previously being developed and consisting of eight units and eight units respectively, and the second and fourth phases being built and made a part of the land previously dedicated to the condominium project consisting of ten, three and nine units respectively known as Phase Two, Phase Four and Phase Five, and the units as so developed into the COUNTRY OAKS CONDOMINIUM project;

NOW, THEREFORE, for such purposes, Declarant hereby makes the following Declaration and declares that all of the property is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the following covenants, conditions, restrictions, uses, limitations and obligations, all of which are declared and agreed to be in furtherance of the plan for the improvement of the said property and the division thereof into condominiums, and shall be deemed to run with the land and shall be binding upon Declarant, its successors and assigns, and any person acquiring or owning an interest in the real property and improvements, their grantees, successors, heirs, executors, administrators, devisees, and assigns:

1. Paragraphs One (1) through and including Thirty-Two (32) excepting only Paragraph Three (3) of the original Declaration of Phase One as amended are adopted herein by reference and made a part hereof without change or amendment.

2. Paragraph Three (3) "Description of Property" of the original Declaration of Phase One and Paragraph Two (2) of the Supplemental and Amended Declaration of Covenants, Conditions, Restrictions and Bylaws for COUNTRY OAKS CONDOMINIUMS recorded \_\_\_\_\_, 1976, in Book \_\_\_\_\_, Page \_\_\_\_\_ of Records of Davis County, are hereby amended to read as follows:

A. DESCRIPTION OF LAND. The land on which the COUNTRY OAKS CONDOMINIUMS are located is that tract or parcel of land in Davis County, State of Utah, more particularly de-

scribed in Appendix A of this Second Amended Declaration, together with those tracts of land described in Appendix A of this Declaration which are incorporated into and become subject to the provisions of this Declaration as provided herein known as Phase One, Phase Two, Phase Three, Phase Four and Phase Five.

B. GENERAL DESCRIPTION OF BUILDINGS. The buildings constituting a part of this condominium project are fourteen in number and are identified in relationship to each other in the survey maps previously recorded and made a part hereof. Two of said buildings are in Phase One, five of said buildings are in Phase Two, two of said buildings are in Phase Three, one of said buildings is in Phase Four and four of said buildings are in Phase Five of the condominium project.

The total number of units in each building are specified in Appendix B which is attached hereto.

The number of levels or floors in each such unit is shown in the maps. The buildings consist of wood frame structures, together with an exterior composit of wood and/or brick.

Each unit is designed for use as a single family residence and has exclusive right to use and occupy the garage reserved for each unit as shown in the maps.

All other details involving the respective descriptions and locations of the buildings and a statement of the number of stories, number of units and the principal materials of which each building is or is to be constructed and other like details are set forth in the maps which have been filed of record and incorporated herein by reference.

C. DESCRIPTION OF UNITS. Each unit shall consist of:

1. The space enclosed within the undecorated interior surface of its perimeter walls, floors and ceilings (being in appropriate cases the inner surfaces parallel to the roof plane of the roof rafters, and the projections thereof) projected, where appropriate, to form a complete enclosure of space.

2. Any finishing material applied or affixed to the interior surfaces of the perimeter walls, floors, and ceiling, including without limitation paint, lacquer, varnish, wallpaper, tile and paneling.

3. Non-supporting interior walls.

4. Windows and doors in the perimeter walls, whether located within the bounds of a unit or not, but not including any space occupied thereby to the extent located outside the bounds of the units.

5. All utility pipes or lines or systems, and fixtures or appliances connected thereto, servicing a single or connecting a single unit to a main or central utility, whether located within the bounds of the unit or not, but not including any space occupied thereby to the extent located outside the bounds of the unit.

6. Units forming a part of the condominium property are more particularly described in the map, which shows graphically all the particulars of the buildings; without limiting the generality of the foregoing, the unit designations are set forth in Appendix B attached hereto.

7. Each unit has immediate access to the common areas or facilities or limited common areas and facilities contiguous to the building in which such unit is located.

8. Every contract for the sale of a unit and every other instrument affecting title to the unit may describe that unit by its identifying number or symbol as designated in the map or maps with the appropriate reference to the map(s) and to the Declaration, as each shall appear on the records of the County Recorder of Davis County, Utah. Such description will be construed to describe the unit, together with the appurtenant undivided interest in the common areas and facilities, and to incorporate all the rights incident to ownership of a unit and all the limitations on such ownership as described in this Declaration, including all appurtenant undivided interests and all rights and limitations arising as a result of an expansion of the project pursuant to Paragraph Twenty-four (24) of

this Declaration.

