

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

Ent: 384002 - Pg 1 of 5
Date: 05/08/2013 12:41 PM
Fee: \$49.00
Filed By: cf
Jerry M. Houghton, Recorder
Tooele County Corporation
For: IVORY DEVELOPMENT

NOTE TO RECORDER:
RECORD ONLY AGAINST THE PROPERTY
DESCRIBED IN EXHIBIT "A-6"

**FOURTH SUPPLEMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND RESERVATION OF EASEMENTS
FOR
BENSON MILL CROSSING, PHASE 6 PUD,
a part of the expandable Benson Mill Crossing planned unit development)**

This Fourth Supplement to Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing, Phase 6 PUD, a part of the Benson Mill Crossing expandable planned unit development (the "Fourth Supplemental Declaration") is executed by Ivory Development, LLC, of 978 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

RECITALS

- A. This Fourth 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 6 PUD Property" or "Property").
- B. Declarant is the owner of the Phase 6 Property.
- C. The Phase 6 PUD Property is an area featuring unique and distinctive terrain.
- D. Benson Mills Crossing Phase 6 PUD consists or will consist of thirty (30) Lots intended for detached single family homes (the "Project").
- E. The Phase 6 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. The related final Plat for Phase 5 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele County, Utah.

K. By subjecting the Phase 6 PUD Property to this Third Supplemental Declaration Declarant intends to annex additional real property and expand Benson Mills Crossing.

L. This phase is to be known as "Benson Mill Crossing Phase 6 PUD" or "Phase 6 of Benson Mill Crossing."

M. 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.

N. Declarant desires to expand the planned unit development by creating on the Phase 6 PUD Property additional SFR Lots.

O. Declarant now intends that the Phase 6 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 Fourth Supplemental Declaration.

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

a. The term **Fourth Supplemental Declaration** as used herein shall mean and refer to this Fourth Supplement to the Master Declaration.

b. The term **Phase 6 PUD Map** as used herein shall mean and refer to the Final Plat of Benson Mill Crossing Phase 6 PUD, prepared and certified to by Dusty L. Bishop, a duly registered Utah Land Surveyor holding Certificate No. 4938720, and filed for record in the Office of the County Recorder of Tooele County, Utah concurrently with the filing of this Fourth Supplemental Declaration.

c. The terms **Phase 6 PUD Property** or **Phase 6 of Benson Mills Crossing** or **Property** as used herein shall mean and refer to the land described on Exhibit "A-6" unless the context clearly requires otherwise.

d. The term **Planned Unit Development** as used herein with reference to this subdivision shall mean and refer to the Benson Mills Crossing Project (unless the context clearly requires otherwise) which is a Planned Unit Development.

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-6" is hereby submitted to the provisions of the Fourth 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 Fourth 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 6 PUD Property shall be annexed to and become subject to the Fourth Supplemental Declaration and by reference the Master Declaration which, upon recordation of this Fourth Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-6 subject to this Fourth 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 6 Map, thirty (30) new Lots, Numbers 601-630, are or will be constructed and/or created in the Project on the Phase 6 Property. Upon the recordation of the Phase 6 Map and this Fourth Supplemental Declaration, the total number of Lots in the Project will be one hundred and eighty-six (186), of which one hundred and two (102) are single family residential Lots and the number of Lots in The Towns at Benson Mill Crossing is 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 Fourth 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

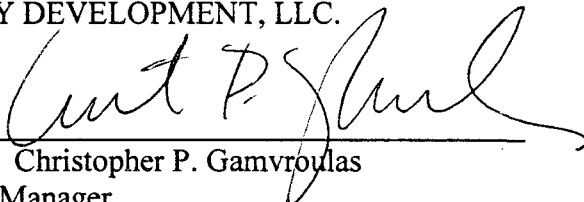
this Supplemental Declaration will remain in full force and effect and will not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Supplemental Declaration. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there will be added automatically, 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 Fourth 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 Fourth Supplement and are made a part of this Fourth Supplement as though they were expressly rewritten, incorporated, and included herein.

9. **Effective Date.** The effective date of this Fourth Supplemental Declaration and the Phase 6 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 ____ day of April, 2013.

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 19 day ^{April} ~~February~~, 2013 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. 3KB



NOTARY PUBLIC



EXHIBIT "A-6"
LEGAL DESCRIPTION

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

Beginning at the west corner of Lot 130 of the Benson Mill Crossing Phase 1 PUD, as recorded January 4, 2007, under Entry no. 275454, in the Tooele County Recorder's Office, which is located South 89°56'19" West 137.52 feet along the measured Section line and North 109.21 feet, and North 38°25'57" West 127.99 feet from the Southwest Corner of Section 10, Township 2 South, Range 4 West, Salt Lake Base and Meridian (This Section bearing and tie do not match those recorded on the plat for said Phase 1, for those reasons described above), and running:

thence North 38°25'57" West 185.64 feet along the northerly boundary line of said Benson Mill Crossing Phase 1 PUD;
thence North 59°54'07" West 139.99 feet along said northerly line;
thence South 88°27'53" West 240.02 feet along said northerly line;
thence South 40°00'16" West 86.69 feet along said northerly line to the easterly line of Benson Mill Crossing Phase 5 PUD, as recorded July 18, 2012, under Entry no. 372172, in the Tooele County Recorder's Office;
thence North 61°26'58" West 3.84 feet along said easterly line;
thence North 0°47'55" West 166.82 feet along said easterly line;
thence North 89°12'05" East 23.43 feet along said easterly line;
thence North 0°47'55" West 160.00 feet along said easterly line to the northeast corner of said Phase 5;
thence North 89°12'05" East 1046.00 feet;
thence North 0°47'55" West 100.00 feet;
thence South 89°12'05" West 40.96 feet;
thence North 0°47'55" West 160.00 feet;
thence North 89°12'05" East 276.66 feet;
thence South 28°26'34" East 115.72 feet to the northerly line of said Benson Mill Crossing Phase 1 PUD;
thence South 51°34'03" West 263.19 feet along said northerly line;
thence North 38°25'57" West 4.07 feet along said northerly line;
thence South 89°12'05" West 70.05 feet along said northerly line;
thence South 35°36'51" West 167.93 feet along said northerly line;
thence South 73°03'18" West 93.67 feet along said northerly line;
thence South 51°34'03" West 41.18 feet along said northerly line;
thence South 38°25'57" East 3.00 feet along said northerly line;
thence South 51°34'03" West 180.05 feet along said northerly line;
thence South 38°25'57" East 32.00 feet along said northerly line;
thence South 51°34'03" West 253.68 feet along said northerly line to the Point of Beginning,

Parcel contains: 356,045 square feet or 8.17 acres.