

Ent: 372173 - Pg 1 of 5
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Filed By: cf
Jerry M. Howerton, Recorder
Tooele County Corporation
For: IVORY DEVELOPMENT LLC

WHEN RECORDED RETURN TO:
IVORY DEVELOPMENT, LLC
Christopher P. Gamvroulas
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 747-7440

NOTE TO RECORDER:
RECORD ONLY AGAINST THE PROPERTY
DESCRIBED IN EXHIBIT "A-5"

**THIRD SUPPLEMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND RESERVATION OF EASEMENTS
FOR
BENSON MILL CROSSING, PHASE 5 PUD,
a part of the expandable Benson Mill Crossing planned unit development)**

This Third Supplement to Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing, Phase 5 PUD, a part of the Benson Mill Crossing expandable planned unit development (the "Third Supplemental Declaration") is executed by Ivory Development, LLC, of 978 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

RECITALS

- A. This Third Supplemental Declaration affects that certain real property located in the City of Stansbury Park in Tooele County, Utah described with particularity in Article II below (hereinafter referred to as the "Phase 5 PUD Property" or "Property").
- B. Declarant is the owner of the Phase 5 Property.
- C. The Phase 5 PUD Property is an area featuring unique and distinctive terrain.
- D. Benson Mills Crossing Phase 5 PUD consists or will consist of sixteen (16) Lots intended for detached single family homes (the "Project").
- E. The Phase 5 PUD Property is subject to and bound by the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing recorded in the official records of the County Recorder of Tooele County, Utah on June 29, 2007 as Entry No. 288009 (the "Master Declaration").

F. The related Final Plat for Phase 1 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele, County, Utah.

G. The related Final Plat for Phase 2 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele County, Utah.

H. The related final Plat for Phase 3 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele County, Utah.

I. The related final Plat for Phase 4 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele County, Utah.

J. By subjecting the Phase 5 PUD Property to this Third Supplemental Declaration Declarant intends to annex additional real property and expand The Towns at Benson Mills Crossing.

K. This phase is to be known as "Benson Mill Crossing Phase 5 PUD" or "Phase 5 of The Towns at Benson Mill Crossing."

L. Pursuant to Article 2, Section 2.8 of the Master Declaration, Declarant reserved an option to unilaterally expand the Project and annex additional real property.

M. Declarant desires to expand the planned unit development by creating on the Phase 5 PUD Property additional Lots and Town Homes.

N. Declarant now intends that the Phase 5 PUD Property shall become subject hereto as well as the Master Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Owners, Declarant hereby executes this Third Supplemental Declaration.

1. **Supplement to Definitions.** Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

a. **Third Supplemental Declaration** shall mean and refer to this Third Supplement to the Master Declaration.

b. **Phase 5 PUD Map** shall mean and refer to the Final Plat of Benson Mill Crossing Phase 5 PUD, prepared and certified to by Karen F. White, a duly registered Utah Land Surveyor holding Certificate No. 191326, and filed for record in the Office of the County Recorder of Tooele County, Utah concurrently with the filing of this Third Supplemental Declaration.

c. **Phase 5 PUD Property** or **Phase 5 of the Town at Benson Mills Crossing** or **Property** shall mean and refer to the land described on Exhibit "A-5."

d. **Planned Unit Development** shall mean and refer to the Benson Mills Crossing Project.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. **Legal Description.** The real property described in Exhibit "A-5" is hereby submitted to the provisions of the Third Supplemental Declaration and by reference the Master Declaration, and said land shall be held, transferred, sold, conveyed, and occupied subject to the provisions of the Third Supplemental Declaration and by reference the Master Declaration, as they may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 5 PUD Property shall be annexed to and become subject to the Third Supplemental Declaration and by reference the Master Declaration which, upon recordation of this Third Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-5 subject to this Third Supplemental Declaration and by reference the Master Declaration, and the functions, powers, rights, duties, and jurisdiction of the Master Association.

4. **Total Number of Lots Revised.** As shown on the Phase 5 Map, sixteen (16) new Lots, Numbers 501-516, are or will be constructed and/or created in the Project on the Phase 5 Property. Upon the recordation of the Phase 5 Map and this Third Supplemental Declaration, the total number of Lots in the Project will be one hundred fifty-six (156) and the total number of Lots in The Towns at Benson Mill Crossing will be eighty-four (84). The additional Lots (and the homes to be constructed therein) are or will be substantially similar in construction, design and quality to the Lots and homes in the phases for detached single family homes.

