

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

Ent: 403961 - Pg 1 of 6
Date: 10/06/2014 02:27 PM
Fee: \$59.00
Filed By: cf
Jerry Houghton, Recorder
Tooele County Corporation
For: IVORY DEVELOPMENT LLC

NOTE TO RECORDER:
RECORD ONLY AGAINST THE PROPERTY
DESCRIBED IN EXHIBIT "A-9"

**SEVENTH SUPPLEMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND RESERVATION OF EASEMENTS
FOR
BENSON MILL CROSSING, PHASE 9 PUD,
a part of the expandable Benson Mill Crossing planned unit development)**

This Seventh Supplement to Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing, Phase 9 PUD, a part of the Benson Mill Crossing expandable planned unit development (the "Seventh Supplemental Declaration") is executed by Ivory Development, LLC, of 978 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

RECITALS

- A. This Seventh 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 9 PUD Property" or "Property").
- B. Declarant is the owner of the Phase 9 Property.
- C. The Phase 9 PUD Property is an area featuring unique and distinctive terrain.
- D. Benson Mills Crossing Phase 9 PUD consists or will consist of thirty-eight (38) Lots intended for Town Homes (the "Project").
- E. The Phase 9 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 7 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele County, Utah.

M. 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.

N. By subjecting the Phase 9 PUD Property to this Seventh Supplemental Declaration Declarant intends to annex additional real property and expand Benson Mills Crossing.

O. This phase is to be known as "Benson Mill Crossing Phase 9 PUD".

P. 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.

Q. Declarant desires to expand the planned unit development by creating on the Phase 9 PUD Property additional Lots and Town Homes.

R. Declarant now intends that the Phase 9 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 Seventh 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 **Phase 9 PUD Map** as used herein shall mean and refer to the Final Plat of Benson Mill Crossing Phase 9 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 Seventh Supplemental Declaration.

b. The terms **Phase 9 PUD Property** as used herein shall mean and refer to the land described on Exhibit "A-9 unless the context clearly requires otherwise.

c. The term **Planned Unit Development** or **PUD** 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.

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

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-9" is hereby submitted to the provisions of the Seventh 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 Seventh 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 9 PUD Property shall be annexed to and become subject to the Seventh Supplemental Declaration and by reference the Master Declaration which, upon recordation of this Seventh Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-9 subject to this Seventh 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 9 Map, six (6) Buildings and thirty-eight (38) new Lots, Numbers 901-938, are or will be constructed and/or created in the Project on the Phase 9 Property. Upon the recordation of the Phase 9 Map and this Seventh Supplemental Declaration, the total number of Lots in the Benson Mill Project will be two hundred and eighty-seven (287), of which the number of single family residential Lots will be one hundred forty-seven (147) and the number of Lots/Town Homes in The Towns at Benson Mill Crossing is one hundred and forty (140). 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 hereby revised and shall remain uniform and equal. Each Lot shall have a 1/288 interest.

6. **Conflict.** In the event of any conflict, inconsistency, or incongruity between the provisions of this Seventh 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 Seventh Supplemental Declaration is held to be illegal, invalid, or unenforceable under any present or future law, then that provision will be fully severable. This Seventh 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 Seventh 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 Seventh Supplemental Declaration. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there will be added automatically, as a part of this Seventh 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 Seventh 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 Seventh Supplement and are made a part of this Seventh Supplement as though they were expressly rewritten, incorporated, and included herein.

9. **Effective Date.** The effective date of this Seventh Supplemental Declaration and the Phase 9 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 July, 2014.

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 8 day July, 2014 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

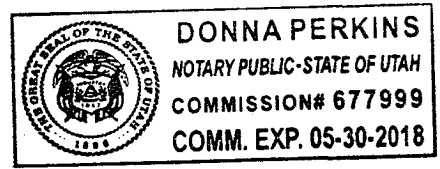


EXHIBIT "A-9"
LEGAL DESCRIPTION

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, the Southwest Quarter of Section 10, the Northwest Quarter of Section 15, and the Northeast Quarter of Section 16, Township 2 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the northeasterly corner of the Tooele County Parcel (05-034-0-0066), also record of survey #2013-0024-01, which lies on the southeasterly boundary 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 point is located South 89°56'19" West 374.81 feet along the Section line and South 51.12 feet from the Northwest Corner of Section 15, Township 2 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence North 51°56'41" East 204.29 feet along the southeasterly boundary of said subdivision, to the southerly line of Brigham Road;

thence Northeasterly 86.46 feet along the arc of a 180.00-foot radius non-tangent curve to the left (center bears North 10°54'36" West and the long chord bears North 65°19'43" East 85.64 feet, through a central angle of 27°31'21"), along said subdivision boundary and road;

thence North 51°34'03" East 13.83 feet along said subdivision boundary and road, to the westerly line of the 'Benson Mill Crossing Phase 4 PUD', as recorded June 18, 2011, under Entry no. 357256, in the Tooele County Recorder's Office;

thence South 38°25'57" East 110.50 feet along said westerly boundary;

thence South 51°34'03" West 5.39 feet along said boundary;

thence South 38°34'08" East 152.00 feet along said boundary;

thence North 51°34'03" East 147.31 feet along said boundary to the southwesterly line of Benson Mill Crossing Phase 7 PUD', as recorded May 8, 2013, under Entry no. 384003, in the Tooele County Recorder's Office;;

thence South 38°34'08" East 170.04 feet along said boundary to the north line of State Route 138;

thence South 51°21'34" West 450.87 feet along said north line to the southeasterly corner of said Tooele County parcel (05-034-0-0066), also record of survey #2013-0024-01;

thence North 37°33'59" West 455.94 feet along the boundary of said parcel to the Point of Beginning.

Parcel contains: 160,532 square feet or 3.69 acres.