

Country Hills, Inc.  
860 E. Country Hills Drive  
Ogden, Utah 84403

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FILED AND RECORDED FOR  
County Title  
MAY 22 PM 1:45

BOOK 941 PAGE 584

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ARVID JAMES OLSEN  
WEBER COUNTY RECORDER  
*Arvid J. Olsen*

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

COUNTRY HILLS MANOR CONDOMINIUM

PHASE NUMBER 3

AND

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF COUNTRY HILLS MANOR CONDOMINIUM

PHASE NUMBER 1, AND PHASE NUMBER 2

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This Declaration of Covenants, Conditions and Restrictions hereinafter called "Declaration", is made and executed in Ogden, Weber County, Utah, this 20 day of MAY, 1970, by Country Hills, Inc., a Utah corporation, hereinafter designated and referred to as "Declarant", pursuant to the provisions of the Utah Condominium Ownership Act.

86-122-111-1000

W I T N E S S E T H:

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

Part of Block 10, South Ogden Plat "A", described as follows: Beginning at the Northeast corner of Country Hills Manor Condominium, Phase No. 2, said point being South 89° 13' East 453.94 feet from the Northwest corner of the Northeast Quarter of Section 9, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and running thence South 89° 13' East 333.44 feet to the Northwest corner of Country Hills Addition Subdivision; thence South 0° 30' West 281.08 feet; thence North 89°02' West 335.73 feet; thence North 0°58' East 280.00 feet to the point of beginning.

WHEREAS, Declarant is the owner of certain townhouse and garden-type buildings and certain other improvements heretofore or hereafter to be constructed upon said premises; and

WHEREAS, the said buildings and other improvements aforesaid have been or will be constructed in accordance with the plans and drawings set forth in the Record of Survey Map filed and recorded herewith; and

WHEREAS, Declarant desires by filing this Declaration and the aforesaid Record of Survey Map to submit the above-described

property and the buildings and other improvements to the provisions of the Utah Condominium Ownership Act as a condominium project; and

WHEREAS, the said property, buildings and improvements are sometimes hereinafter referred to as "Phase 3"; and

WHEREAS, Declarant has heretofore filed of record that certain Declaration of Covenants, Conditions and Restrictions, Country Hills Manor Condominium, Phase Number 1, dated the 18th day of July, 1966, recorded in Book 841, Page 569 of Records, as Entry Number 476348, on July 19, 1966, and that certain Record of Survey Map recorded in Book 15, Page 42 of Plats, as Entry Number 476349, on July 19, 1966, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 1; and

WHEREAS, Declarant has heretofore filed of record that certain Declaration of Covenants, Conditions and Restrictions, Country Hills Manor Condominium, Phase Number 2, dated the 7th day of August, 1968, recorded in Book 896 of Records, at page 26, as Entry Number 508450, on August 9, 1968; and that certain Record of Survey Map recorded in Book 16 of Plats, at pages 6, 7, 8 and 9, as Entry Number 508451, on August 9, 1968, relating to the property, buildings and improvements therein described and herein sometimes referred to as Phase 2; and

WHEREAS, Declarant desires and intends to sell the fee title to the apartment units contained in said Phase 3, together with the undivided ownership interests in the common areas and facilities as is hereinafter more specifically provided for, to various purchasers, subject to the covenants, restrictions and limitations reserved to be kept and observed; and

WHEREAS, pursuant to the Declarations relating to Phase 1 and Phase 2, and the agreements in writing attached to deeds of conveyance between Declarant and purchasers of units in Phase 1 and in Phase 2, Declarant desires to amend said Declaration to

provide that the common areas and facilities of Phase 3 shall be included in the common areas and facilities of Phase 1 and Phase 2, and the common areas and facilities of Phase 1 and Phase 2 shall be included in the common areas and facilities of Phase 3, and to establish one condominium project of Phase 1 and Phase 2 and Phase 3. The property of Phases 1, 2 and 3 is in Weber County, Utah, and is described as follows:

A part of Blocks 9 through 12 and the vacated streets abutting thereon, South Ogden Plat "A", described as follows: Beginning at a point South 89°13' East 28.94 feet from the Northwest corner of the Northeast Quarter of Section 9, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey; and running thence South 89°13' East 787.38 feet to the Northwest corner of Country Hills Addition Subdivision; thence South 0°30' West 281.08 feet; thence North 89°02' West 335.73 feet; thence South 0°58' West 358.67 feet to the North line of Country Hills Drive; thence along the North line of Country Hills Drive on a 779.00-foot radius curve to the right 289.31 feet (chord bears North 73°07'20" West 287.65 feet); thence North 62°29' West 9.35 feet; thence North 0°58' East 128.00 feet; thence North 89°02' West 140.00 feet to the East line of Gramercy Avenue; thence North 0°58' East along said East line of Gramercy Avenue 426.31 feet to the place of beginning.

