

AFTER RECORDING PLEASE RETURN TO:
Ivory Development, LLC
Christopher P. Gamvroulas
978 East Woodoak Lane
Salt Lake City, Utah 84117
(801) 747-7440

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

**FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR
FOR
BENSON MILL CROSSING,**

This First Amendment to the Covenants, Conditions and Restrictions, for Benson Mills Crossing is executed by Ivory Development, LLC, of 978 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

RECITALS

Whereas, the Declaration of Covenants, Conditions and Restrictions, and reservation of Easements for Benson Mill Crossing was recorded in the official records of the County Recorder of Tooele County, Utah on 6/29/07 as Entry No. 288009 in Book NA of Pages NA (the "Master Declaration").

Whereas, the related Plat Map for phase 1 of the project has also been recorded in the office of the County Recorder of Tooele County, Utah.

Whereas, the related Plat Map for phase 2 (Benson Mill Crossing Phase 2 PUD The Towns) of the project has also been recorded in the office of the County Recorder of Tooele County, Utah.

Whereas, the Declarant reserved the unilateral right to amend this Declaration.

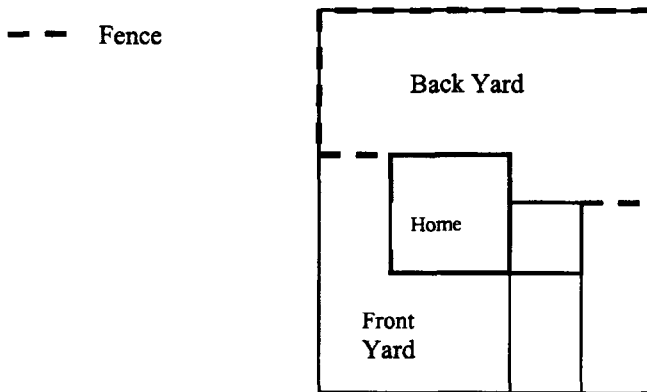
NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot owners thereof, the Developer hereby executes this First Amendment to Declaration of the Protective Covenants for Benson Mill Crossing for and on behalf of all the Lot Owners.

10.17.07

1. **Amendments** The Declaration is amended as follows:

- a. **Fencing.** All fencing at the Benson Mill Crossing Subdivision shall be vinyl fencing and is to match the quality, grade, and workmanship of the vinyl fencing installed by the developer. The following fencing restrictions shall apply:
 - i. No front yard fencing is allowed;
 - ii. No fence shall be erected in any rear yard to a height in excess of six feet (6');
 - iii. Fencing may not extend toward the front of the home or lot beyond the geometric plane established by the rear corner of the home;
 - iv. Wood fencing is not allowed;
 - v. Fencing on corner lots shall meet city and county ordinances regarding vision triangle standards for safety and visibility.
 - vi. Any fencing or similar structure to be constructed using other construction materials, colors or deviations from these guidelines shall require the prior express written approval of the Developer.
 - vii. ALL fencing plans MUST have the prior written approval of the Developer.

(Diagram of typical fencing plan)



- b. **Landscaping.** All private landscaping located on the side yard areas between the single family detached homes (homes) must be limited to a drip system irrigation design which will reduce the amount of water in these areas. NO sod or spray head sprinklers are allowed between the front geometric plane and the rear geometric plane on the side yard areas of all homes. Bark, perma bark, mulch, or rock landscaping IS ALLOWED in the side yard areas between homes. Shrubs, flowers, and plants are allowed in the area between the homes if watered by a drip irrigation system.

2. **Effective Date.** This Declaration, any amendment or supplement hereto, and any amendment or supplement to the Plat Map shall take effect upon its being filed for record in the office of the County Recorder of Tooele County, Utah.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand this ___ day of September, 2007.

DECLARANT:
IVORY DEVELOPMENT, LLC.

By: *Christopher P. Gamvroulas*
Name: Christopher P. Gamvroulas
Title: Managing Member

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 13 day September, 2007 by Christopher P. Gamvroulas, the Managing Member of IVORY DEVELOPMENT, LLC., a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY DEVELOPMENT, LLC. executed the same.

Donna Perkins
NOTARY PUBLIC
Residing at: *Salt Lake*
My Commission Expires: *5/30/2010*

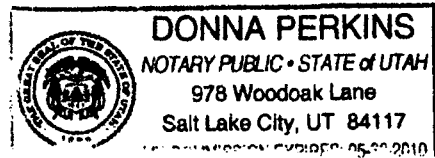


EXHIBIT "A"
LEGAL DESCRIPTION OF BENSON MILLS CROSSING PHASE 1
SUBDIVISION

The Land described in the foregoing document as the Towns at Benson Mills Crossing is located in Tooele County, Utah and is described more particularly as follows:

EXHIBIT "A"
LEGAL DESCRIPTION

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

Benson Mill Crossing Phase 1 Subdivision

(September 13, 2006)

Beginning at a point S89°56'12"W 136.22 feet along the Section Line and North 110.40 feet from the Southwest Corner of Section 10, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running thence Southwesterly 86.46 feet along the arc of a 180.00 foot radius curve to the right, chord bears S65°19'43"W 85.64 feet; thence S51°56'41"W 204.29 feet to the Northeasterly Corner of the Beehive Storage property; thence S51°56'41"W 284.65 feet to the Easterly right of way line of Stansbury Parkway, a Tooele County publicly dedicated street; thence along said right of way the following four courses: (1) N37°33'59"W 325.55 feet; (2) thence Northeasterly 30.97 feet along the arc of a 20.00 foot radius curve to the right, chord bears N06°47'42"E 27.97 feet; (3) thence N51°09'22"E 1.11 feet; (4) thence N38°50'38"W 60.00 feet to the Northerly right of way line of Brigham Road, a Tooele County publicly dedicated street; thence S51°09'22"W 334.07 feet along said Northerly right of way to the Southeasterly corner of Lot B, dedicated to Tooele County as shown on the Brigham Road dedication plat; thence along the Easterly line of said Lot B the following five courses: (1) N26°34'33"W 48.13 feet; (2) thence N70°34'21"W 134.95 feet; (3) thence N09°41'37"W 82.03 feet; (4) thence N28°20'54"W 82.75 feet; (5) thence N81°11'41"W 89.92 feet to the Kennecott property line; thence N00°53'30"E 344.32 feet along said Kennecott property line; thence N84°53'12"E 102.82 feet; thence Northwesterly 7.99 feet along the arc of a 430.00 foot radius curve to the right, chord bears N04°26'05"W 7.99 feet; thence N89°12'05"E 201.18 feet; thence S08°30'45"E 163.99 feet; thence S50°59'42"E 121.12 feet; thence S81°24'47"E 128.91 feet; thence N40°00'16"E 208.70 feet; thence N88°27'53"E 240.02 feet; thence S59°54'07"E 139.99 feet; thence S38°25'57"E 185.64 feet; thence N51°34'03"E 253.68 feet; thence N38°25'57"W 32.00 feet; thence N51°34'03"E 180.05 feet; thence N38°25'57"W 3.00 feet; thence N51°34'03"E 41.18 feet; thence N73°03'18"E 93.67 feet; thence N35°36'51"E 167.93 feet; thence N89°12'05"E 70.05 feet; thence S38°25'57"E 4.07 feet; thence N51°34'03"E 263.19 feet to the Westerly line of the UDOT Haul Road; thence along said Westerly line the following two courses: (1) S28°26'34"E 16.73 feet; (2) thence S37°13'35"E 111.55 feet; thence S51°34'03"W 1035.18 feet to the point of beginning.

Contains 14.806 Acres