D. DESCRIPTION OF COMMON AREAS AND FACILITIES.

The common areas and facilities shall consists of all parts of the condominium property except the units. Without limiting the generality of the foregoing, the common areas and facilities shall include the following, whether located within the bounds of a unit or not:

1. All structural parts of the building, including without limitation foundations, columns, joists, beams, supports, supporting walls, floors, ceiling and roofs.
2. Patios, yards, courts and driveways which are not limited common areas and facilities as defined herein.
3. The roadways contained therein, provided that such roadways shall cease to be part of the common areas and facilities when and if dedicated to public use with the consent of the association of unit owners and accepted by the public authority having jurisdiction..
4. Any utility pipe or line or system servicing more than a single unit, and all ducts, wires, conduits and other accessories used therewith, but excluding any pipe or line or accessory connecting a single unit to a main or central pipe or line or system or to a pipe or line or system servicing more than a single unit.
5. All other parts of the condominium property necessary or convenient to its existence, maintenance and safety, or normally in common use, or which have been designated as common areas and facilities in the drawings.
6. The limited common areas and facilities hereinafter described.
7. All repairs and replacements of any of the foregoing.

E. DESCRIPTION OF LIMITED COMMON AREAS AND FACILITIES.

Each unit owner is hereby granted an irrevocable license to use and occupy the limited common areas and facilities reserved exclu-

sively for the use of his unit, which shall consist of all the common areas and facilities, including but not limited to a balcony and/or patio, yard, and a garage and driveway which are intended for the exclusive service of the unit, the use and occupancy of which shall in each case be limited to such unit.

3. Appendix B of the original Declaration is supplemented and amended to include the addition of Phases Two, Four and Five to the condominium project as set forth herein and in Appendix A and Appendix B attached hereto and made a part hereof.

4. The common areas and facilities of Phases One, Two, Three, Four and Five include the common areas and facilities of Phases One, Two, Three, Four and Five to the mutual use of each. The limited common areas and facilities of Phases One, Two, Three, Four and Five include the limited common areas and facilities of Phases One, Two, Three, Four and Five with the uses and restrictions thereto appertaining. Phases One, Two, Three, Four and Five shall be one condominium project.

5. This Supplemental and Amended Declaration shall take effect upon recording.

IN WITNESS WHEREOF, the undersigned, partners of COUNTRY OAKS PARTNERSHIP, the owner of the land described in Appendix A of this Declaration, have set their hands this 19 day of July, 1977.

COUNTRY OAKS PARTNERSHIP

Rice Family, Inc.

By Scott J. Rice  
Its Pres.

N. A. Williams Family Corporation

By N.A. Williams  
Its Pres.

C. J. Larsen Family Corporation

By C. J. Larsen  
Its Pres.

Lee E. Burbidge & Associates, Inc.

By Lee E. Burbidge  
Its Pres.

STATE OF UTAH )  
County of Salt Lake ) ss

On the 19th day of July, 1977, personally appeared before me Scott J. Rice, who being by me duly sworn did say that he is the President

of Rice Family Inc., a General Partner of Country Oaks Partnership, and that this Declaration was signed in behalf of said Rice Family, Inc., by authority of its Bylaws, and said Scott J. Rice, acknowledged to me that said corporation executed the same.

Quayle E. Webber  
NOTARY PUBLIC  
Residing at Ogden, Utah

My Commission Expires:

Feb. 20, 1979

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

On the 19th day of July, 1977, personally appeared before me N. A. Williams, who being by me duly sworn did say that he is the President of N. A. Williams Family Corporation, a General Partner of Country Oaks Partnership, and that this Declaration was signed in behalf of said N. A. Williams Family Corporation, by authority of its Bylaws, and said N. A. Williams, acknowledged to me that said corporation executed the same.

Quayle E. Webber  
NOTARY PUBLIC  
Residing at Ogden, Utah

My Commission Expires:

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

On the 19th day of July, 1977, personally appeared before me C. J. Larsen, who being by me duly sworn did say that he is the President of C. J. Larsen Family Corporation, a General Partner of Country Oaks Partnership, and that this Declaration was signed in behalf of said C. J. Larsen Family Corporation, by authority of its



Bylaws, and said C. J. Larsen, acknowledged,  
to me that said corporation executed the same.

Quayle B. Webber  
NOTARY PUBLIC  
Residing at Ogden, Utah

My Commission Expires:

Feb. 20, 1979

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

On the 19th day of July, 1977, personally  
appeared before me Lee E. Burbidge, who  
being by me duly sworn did say that he is the President  
of Lee E. Burbidge & Associates, Inc., a General Partner of Country  
Oaks Partnership, and that this Declaration was signed in behalf  
of said Lee E. Burbidge & Associates, Inc., by authority of its  
Bylaws, and said Lee E. Burbidge, acknowledged  
to me that said corporation executed the same.

