

WHEN RECORDED RETURN TO:

Oakwood Homes of Utah
206 E. Winchester Street
Murray, Utah 84107

DECLARATION OF INCLUSION

(Utah County Parcel Nos. 66:583:0101 through 66:583:0149)

This *Declaration of Inclusion* is made effective as of the date set forth on the signature page hereof by Oakwood Homes of Utah, LLC, a Delaware limited liability company ("**Declarant**").

RECITALS

A. Declarant has previously executed a *Declaration of Covenants, Conditions and Restrictions of South Point* ("**Declaration**"). The Declaration was recorded in the real property records of Utah County, Utah, on September 30, 2015, as Entry No. 89463:2015 against the real property identified in the Declaration.

B. Section 4.1 states that the Project, as defined in the Declaration is expandable and that the Declarant has the absolute right and option, but not the obligation, to expand the Project.

C. Pursuant to Section 2.26 of the Declaration, the Project can be expanded to include additional land by recording an instrument against such additional land.

D. Section 4.3 requires the recording of a written instrument in order to submit any additional land to the terms, conditions and provisions of the Declaration.

E. Declarant now desires to include Phase 4 of South Point, as identified on **Exhibit A** hereto, within the scope of the Declaration and to subject Phase 4 of South Point to all the terms, conditions, and restrictions of the Declaration.

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

NOW THEREFORE, Declarant adopts the following covenants, conditions, and restrictions with respect to Phase 4 of South Point:

1. Expansion of Project to Include Phase 4. Declarant hereby declares that all of the real property, streets, utilities, dwellings, buildings, and any other improvements of any sort

located on, within, or providing access to Phase 4 of South Point, as identified on 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 Declaration, all of which are created for the benefit of the Owners and the Project as a whole. A concept plan showing Phase 4 of South Point attached hereto as Exhibit B. It is the intention of the Declarant in imposing these covenants, conditions, and restrictions to protect and enhance the property values and aesthetic values of Phase 4 of South Point and all improvements thereon and uses thereof, all for the mutual benefit of the Owners and the Project as a whole. The covenants, conditions, and restrictions set forth in the 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 Phase 4 of South Point, as identified on Exhibit A, and shall inure to the benefit of all other Lots within the Project.

2. Membership in the Association. Each Owner of a Lot in Phase 4 of South Point shall be a member of the South Point Owners Association, with all of the rights, duties, benefits, and obligations associated with membership in the Association as set forth in the Declaration, the Association's Bylaws, and the Association's other governing documents.

3. 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 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 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 City of American Fork 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.

4. Use Easements. Without in any way limiting the application of the provisions of the Declaration to Phase 4 of South Point, all of the provisions set forth in Article 19 of the Declaration regarding Use Easements shall apply to the Lots in Phase 4 of South Point, except that the schedule of Paired Lots (Benefited Lots and corresponding Burdened Lots) for the Lots in Phase 4 of South Point is set forth in Exhibit C hereto.

5. Recording. This Declaration of Inclusion shall be recorded in the real property records of Utah County against Phase 4 of South Point, as identified on Exhibit A hereto.

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Inclusion this 28 day of JUNE, 2018.

DECLARANT:

Oakwood Homes of Utah, LLC

By: [Signature]

Printed Name: Troy Turner

Title: VP Finance

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 28th day of June, 2018, by Troy Turner, in his/her capacity as Vice President of finance of Oakwood Homes of Utah, LLC.

SEAL:

[Signature]
Notary Public



Exhibit "A"
(Legal Description of Phase 4 of South Point)

This Declaration of Inclusion shall be recorded against the following property located in Utah County, State of Utah:

BOUNDARY DESCRIPTION

A parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian, the Basis of Bearings is N00°24'14"W between the East Quarter Corner and the Northeast Section Corner of Section 24, said parcel being more particularly described as follow:

Beginning at a point West 1655.28 feet and South 532.07 feet from the East Quarter Corner of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian, and running thence S01°04'50"W 263.39 feet to the beginning of a tangent curve to the right, having a radius of 15.00 feet; thence along the arc of said curve a length of 23.32 feet, passing through a central angle of 89°03'30", chord bears S45°36'35"W 21.04 feet; thence S01°36'51"W 52.92 feet to the beginning of a non-tangent curve to the right, having a radius of 15.00 feet; thence along the arc of said curve a length of 23.81 feet, passing through a central angle of 90°56'30", chord bears S44°23'25"E 21.39 feet; thence S01°04'50"W 64.93 feet, more or less to the north line of Easton Park Subdivision Phase 2; thence along said subdivision boundary N89°51'41"W 462.67 feet; thence N00°06'16"W 375.54 feet; thence N00°48'16"E 80.95 feet; thence N89°51'27"E 39.68 feet to the beginning of a non-tangent curve to the right, having a radius of 15.00 feet; thence along the arc of said curve a length of 23.50 feet, passing through a central angle of 89°45'27", chord bears N45°15'36"E 21.17 feet; thence S89°51'52"E 83.00 feet to the beginning of a tangent curve to the right, having a radius of 417.00 feet; thence along the arc of said curve a length of 93.47 feet, passing through a central angle of 12°50'35", chord bears S83°26'24"E 93.28 feet; thence S77°01'06"E 69.18 feet to the beginning of a tangent curve to the right, having a radius of 15.00 feet; thence along the arc of said curve a length of 21.97 feet, passing through a central angle of 83°54'35", chord bears S35°03'49"E 20.06 feet; thence S75°19'40"E 47.52 feet to the beginning of a non-tangent curve to the right, having a radius of 15.00 feet; thence along the arc of said curve a length of 24.14 feet, passing through a central angle of 92°12'55", chord bears N51°31'59"E 21.62 feet, to the beginning of a tangent curve to the left, having a radius of 483.00 feet; thence along the arc of said curve a length of 54.91 feet, passing through a central angle of 06°30'49", chord bears S85°36'58"E 54.88 feet; thence S88°52'22"E 28.34 feet to the beginning of a tangent curve to the right, having a radius of 15.00 feet; thence along the arc of said curve a length of 23.55 feet, passing through a central angle of 89°57'12", chord bears S43°53'46"E 21.20 feet to the point of beginning.

Containing 4.813 acres, more or less, and 48 lots.
 (66.583.0101 through 66.583.0149)

(NOTE: The above-referenced legal description is intended to include all of the land and lots shown in the plat for South Point Phase 4, including Lots 101 through 148, and all public and private streets depicted therein, according to the official plat thereof on file and of record in the Utah County Recorder's Office, State of Utah.

Exhibit C**(Schedule of Paired Lots of Phase 4 of South Point)**

Benefited Lot	Burdened Lot
Lot 102	Lot 101
Lot 103	Lot 104
Lot 106	Lot 105
Lot 107	Lot 108
Lot 110	Lot 109
Lot 111	Lot 112
Lot 114	Lot 113
Lot 115	Lot 116
Lot 118	Lot 117
Lot 119	Lot 120
Lot 121	Lot 122
Lot 122	Lot 123
Lot 126	Lot 125
Lot 125	Lot 124
Lot 127	Lot 128
Lot 128	Lot 129
Lot 132	Lot 131
Lot 131	Lot 130
Lot 133	Lot 134
Lot 134	Lot 135
Lot 138	Lot 137
Lot 137	Lot 136