NOW, THEREFORE, Declarant hereby publishes and declares that all of the property in Phase 3 is held and shall be held, conveyed, hypothecated, encumbered, rented, used, occupied and improved, subject to the following covenants, conditions, restrictions, uses, limitations and obligations, which shall be deemed to run with the land and shall be a burden and a benefit to Declarant, its successors and assigns, and any person, legal or natural, acquiring or owning an interest in the same, and such person's successors, assigns, executors, administrators, heirs and devisees.

1. Name. The above described Phase 3 property, buildings, improvements and appurtenances thereto are submitted to the provisions of the Utah Condominium Ownership Act as a condominium project, to be known as COUNTRY HILLS MANOR CONDOMINIUM, Phase Number 3.

2. Description of Buildings. The said Phase 3 project consists of two (2) buildings, designated J and K.

| <u>Building</u> | <u>Single Story Units</u> | <u>2-Story Units</u> | <u>Total Units</u> |
|-----------------|---------------------------|----------------------|--------------------|
| J               | 10                        |                      | 10                 |
| K               | 2                         | 5                    | 7                  |

The said Phase 3 buildings are or shall be constructed of steel, concrete, masonry and wood.

The apartment number of each apartment, its location, approximate area and number of rooms regarding Phase 3 is as indicated on the attached Exhibit Marked "A", and by this reference made a part hereof.

3. Common Areas and Facilities. The common areas and facilities of Phase 3 shall be and are all of the land and roofs, foundations, pipes, ducts, flues, chutes, conduits, wires, and other utility installations to the outlets, bearing walls, perimeter walls, columns and girders to the interior surfaces thereof, greens, gardens, service streets, parking areas, recreational areas, swimming pool, all installations of power, lights, gas and water, common television antenna; those common areas and facilities designated as such on the map, excepting, however, heating units, air conditioning units, air conditioning equipment, water heaters, gas lamps, gas-fired barbeque units, individual gas lines from laterals serving ranges, water heaters, furnaces and barbeques, which said excepted items are part of the apartment unit to which they appertain; that part of the condominium project not specifically included in the units as hereinafter defined, all other parts of the property necessary or convenient to the existence, maintenance and safety of the common areas or normally in common use.

4. Limited Common Areas and Facilities. The limited common areas and facilities of the project shall be and are the patios, carports and storage rooms which are hereby set aside and reserved for the use of the respective apartment units to which they are attached and/or appurtenant, and as

designated on the map to the exclusion of the other apartments and the limited common areas and facilities of Phase 1 and Phase 2, with the uses and restrictions thereto appertaining.

5. Apartment Units. The apartment units, sometimes called units and sometimes called apartments, are as designated on the map and are the elements of the condominium which are not owned in common with the owners of the other units. The boundary lines of each unit are the interior surfaces of its perimeter walls, bearing walls, basement floors, top story ceilings, windows and window frames, doors and door frames and trim, and includes the portions of the buildings so described and the air space so encompassed, and includes the individual heating units, air conditioning units, air conditioning equipment, water heaters, gas lamps, gas-fired barbeques, individual gas lines from laterals serving ranges, water heaters, furnaces and barbeques.

6. Combined Phases. The common areas and facilities of Phase 1 and Phase 2 include the common areas and facilities of Phase 3. The limited common areas and facilities of Phase 1 and Phase 2 include the limited common areas and facilities of Phase 3, with the uses and the restrictions thereto appertaining.

Phase 1 and Phase 2 and Phase 3 shall be one condominium project.

7. Future Development. Within the next reasonable period of time, Declarant contemplates developing and constructing a future condominium project or projects, including housing apartment units and common areas and facilities. The said future development and construction phases shall be on land contiguous to the projects sometimes referred to herein as Phase 1 and Phase 2 and Phase 3, and shall not cover in excess of 10.23 acres, including the land in Phases 1 and 2 and 3, and shall not exceed One Hundred Nineteen (119) apartments, including the apartments of Phases 1 and 2 and 3. The said future common areas and facilities shall be included in the common areas and

facilities of Phase 1 and Phase 2 and Phase 3, and the common areas and facilities of Phase 1 and Phase 2 and Phase 3 shall be included in the common areas and facilities of the future phase or phases. Phase 1 and Phase 2 and Phase 3 and the future phase or phases shall be treated, managed and governed as one condominium project. In this connection, Declarant reserves the right, power and authority, irrevocably, to amend this Declaration and the prior Declarations from time to time to provide for the same, and such right, power and authority is granted to Declarant by the apartment owners.

