

Ent: 299872 - Pg 1 of 6  
Date: 1/3/2008 2:12 PM  
Fee: \$75.00 CREDIT CARD  
Filed By: KL  
CALLEN B PESHELL, Recorder  
Tooele County Corporation  
For: IVORY DEVELOPMENT LLC

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

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

**FIRST SUPPLEMENT TO  
NEIGHBORHOOD  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
AND RESERVATION OF EASEMENTS  
FOR  
BENSON MILL CROSSING, PHASE 3 PUD,  
a part of the expandable Benson Mill Crossing planned Townhouse Lot development)**

This First Supplement to Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing, Phase 3 PUD, a part of the Benson Mill Crossing expandable planned unit development (the "First Supplemental Declaration") is executed by Ivory Development, LLC, of 978 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

**RECITALS**

- A. This First 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 3 Property" or "Property").
- B. The Phase 3 Property is an area featuring unique and distinctive terrain;
- C. The Phase 3 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 6/29/07 as Entry No. 288009 in Book NA at Page(s) NA (the "Master Declaration").
- D. Benson Mill Crossing is herein referred to as (the "Project").

E. The related Final Plat for Phase 1 of the Project has also been recorded in the office of the County Recorder of Tooele County, Utah.

F. The Phase 3 Property is also subject to and bound by the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing Phase 2 PUD (The Towns) recorded in the official records of the County Recorder of Tooele County, Utah on 8/21/2007 as Entry No. 291805 in Book NA at Page(s) NA (the "Neighborhood Declaration").

G. The related Final Plat for Phase 2 of the Project (the 1<sup>st</sup> Phase of The Towns) has also been recorded in the office of the County Recorder of Tooele County, Utah.

H. By subjecting the Phase 3 Property to this First Supplemental Declaration, Neighborhood Declaration and Master Declaration, it is the desire, intent and purpose of Declarant to create a townhouse development in which beauty shall be substantially preserved, which will enhance the desirability of living on that real estate subject to this First Supplemental Declaration, Neighborhood Declaration and Master Declaration, and which will increase and preserve the utility, attractiveness, quality and value of the lands and improvements therein.

I. Declarant is the owner of the Phase 3 Property.

J. Declarant has constructed or is in the process of constructing upon the Phase 3 Property a planned unit development which shall include certain Lots, Common Area and Facilities, including the right to use and easement of enjoyment of the Project's amenities, subject to the provisions hereof, Neighborhood Declaration, and Master Declaration. The construction will be completed in accordance with the plans contained in the Final Plat for Benson Mill Crossing Phase 3 PUD (the "Final Plat") recorded concurrently with this First Supplemental Declaration.

K. Declarant intends to sell to various purchasers the fee title to the individual Lots contained in the Phase 3 Property, together with an appurtenant undivided ownership interest in the Common Areas and Facilities, subject to the provisions hereof, the Neighborhood Declaration, and Master Declaration.

L. Declarant desires, by filing this First Supplemental Declaration and Final Plat, to submit the Phase 3 Property and all improvements now or hereafter constructed thereon to the provisions hereof, Neighborhood Declaration and Master Declaration.

M. This Phase is to be known as "Benson Mill Crossing Phase 3 PUD" or "The 2<sup>nd</sup> Phase of The Towns at Benson Mill Crossing".

N. Pursuant to Article 2, Section 2.8 of the Master Declaration, Declarant reserved an option to unilaterally expand the Project.

O. Declarant desires to expand the planned unit development by creating on the Phase 3 Property additional Lots.

P. Declarant now intends that the Phase 3 Property shall become subject hereto, and Neighborhood Declaration, and the Master Declaration.

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

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

a. **First Supplemental Declaration** shall mean and refer to this First Supplement to Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing Phase 2 PUD (The Towns), a part of the Benson Mill Crossing expandable planned unit development.

b. **Phase 3 Map** shall mean and refer to the Final Plat of Benson Mill Crossing Phase 3 PUD, prepared and certified to by Gregory A. Cates, a duly registered Utah Land Surveyor holding Certificate No. 161226, and filed for record in the Office of the County Recorder of Tooele County, Utah concurrently with the filing of this First Supplemental Declaration.

c. **Phase 3 Property or Phase 2 of the Towns or Property** shall mean and refer to the land described on Exhibit "A."

d. **Planned Unit Development** shall mean and refer to the 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" is hereby submitted to the provisions of the First Supplemental Declaration, Neighborhood Declaration and Master Declaration, and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the First Supplemental Declaration, Neighborhood Declaration and Master Declaration as they may be supplemented or amended from time to time.