5. **Percentage Interest Revised.** The percentages of ownership for the Lots in the entire subdivision are uniform and equal.

6. **Conflict.** In the event of any conflict, inconsistency, or incongruity between the provisions of this Third Supplemental Declaration and the Master Declaration, as supplemented or amended, the provisions of the former shall in all respects govern and control.

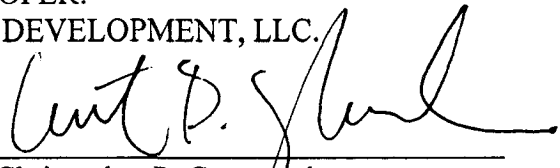
7. **Severance.** If any provision of this Supplemental Declaration is held to be illegal, invalid, or unenforceable under any present or future law, then that provision will be fully severable. This Supplemental Declaration will be construed and enforced as if the illegal, invalid, or unenforceable provision had never comprised a part hereof, and the remaining provisions of this Supplemental Declaration will remain in full force and effect and will not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Supplemental Declaration. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there will be added automatically, as a part of this Supplemental Declaration, a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

8. **Incorporation by Reference.** This Third Supplement is supplemental to the Master Declaration, which are by this reference made a part hereof, and all the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this Third Supplement and are made a part of this Third Supplement as though they were expressly rewritten, incorporated, and included herein.

9. **Effective Date.** The effective date of this Third Supplemental Declaration and the Phase 5 Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Tooele County, Utah.

Dated the 11th day of April, 2012.

DEVELOPER:
IVORY DEVELOPMENT, LLC.

By: 
Name: Christopher P. Gamvroulas
Title: Manager

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 11 day April, 2012 by Christopher P. Gamvroulas, the Manager of IVORY DEVELOPMENT, LLC., a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said company executed the same.


NOTARY PUBLIC

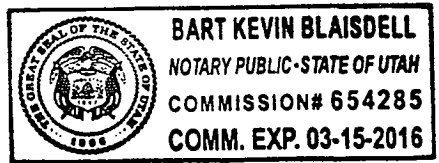


EXHIBIT "A-5"
LEGAL DESCRIPTION

The Property referred to in the foregoing document is located in Tooele County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

Beginning at a point on the Northerly Boundary Line of Benson Mill Crossing Phase 1 PUD, recorded January 4, 2007 as Entry No. 275454 in Tooele County Records, said point also being S89°56'12"W 752.64 feet along the Section Line and North 349.10 feet from the Southwest Corner of Section 10, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running

thence South 40°00'16" West 116.88 feet along the Northerly Boundary Line of said Benson Mill Crossing Phase 1 PUD;
thence North 81°24'47" West 93.35 feet along the Northerly Boundary Line of said Benson Mill Crossing Phase 1 PUD;
thence North 66°04'37" West 69.19 feet;
thence North 50°59'42" West 55.39 feet along the Northerly Boundary Line of said Benson Mill Crossing Phase 1 PUD;
thence North 30°14'05" West 53.98 feet;
thence North 08°30'45" West 135.66 feet along the Northerly Boundary Line of said Benson Mill Crossing Phase 1 PUD;
thence South 89°12'05" West 201.14 feet along the Northerly Boundary Line of said Benson Mill Crossing Phase 1 PUD;
thence Southeasterly 7.98 feet along the arc of a 483.04 feet radius curve to the left (center bears North 86°18'33" East and the chord bears South 04°09'51" East 7.98 feet with a central angle of 00°56'49") along the Northerly Boundary Line of said Benson Mill Crossing Phase 1 PUD;
thence South 84°53'12" West 102.82 feet along the Northerly Boundary Line of said Benson Mill Crossing Phase 1 PUD to the Easterly Boundary Line of Kennecott property line;
thence North 00°53'30" East 128.96 feet;
thence South 89°06'30" East 160.01 feet
thence North 00°53'30" East 51.54 feet;
thence North 89°12'05" East 480.00 feet;
thence South 00°47'55" East 160.00 feet;
thence South 89°12'05" West 23.44 feet;
thence South 00°47'55" East 172.59 feet to the point of beginning.

Contains 164,466 Square Feet or 3.776 Acres and 16 Lots