The proportionate share of the separate owners of the respective apartments in the common areas and facilities is based on the proportionate value that each of the apartments bears to the total value of all of the apartments.

8. Apartment Values. The value of each apartment in Phase 3 is as indicated on the attached Exhibit "A", and the total value of all apartments regarding Phase 3 is \$327,125.00. The total value of all apartments of Phase 1 and Phase 2 and Phase 3 is \$1,653,736.00.

9. Total Values. The total value of the property of Phase 3, as defined by the Utah Condominium Ownership Act, is \$390,875.00. Such value regarding Phase 1 and Phase 2 and Phase 3 is \$1,846,415.00.

10. Paragraph 1, Definitions of Declaration, relative to Phase 1 is adopted herein by reference as paragraph 10.

11. Paragraphs 10 through and including paragraph 42 of the said Declaration of Phase 1 are adopted herein by reference as paragraphs 11 through 43.

Made and executed as of the day and year first above written.

COUNTRY HILLS, INC.

By   
President

ATTEST:

  
Secretary

STATE OF UTAH )  
: ss.  
County of Weber )

On this 20 day of MAY, 1970, personally appeared before me, a notary public in and for said county of Weber, State of Utah, ROBERT B. JACKSON and JACQUELINE JACKSON, known to me to be the President and Secretary, respectively, of COUNTRY HILLS, INC., the corporation that executed the foregoing instrument, and upon oath did depose and say that they are acquainted with the seal of the said corporation, and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of the said corporation as indicated after said signatures; that the said corporation executed the said instrument freely and voluntarily, and for the uses and purposes therein mentioned.

*J. Stark*

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Notary Public  
Residing at Ogden, Utah

My Commission Expires: 1-4-71

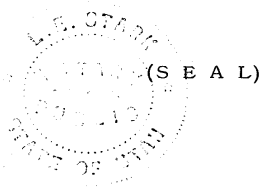


EXHIBIT "A"

(Phase 3)

| <u>APARTMENT<br/>UNIT NUMBER</u> | <u>LOCATION<br/>(Building)</u> | <u>APPROXIMATE AREA<br/>IN SQUARE FEET<br/>(Incl. Basement)</u> | <u>NO. OF<br/>ROOMS<br/>Excl. Baths</u> | <u>VALUE</u> |
|----------------------------------|--------------------------------|---|---|--------------|
| 69                               | J (West End)                   | 1,951   | 5                                       | \$18,500.00  |
| 70                               | J (Second Unit<br>from West)   | 1,951   | 5                                       | 18,500.00    |
| 71                               | J (Third Unit<br>from West)    | 2,080   | 5                                       | 19,150.00    |
| 72                               | J (Fourth Unit<br>from West)   | 2,080   | 5                                       | 19,150.00    |
| 73                               | J (Fifth Unit<br>from West)    | 1,951   | 5                                       | 18,500.00    |
| 74                               | J (Fifth Unit<br>from East)    | 1,951   | 5                                       | 18,500.00    |
| 75                               | J (Fourth Unit<br>from East)   | 2,080   | 5                                       | 19,150.00    |
| 76                               | J (Third Unit<br>from East)    | 2,080   | 5                                       | 19,150.00    |
| 77                               | J (Second Unit<br>from East)   | 1,951   | 5                                       | 18,500.00    |
| 78                               | J (East end)                   | 1,951   | 5                                       | 18,500.00    |
| 79                               | K (East end)                   | 2,069   | 6                                       | 19,150.00    |
| 80                               | K (Second Unit<br>from East)   | 2,168   | 6                                       | 20,245.00    |
| 81                               | K (Third Unit<br>from East)    | 2,190   | 6                                       | 20,245.00    |
| 82                               | K (Fourth Unit<br>from East)   | 2,168   | 6                                       | 20,245.00    |
| 83                               | K (Third Unit<br>from West)    | 2,190   | 6                                       | 20,245.00    |
| 84                               | K (Second Unit<br>from West)   | 2,168   | 6                                       | 20,245.00    |
| 85                               | K (West end)                   | 2,069   | 6                                       | 19,150.00    |