

When recorded, please mail to:
MK Cox Development, Inc
1147 South 2580 East
St. George, UT 84790



00970016 Bk 1787 Pg 2328
RUSSELL SHIRTS * WASHINGTON CO RECORDER
2005 SEP 08 10:44 AM FEE \$14.00 BY SW
FOR: SOUTHERN UTAH TITLE CO

SUPPLEMENTAL DECLARATION FOR RIVER HOLLOW

(Annexation of Phase III with Supplemental Covenants)

1. **Supplemental Declaration.** This Supplemental Declaration for River Hollow (hereafter the "Supplemental Declaration") is prepared, pursuant to Article 5 of the Amended and Restated Covenants, Conditions & Restrictions (hereafter, the "CC & R's") which was recorded with the Washington County Recorder's office on July 27, 2004 at Entry No. 00891787, Book No. 1657, Page No. 065. This Supplemental Declaration is intended to provide for the Annexation of Phase III into River Hollow and provide additional covenants pertaining solely to Phase III of River Hollow. Where the covenants of this Supplemental Declaration conflict with the CC & R's, this Supplemental Declaration shall control.

2. **Annexation of Phase III.** MK Cox Development, Inc., a Utah corporation, as "Developer" is the owner of certain real property, to be known as Phase III of River Hollow. Developer desires to annex such property into River Hollow. It is Developer's intention that Phase III shall be subject to the CC & R's and to this Supplemental Declaration, as proscribed herein. That certain property to be known as Phase III and annexed into River Hollow is located in Washington County, State of Utah, and more particularly described as follows:

See Legal Description, attached hereto as Exhibit A and incorporated herein by this reference.

Developer hereby includes all of the property of River Hollow Phase III as identified on the plat recorded herewith, and divides such property into lots as shown on said plat and dedicates the streets shown on said plat to the public. The easements indicated on said plat are hereby perpetually reserved for the public utilities and for any other uses as designated thereon, for such purposes as may be provided for in the CC & R's for River Hollow or as set forth herein, and no structures other than for such utility or other indicated purposes are to be erected within the lines of said easements. The above described property is hereby annexed into and made a part of River Hollow.

Supplemental Covenants

3. **Minimum Main Level Square Footage.** In addition to the provisions of the CC & R's, all single story homes with one single, above ground level, including homes having one single main level and additional living space within the roof or attic structure, shall have a minimum main level footprint of at least 3,000 square feet.

4. **Basements and Main Floor Elevations.** No basements shall be permitted on any of the lots identified as Phase III of River Hollow. Main floor elevations on all homes in Phase III of River Hollow shall be at least twelve (12) inches higher than the average elevation at the back of the sidewalk along the front of the lot.

5. **Duration of Restrictions.** As stated in the CC & R's, the covenants and restrictions contained herein shall also run with and bind the land for a period of fifty (50) years from the date this document is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years each, subject to amendment as set forth herein. During the Development Phase (defined below), the covenants and restrictions contained in this Supplemental Declaration as well as the applicability of the CC & R's may be modified, amended or repealed in whole or in part at any time and from time to time by the Developer or his successor or assigns by recorded instrument. The "Development Phase" shall be the time from the date of the recording of the plat of subdivision for Phase III until such time as Developer transfers

legal title to more than ninety percent (90%) of the number of lots in Phase III to bonafide purchasers.

6. **Reservation of Developer's Rights.** Developer hereby reserves all rights, powers and authorities granted to it in the "Amended and Restated Covenants, Conditions & Restrictions of River Hollow" which was recorded with the Washington County Recorder's office on July 27, 2004 at Entry No. 00891787, Book No. 1657, Page No. 065. Developer shall continue to retain all rights with respect to the annexation of any additional property as referenced in the original CC & R's as "Additional Property," Article 5, 5.3.

IN WITNESS WHEREOF, the undersigned has hereunto executed this document this 5th day of

January 2005

DEVELOPER:
MK COX DEVELOPMENT, INC.
A UTAH CORPORATION

By: [Signature]
MERVYN K. COX, President

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

On this 5th day of January, 2005, before me personally appeared Mervyn K. Cox, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is the President of MK Cox Development, Inc., a corporation, and that the foregoing document was signed by him on behalf of that corporation by authority of its bylaws or of a resolution of its board of directors, and he acknowledged before me that the corporation executed the document and the document was the act of the corporation for its stated purpose.

NOTARY PUBLIC
Address: St. George, UT
My Commission Expires: 5-01-2005



EXHIBIT "A" - LEGAL DESCRIPTION

PROOFREAD

Beginning at the East Quarter Corner of Section 33, Township 42 South, Range 15 West, Salt Lake Base and Meridian; and running thence South 89°18'45" East 73.00 feet along the Section Line; thence South 00°50'22" West 812.45 feet to the Northerly line of DIAS SUBDIVISION AMENDED; thence North 89°07'53" West 50.00 feet along said Northerly line to the Westerly line of said DIAS SUBDIVISION AMENDED; thence South 01°02'26" East 2.04 feet along said Westerly line of said DIAS SUBDIVISION AMENDED to the Northeast Corner of SPRING ESTATES PHASE 6; thence North 89°12'00" West 406.01 feet along the Northerly line of SPRING ESTATES PHASE 6 and to and along the Northerly line of SPRING ESTATES PHASE 4 to the Easterly line of SPRING ESTATES PHASE 5; thence North 00°17'30" West 648.18 feet along and beyond the Easterly line of said SPRING ESTATES PHASE 5; thence South 89°09'38" East 261.35 feet; thence North 00°50'22" East 168.61 feet; thence South 88°15'22" East 134.40 feet to the point of beginning.

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