

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

Ent: 394941 - Pg 1 of 6
Date: 01/30/2014 09:57 AM
Fee: \$65.00
Filed By: cp
Jerry M. Houshton, Recorder
Tooele County Corporation
For: IVORY DEVELOPMENT LLC

NOTE TO RECORDER:
RECORD ONLY AGAINST THE PROPERTY
DESCRIBED IN EXHIBIT "A-8"

**SIXTH SUPPLEMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND RESERVATION OF EASEMENTS
FOR
BENSON MILL CROSSING, PHASE 8 PUD,
a part of the expandable Benson Mill Crossing planned unit development)**

This Sixth Supplement to Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing, Phase 8 PUD, a part of the Benson Mill Crossing expandable planned unit development (the "Sixth Supplemental Declaration") is executed by Ivory Development, LLC, of 978 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

RECITALS

- A. This Sixth 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 8 PUD Property" or "Property").
- B. Declarant is the owner of the Phase 8 Property.
- C. The Phase 8 PUD Property is an area featuring unique and distinctive terrain.
- D. Benson Mills Crossing Phase 8 PUD consists or will consist of forty-five (45) Lots intended for attached town homes (the "Project").
- E. The Phase 8 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. The related Final Plat for Phase 6 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele County, Utah.

L. The related Final Plat for Phase 8 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele County, Utah.

M. By subjecting the Phase 8 PUD Property to this Sixth Supplemental Declaration Declarant intends to annex additional real property and expand Benson Mills Crossing.

N. This phase is to be known as "Benson Mill Crossing Phase 8 PUD".

O. 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.

P. Declarant desires to expand the planned unit development by creating on the Phase 8 PUD Property additional Lots and Town Homes.

Q. Declarant now intends that the Phase 8 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 Sixth 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 **Sixth Supplemental Declaration** as used herein shall mean and refer to this Sixth Supplement to the Master Declaration.

b. The term **Phase 8 PUD Map** as used herein shall mean and refer to the Final Plat of Benson Mill Crossing Phase 8 PUD, prepared and certified to by Dusty L. Bishop, a duly registered Utah Land Surveyor holding Certificate No. 4638781, and filed for record in the Office of the County Recorder of Tooele County, Utah concurrently with the filing of this Sixth Supplemental Declaration.

c. The terms **Phase 8 PUD Property** as used herein shall mean and refer to the land described on Exhibit "A-8 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-8" is hereby submitted to the provisions of the Sixth 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 Sixth 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 8 PUD Property shall be annexed to and become subject to the Sixth Supplemental Declaration and by reference the Master Declaration which, upon recordation of this Sixth Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-8 subject to this Sixth 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 8 Map, forty-five (45) new Lots, Numbers 801-845, are or will be constructed and/or created in the Project on the Phase 8 Property. Upon the recordation of the Phase 8 Map and this Sixth Supplemental Declaration, the total number of Lots in the Benson Mill Project will be two hundred and forty-nine (249), of which the number of single family residential Lots will be one hundred forty-seven (147) and the number of Lots in The Towns at Benson Mill Crossing is one hundred and two (102). 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 Sixth Supplemental Declaration and the Master Declaration, as supplemented or amended, the provisions of the former shall in all respects govern and control.

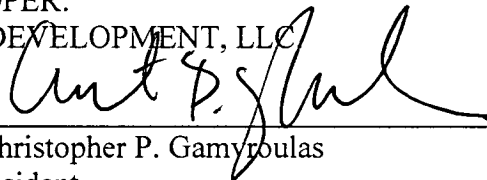
7. **Severance.** If any provision of this Sixth Supplemental Declaration is held to be illegal, invalid, or unenforceable under any present or future law, then that provision will be fully severable. This Sixth Supplemental Declaration will be construed and enforced as if the illegal, invalid, or unenforceable provision had never comprised a part hereof, and the remaining provisions of this Sixth 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 Sixth Supplemental Declaration. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there will be added automatically, as a part of this Sixth 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 Sixth 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 Sixth Supplement and are made a part of this Sixth Supplement as though they were expressly rewritten, incorporated, and included herein.

9. **Effective Date.** The effective date of this Sixth Supplemental Declaration and the Phase 8 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 10th day of December, 2013.

DEVELOPER:
IVORY DEVELOPMENT, LLC

By: 
Name: Christopher P. Gamyroulas
Title: President

ACKNOWLEDGMENT

STATE OF UTAH)
 SS:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 10 day December, 2013 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.



NOTARY PUBLIC

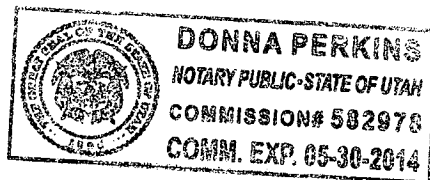


EXHIBIT "A-8"
LEGAL DESCRIPTION

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

A parcel of land, situate in the Southeast Quarter of Section 9 and the Southwest Quarter of Section 10, Township 2 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the north line of Benson Mill Crossing Phase 6 PUD, as recorded May 8, 2013, under Entry no. 384001, in the Tooele County Recorder's Office, which is located North 0°03'30" West 691.28 feet along the measured Section line from the Southwest Corner of Section 10, Township 2 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence South 89°12'05" West 1213.11 feet along the north line of said Benson Mill Crossing Phase 6 PUD, to and along the north line of Benson Mill Crossing Phase 5 PUD recorded as Entry no. 372172 in the Tooele County Recorder's Office;

thence South 0°53'30" West 51.54 feet along said subdivision;

thence North 89°06'30" West 160.00 feet along said subdivision, to an existing fence line;

thence North 0°53'30" East 306.93 feet along said fence line to an existing fence corner;

thence North 89°12'05" East 1637.44 feet along said fence line to the Northwesternly Corner of said Benson Mill Crossing Phase 6 PUD;

thence South 0°47'55" East 160.00 feet along the west line of said subdivision;

thence North 89°12'08" East 40.96 feet along said subdivision;

thence South 0°47'55" East 100.00 feet along said subdivision;

thence South 89°12'05" West 312.89 feet along said subdivision to the Point of Beginning.