

05/06/97 6638311 3:36 PM 28.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
DAVENCOURT PUD LLC LC
REC BY: J FERGUSON , DEPUTY - WI

After recordation, return to:

LeGrand Woolstenhulme
CottonTree Square, Bldg. 2F
2230 North University Parkway
Provo, UT 84604

6638311

**THIRD SUPPLEMENT TO
DECLARATIONS OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS**

OF

DAVENCOURT TOWNHOMES

A Planned Unit Development (Expandable)

Taylorsville, Salt Lake County, Utah

THIS THIRD SUPPLEMENT TO DECLARATION is made as of this 5th day of May, 1997, by DAVENCOURT PUD SLC, L.L.C., a Utah limited liability company (the "Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of Davencourt Townhomes, an expandable Planned Unit Development in Taylorsville, Utah (the "Development").
- B. On or about May 2, 1997, Declarant caused to be recorded as Entry No. 6635620, Book 97-5P, Page 132, in the office of the Recorder of Salt Lake County, Utah, that certain Declaration of Easements, Covenants, Conditions and Restrictions of Davencourt Townhomes, A Planned Unit Development (Expandable), Taylorsville, Salt Lake County, Utah (the "Declaration") relating to the Development.
- C. Pursuant to §3.03 of the Declaration, Declarant is permitted to annex into the Development additional real property ("Additional Land") as set forth and described in the Declaration (including any exhibit thereto) for purposes of development into additional Lots and Common Areas, if any, consistent with the existing Phase I of the Development and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Development for development as Phase "IV" of the Development.

NOW, THEREFORE, Declarant hereby declares as follows:

1. All defined terms as used in this First Supplement to Declaration shall have the same meaning as those set forth and defined in the Declaration.
2. The following described real property situated in the city of Taylorsville, Salt Lake County, and State of Utah, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed into the Development to be held, transferred, sold, conveyed and occupied as a part thereof (see Exhibit A attached hereto and incorporated herein).

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TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property, whether or not the same are reflected on the Plat.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under, the said property and any improvements (including buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in a manner which is reasonable and consistent with the provisions of the Declaration): (i) to construct and complete each of the buildings and Units and all of the other improvements described in the Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper on connection therewith; (ii) to construct and complete on the Additional Land or any portion thereof such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Additional Land or any portion thereof has been or hereafter will be added to the Development); and (iii) to improve portions of the said property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners as Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the said property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless, sooner terminated in accordance with their terms, expire ten (10) years after the date on which the Declaration is filed for record in the office of the County Recorder of Salt Lake County, Utah.

ALL FOREGOING IS SUBJECT TO all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all Patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described real property or any portion thereof, including, without limitation, any Mortgage (and nothing in this paragraph shall be deemed to modify or amend such Mortgage); all visible easements and rights-of-way, encroachments, or discrepancies shown on or revealed by the Plat or otherwise existing; an existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the said property at such time as construction of all Development improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cable, wires, utility lines, and similar facilities; **AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THIS DECLARATION.**

3. Section 3.02 of the Declaration is amended in its entirety to read as follows:

3.02 Subdivision into Lots. The Development is hereby subdivided into Fifty (50) Lots, as set forth and described in the Plats, each with appurtenant and equal rights and easements of use and enjoyment in and to any Common Areas, as well as appurtenant obligations, all as set forth in this Declaration.

4. Except as amended by the provisions of this First Supplement to Declaration, the Declaration shall remain unchanged and, together with this First Supplement to Declaration shall constitute the Declaration of Easements, Covenants, Conditions and Restrictions for the Development as expanded by the annexation of the Additional Land described herein.

5. This First Supplement to Declaration shall be recorded concurrently with the Plat entitled **Phase II, Davencourt SLC Townhomes, A Planned Unit Development (Expandable), City of Taylorsville, Salt Lake County, Utah**, prepared and certified to by Donald L. Lyster (a duly registered Utah Land Surveyor holding Certificate No. 187023), executed and acknowledged by Declarant, accepted by Taylorsville City, and filed for record in the office of the County Recorder of Salt Lake County.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above set forth.

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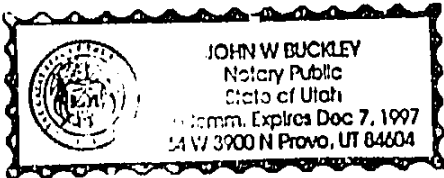
DECLARANT:

DAVENCOURT PUD SLC, L.L.C.,
a Utah limited liability company

By: *LeGrand Woolstenhulme*
LeGrand Woolstenhulme, Manager

State of Utah)
 : ss.
County of Utah)

On this 5th day of May, 1997, personally appeared before me LeGrand Woolstenhulme, who being by me duly sworn, did say that he is the Manager of Davencourt PUD SLC, L.L.C., a Utah limited liability company; that said instrument was signed by him in behalf of said company pursuant to authority; and that said company executed the same.



John W. Buckley
NOTARY PUBLIC

EXHIBIT A

PHASE IV

A portion of the Northeast ¼ of Section 4, Township 2 South, Range 1 West, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at a point located $S0^{\circ}06'20''W$ along the Section line 46.23 feet and West 33.00 feet from the Northeast Corner of Section 4, T2S, R1W, S.L.B.& M; thence $S0^{\circ}06'20''W$ along the westerly line of 2200 West Street 193.77 feet; thence West 166.56 feet; thence South 166.42 feet; thence $N89^{\circ}35'00''W$ 114.01 feet; thence North 96.52 feet; thence $N89^{\circ}46'39''E$ 41.53 feet; thence $N3^{\circ}36'17''W$ 214.50 feet; thence $N86^{\circ}23'43''E$ 127.86 feet; thence $N72^{\circ}03'49''E$ 131.68 feet to the point of beginning.
Contains: 1.292 acres

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