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 Book - 9826 Pg - 100-105
 Gary W. Ott
 Recorder, Salt Lake County, UT
 COTTONWOOD TITLE
 BY: eCASH, DEPUTY - EF 6 P.

WHEN RECORDED RETURN TO:
 IVORY DEVELOPMENT, LLC.
 Christopher P. Gamvroulas
 978 E. Woodoak Lane
 Salt Lake City, Utah 84117
 (801) 268-0700

28-32-351-010

**FIFTH SUPPLEMENT TO THE
 DECLARATION OF PROTECTIVE COVENANTS
 FOR BELLEVUE PHASE 6A**

This Fifth Supplement to the Declaration of Protective Covenants for Bellevue Phase 6A, is made and executed by IVORY DEVELOPMENT, LLC., a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Declaration of Protective Covenants for Bellevue Phase 1, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on August 6, 2004 as Entry No. 9140466 in Book 9023 at Pages 4303-4319 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 1 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration of Protective Covenants for Bellevue Phase 2, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on January 30, 2006 as Entry No. 9623178 in Book 9248 at Pages 9418-9425 of the Official Records (the "First Supplement").

Whereas, the related Plat Map for Phase 2 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Second Supplement to the Declaration of Protective Covenants for Bellevue Phase 3, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on January 30, 2006 as Entry No. 9623178 in Book 9248 at Pages 9418-9425 of the Official Records (the "Second Supplement").

Whereas, the related Plat Map for Phase 3 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Third Supplement to the Declaration of Protective Covenants for Bellevue Phase 4, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on August 24, 2006 as Entry No. 9822954 in Book 9340 at Pages 6412-6428 of the Official Records (the "Third Supplement").

Whereas, the related Plat Map for Phase 4 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fourth Supplement to the Declaration of Protective Covenants for Bellevue Phase 5, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on June 20, 2007 as Entry No. 10139168 in Book 9480 at Pages 7946-7950 of the Official Records (the "Fourth Supplement").

Whereas, the related Plat Map for Phase 5 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Section 3 of the Declaration, Declarant reserved the unilateral right to expand the planned residential development to annex additional land and expand the application of the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-5" attached hereto and incorporated herein by this reference (the "Phase 6A Property").

Whereas, Declarant desires to expand the planned residential development by creating on the Phase 6A Property additional Lots and other improvements of a less significant nature.

Whereas, Declarant now intends that the Phase 6A Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the planned residential development and the Lot Owners thereof, Declarant hereby executes this Fifth Supplement to the Declaration of Protective Covenants for Bellevue Phase 6A.

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

- a. **Phase 6A Map** shall mean and refer to the Plat Map of Phase 6A of the Project, prepared and certified to by Brad A. Llewelyn, a duly registered Utah Land Surveyor holding Certificate No. 4938735, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Fifth Supplemental Declaration.

b. **Fifth Supplemental Declaration** shall mean and refer to this Fifth Supplement to the Declaration of Protective Covenants for Bellevue Phase 6A.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

3. **Legal Description.** The real property described in Exhibit A-5 is hereby submitted to the provisions of the Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration as it may be supplemented or amended from time to time.

4. **Annexation.** Declarant hereby declares that the Phase 6A Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Fifth Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-5 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association and the ARC.

5. **Description of Property and Total Number of Units Revised.** As shown on the Phase 6A Map, 20 new Lots, Numbers 601-620, inclusive, and other improvements of a less significant nature are or will be constructed and/or created in the Project on the Phase 6A Property. Upon the recordation of the Phase 6A Map and this Fifth Supplemental Declaration, the total number of Lots in the Project will be 248. 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 prior Phase.

6. **Street Trees.** Landscaping shall include the planting of trees in accordance with the Street Tree Planting Plan, a copy of which is attached hereto, marked Exhibit "B" and incorporated herein by this reference.

7. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration, as supplemented or amended, and the provisions set forth in this Fifth Supplement, the latter shall in all respects govern and control.

EXHIBIT "A"
LEGAL DESCRIPTION

The Property referred to in the foregoing document as the Bellevue Phase 6A Property is located in Salt Lake County, Utah and is described more particularly as follows:

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN.

COMMENCING AT THE SOUTHEAST CORNER OF LOT 518, BELLEVUE PHASE 5 SUBDIVISION AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER AS ENTRY NUMBER 10090851 IN BOOK 2007P ON PAGE 188, SAID POINT BEING N0°05'37"E, 135.85 FEET AND S89°54'23"E, 2340.55 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE ALONG THE BOUNDARY OF SAID BELLEVUE PHASE 5 SUBDIVISION THE FOLLOWING NINE (9) COURSES: (1) N05°12'51"E, 115.00 FEET; (2) S85°00'00"E, 52.45 FEET; (3) N04°32'16"E, 157.62 FEET; (4) N02°09'19"W, 110.07 FEET; (5) N10°57'37"W, 110.07 FEET; (6) N19°12'01"W, 120.06 FEET; (7) N29°14'32"W, 93.52 FEET; (8) S60°45'28"W, 12.00 FEET; (9) N29°14'32"W, 165.99 FEET TO A POINT ON THE BOUNDARY OF BELLEVUE PHASE 4 SUBDIVISION AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER AS ENTRY NUMBER 9719236 IN BOOK 2006P ON PAGE 133; THENCE ALONG THE BOUNDARY OF SAID BELLEVUE PHASE 4 SUBDIVISION THE FOLLOWING TWO (2) COURSES: (1) N60°45'28"E, 276.61 FEET; (2) 23.42 FEET ALONG THE ARC OF A 693.50 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS N59°47'26"E, 23.42 FEET); THENCE S31°08'33"E, 166.02 FEET; THENCE 20.32 FEET ALONG THE ARC OF A 827.50 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS S59°33'39"W, 20.31 FEET); THENCE S28°40'27"E, 98.09 FEET; THENCE S22°59'04"E, 94.82 FEET; THENCE S17°25'01"E, 107.90 FEET; THENCE S11°11'38"E, 101.92 FEET; THENCE S05°02'57"E, 106.41 FEET; THENCE S00°35'49"W, 94.89 FEET; THENCE S05°00'00"W, 95.86 FEET; THENCE S85°00'00"E, 54.51 FEET; THENCE S05°00'00"W, 55.00 FEET; THENCE S05°12'51"W, 115.70 FEET; THENCE N84°47'09"W, 186.56 FEET; THENCE N85°00'00"W, 193.45 FEET TO THE POINT OF BEGINNING.

CONTAINS: 6.456 ACRES - 20 LOTS

EXHIBIT B
I V O R Y H O M E S A T
BELEVUE PHASE 6A
 Draper, Utah



- Spring Snow Crabapple
- ⊗ Blireana Plum