Quayle B. Webber  
NOTARY PUBLIC  
Residing at Ogden, Utah

My Commission Expires:

Feb. 20, 1979

APPENDIX A  
LAND DESCRIPTION FOR  
COUNTRY OAKS CONDOMINIUMS

Beginning at a point which is South 89°49'30" West 2021.10 feet along the Section line, and South 555.18 feet from the Northeast corner of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence North 79° East 199.357 feet; thence North 27° West 29.578 feet; thence North 74° East 132.439 feet; thence South 27° East 190.318 feet; thence South 63° West 100.0 feet; thence South 26°07'40" West 75.0 feet; thence North 27° West 111.312 feet; thence South 79° West 218.74 feet; thence North 11° West 122.0 feet to the point of beginning. Containing 1.3408 acres. (Known as Phase One)

TOGETHER WITH: Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, beginning at a point located East 1161.13 feet and South 510.39 feet from the North quarter corner of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, thence North 16° West 137.00 feet; thence South 74° West 137.56 feet; thence North 16° West 92.00 feet; thence South 74° West 173.30 feet; thence South 16° East 107.00 feet; thence North 74° East 111.00 feet; thence South 27° East 190.32 feet; thence North 63° East 25.39 feet; thence North 25° West 60.73 feet; thence North 74° East 148.12 feet to the point of beginning. Contains 1.038 acres. (Known as Phase Three)

TOGETHER WITH: Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, beginning at a point located North 89° 49' 30" East 611.13 feet and South 555.18 feet from the North quarter corner of said Section 14, thence North 79° East 199.36' thence North 27° West 100 feet thence North 11° West 145.87 feet, thence South 79° West 200 feet, thence South 11° East 112 feet, thence South 79° West 92.44 feet thence South 11° East 130 feet, thence North 79° East 120.64 feet to the point of beginning. Contains 1.42 acres. (Known as Phase Two.)

TOGETHER WITH: Part of the Northeast quarter of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian beginning at a point located East 1161.13 feet and South 510.39 feet from the North quarter corner of said Section 14, thence North 16° West 137 feet, thence South 74° West 137.56 feet, thence North 16° West 92 feet, thence North 74° East 187.56 feet, thence South 16° East 248.40 feet, thence North 84°47'37" West 53.63 feet to the point of beginning. (Known as Phase Four.)

TOGETHER WITH: Part of the North 1/2 of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian. U. S. Survey; beginning at a point located 1049.94 East and 304.04 feet South from the North 1/4 corner of said Section 14; running thence North 10° East 200.0 feet; thence South 80° East 122.68 feet; thence South 27° East 167.76 feet; thence South 13° East 210.0 feet; thence South 74° West 118.96 feet; thence North 16° West 248.40 feet; and thence South 74° West 100.0 feet to the point of beginning. Contains 1.32 acres. (Known as Phase Five.)

## APPENDIX B

## COUNTRY OAKS CONDOMINIUMS

PHASE ONE

<u>Unit No.</u>	<u>Building</u>	<u>Size in Sq. ft.</u>	<u>Undivided Interest in Common Areas</u>	<u>Percentage</u>
1A	1	1650	2.90	.0290
1B	1	1740	3.06	.0306
1C	1	1680	2.95	.0295
1D	1	1475	2.59	.0259
2A	2	1650	2.90	.0290
2B	2	1500	2.63	.0263
2C	2	1500	2.63	.0263
2D	2	1650	2.90	.0290

PHASE TWO

<u>Unit No.</u>				
1		1364	2.40	.0240
2		1364	2.40	.0240
3		1491	2.62	.0262
4		1491	2.62	.0262
5		1491	2.62	.0262
6		1491	2.62	.0262
7		1491	2.62	.0262
8		1491	2.62	.0262
9		1524	2.68	.0268
10		1524	2.68	.0268

PHASE THREE

<u>Unit No.</u>				
1		1519	2.67	.0267
2		1519	2.67	.0267
3		1519	2.67	.0267
4		1519	2.67	.0267
5		1519	2.67	.0267
6		1163	2.04	.0204
7		1163	2.04	.0204
8		1163	2.04	.0204

PHASE FOUR

<u>Unit No.</u>				
1		1524	2.68	.0268
2		1524	2.68	.0268
3		1524	2.68	.0268

PHASE FIVE

<u>Unit No.</u>				
1		1524	2.68	.0268
2		1524	2.68	.0268
3		1524	2.68	.0268
4		1524	2.68	.0268
5		1524	2.68	.0268
6		1524	2.68	.0268
7		1524	2.68	.0268
8		1524	2.68	.0268
9		1524	2.68	.0268