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

4. **Total Number of Units Revised.** As shown on the Phase 3 Map, fifty-three (53) new Lots, Numbers 301-353, are or will be constructed and/or created in the Project on the Phase 3 Property. Upon the recordation of the Phase 3 Map and this First Supplemental Declaration, the total number of Lots in the Project will be One hundred Thirty (130) and the total number of Lots in The Towns at Benson Mill Crossing will be Seventy Five (75). 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 1<sup>st</sup> Phase of The Towns.

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

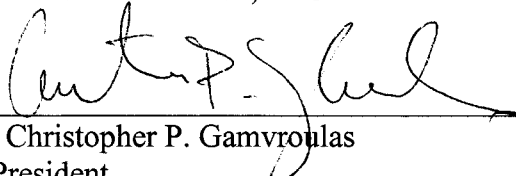
6. **Stormwater Agreement.** The Phase 3 Property is subject to that certain Stormwater Agreement recorded in the Office of the County Recorder of Tooele County, Utah as Entry No. 297854 and incorporated herein by this reference. The Neighborhood Association hereby assumes the benefit and burden of the Stormwater Agreement.

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

8. **Effective Date.** The effective date of this First Supplemental Declaration and the Phase 3 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 18 day of December, 2007.


DEVELOPER:  
IVORY DEVELOPMENT, LLC.

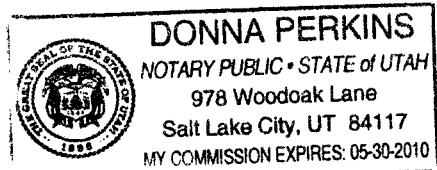
By:   
Name: Christopher P. Gamvroulas  
Title: President

**ACKNOWLEDGMENT**

STATE OF UTAH                    )  
  ss:  
COUNTY OF SALT LAKE    )

The foregoing instrument was acknowledged before me this 18 day December, 2007 by Christopher P. Gamvroulas, the President of IVORY DEVELOPMENT, LLC., a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said company executed the same.

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



**Exhibit "A"**  
**LEGAL DESCRIPTION**

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

**BENSON MILL CROSSING PHASE 3 PUD**

Beginning at a point on the Northwestern Right-of-Way Line of State Route 138, said point also being N89°57'10"E 515.97 feet along the Section Line and North 68.28 feet from the Southwest Corner of Section 10, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running thence N38°34'08"W 57.14 feet; thence S51°25'52"W 81.00 feet; thence N38°34'08"W 223.49 feet; thence N51°34'03"E 103.42 feet; thence Southeasterly 12.52 feet along the arc of a 25.00 foot radius curve to the right, chord bears S52°46'31"E 12.39 feet; thence N51°34'02"E 34.00 feet; thence Northwesternly 12.52 feet along the arc of a 25.00 foot radius curve to the right, chord bears N24°05'24"W 12.39 feet; thence N51°34'03"E 237.03 feet; thence N38°25'57"W 47.00 feet; thence Southwesterly 12.52 feet along the arc of a 25.00 foot radius curve to the right, chord bears S65°54'36"W 12.39 feet; thence N38°25'57"W 107.44 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) S37°13'35"E 391.09 feet; (2) S38°40'15"E 24.69 feet to the Northwesternly Boundary Line of Lot 4 of Phase 3 Gateway Neighborhood PUD Amended; thence the following two course along the Boundary Line of said Lot 4: (1) S51°34'03"W 409.83 feet; (2) S26°27'12"E 43.46 feet; to the Northwesternly Right-of-Way Line of State Route 138; thence Southwesterly 124.86 feet along the arc of a 984.25 foot radius curve to the left, chord bears S60°54'53"W 124.78 feet along said Northwesternly Right-of-Way to the point of beginning.

Contains 4.657 Acres and 53 Lots

16-70-301 thru 353  
A, B, & C