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RETURNED  
Boyer Co  
MAY 21 2003

WHEN RECORDED, PLEASE RETURN TO:

E 1868727 B 3295 P 551  
RICHARD T. MAUGHAN, DAVIS CNTY RECORDER  
2003 MAY 21 10:39 AM FEE 78.00 DEP DJW  
REC'D FOR FARMINGTON CITY CORP

The Boyer Company  
Attn: Richard Moffat  
90 South 400 West, Suite 200  
Salt Lake City, Utah 84101

Lots 424 + 474 Parcels  
4A + 4B + 4E  
OR 307-2124  
+ 11-0482

**THIRD SUPPLEMENT TO DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
FARMINGTON RANCHES SUBDIVISION PHASE 1  
ADDING  
FARMINGTON RANCHES SUBDIVISION PHASE 4**

This Third Supplement (the "Third Supplement") is made and executed this 6<sup>TH</sup> day of MAY, 2003, by BOYER WHEELER FARM, L.C., a Utah limited liability company (the "Declarant").

RECITALS:

- A. Declarant is the record owner of that certain tract of real property known as Farmington Ranches Phase 4 Subdivision ("Phase 4"), which property is more specifically shown on the plat thereof recorded in the official records of Davis County, State of Utah, on \_\_\_\_\_, \_\_\_\_\_ as Entry Number \_\_\_\_\_ in Book \_\_\_\_\_ at Page \_\_\_\_\_ (the "Phase 4 Plat"). The metes and bounds description of Phase 4 is set forth on Exhibit "A" of this Third Supplement.
- B. Declarant previously recorded that certain plat of subdivision known as Farmington Ranches Phase 1 Subdivision in the official records of Davis County, State of Utah, on June 7, 2001, as Entry Number 1666531 in Book 2823 at Page 445.
- C. Declarant previously recorded that certain plat of subdivision known as Farmington Ranches Phase 2 Subdivision in the official records of Davis County, State of Utah, on June 7, 2001, as Entry Number 1666532 in Book 2823 at Page 446 (the "Phase 2 Plat").
- D. Declarant previously recorded that certain plat of subdivision known as Farmington Ranches Phase 3 Subdivision in the official records of Davis County, State of Utah, on June 12, 2002, as Entry Number 1761082 in Book 3063 at Page 385 (the "Phase 3 Plat").
- E. Declarant previously executed and recorded that certain Declaration of Protective Covenants, Conditions, and Restrictions for Farmington Ranches Subdivision Phase 1 dated July 16, 2001 (the "Declaration"), which Declaration was recorded in the official records of Davis County, State of Utah on July 17, 2001, as Entry Number 1675524 in Book 2848 at Page 676. Capitalized terms not specifically defined herein have the meaning ascribed to such terms in the Declaration.

F. Declarant previously executed and recorded the Supplement to Declaration of Covenants, Conditions, and Restrictions for Farmington Ranches Subdivision Phase 1 Adding Farmington Ranches Subdivision Phase 2 dated August 7, 2001 (the "Supplement"), which Supplement was recorded in the official records of Davis County, State of Utah on August 7, 2001, as Entry Number 1680180 in Book 2861 at Page 571. Capitalized terms not specifically defined herein have the meaning ascribed to such terms in the Declaration.

G. Declarant previously executed and recorded the Supplement to Declaration of Covenants, Conditions, and Restrictions for Farmington Ranches Subdivision Phase 1 Adding Farmington Ranches Subdivision Phase 3 dated May 31, 2002 (the "Second Supplement"), which Second Supplement was recorded in the official records of Davis County, State of Utah on June 12, 2002, as Entry Number 1761083 in Book 3063 at Page 386. Capitalized terms not specifically defined herein have the meaning ascribed to such terms in the Declaration.

H. Declarant previously recorded the First Amendment to Declaration of Protective Covenants, Conditions, and Restrictions for Farmington Ranches Subdivision in the official records of Davis County, State of Utah on October 29, 2001 as Entry Number 1698935 in Book 2914 at Page 348.

I. Pursuant to Article X of the Declaration, Declarant reserved the right to expand the Project by submitting certain Additional Land to the Declaration. Phase 4 is a part of the Additional Land.

J. Pursuant to Section 10.3 of the Declaration, Declarant desires to expand the Project by adding Phase 4 to the Project and to subject Phase 4 to the Declaration with this Third Supplement.

NOW, THEREFORE, in consideration of the foregoing covenants and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. Declarant hereby declares that, as more fully set forth in Article X of the Declaration, the Project known as Farmington Ranches Subdivision shall be expanded to include Phase 4 and that Phase 4, from and after the recording of this Third Supplement, shall be a part of the Project.

2. Declarant also declares that Phase 4 shall be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration, as the same may be amended or supplemented from time to time in accordance with the terms and provisions of the Declaration; provided, however, that with respect to Phase 4 only, the following Sections of the Declaration are amended and restated in their entirety or, with respect to the following Section 8.1, added with respect to Phase 4:

8.1 Land Use and Building Type. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one (1) single-family dwelling not to exceed two (2) stories in height and private garage for not less than two (2) vehicles and not more than three (3) vehicles without the prior written approval of the Architectural Control Committee (Committee). No areas known as wetlands shall ever be disturbed. Ramblers shall have a minimum of 1,200 finished square feet of floor area above finished grade; Two Stories shall have a minimum of 1,650 finished square feet of

floor area above finished grade with a minimum of 900 square feet of floor area on the main floor above finished grade. Tri-level homes shall have a minimum of 1650 square feet of floor area above finished grade. No split entry homes are permitted. No basements are permitted in the subdivision. No crawl space beneath existing grade is permitted. The calculation of square footage of any style shall exclude garages, porches, verandas, patios, basements, porches, eaves, overhangs and steps. Any square footage with any portion thereof beneath the finished grade of the foundations will not qualify to satisfy the minimum square footage requirement. Any deviations from this requirement must be approved in writing by the Committee. Housing construction costs must be a minimum of \$90,000, excluding lot, loan costs, and closing. Exterior material shall consist of brick, rock, stucco, or a combination of the three on the front of the home. Vinyl siding is permitted only on the side and on the rear of the home. Notwithstanding anything to the contrary in this paragraph, lots 435 through and including lot 448 shall be limited to masonry (rock, stucco or brick) or a combination of the three on the front sides and rear. Aluminum soffit and fascia is acceptable. No aluminum exterior siding homes shall be permitted in the Project. No wood exterior siding shall be permitted in the Project with the exception of a masonite type material in combination with brick, rock and/or stucco if approved by the Committee on lots 424 through 434 inclusive lots 449 through 477 inclusive. All exterior materials and colors are to be specified on plans and submitted along with samples for approval by the Committee. All exterior material colors shall be earth tone. No flat roofs shall be permitted in the project. No foundation may exceed eighteen (18) inches in height of exposed concrete, including porches, stairs or any other protrusion out of the ground. Tri-level homes and lower level of rambler homes must backfill around the front and sides as directed by the Committee.

3. The Declarant hereby agrees that, at or before its conveyance of the first Lot in Phase 4, it shall convey good and marketable title to the Common Areas shown on the Phase 4 Plat to the Association by warranty deed free and clear of any monetary encumbrances (other than the lien of current general taxes and the lien of any current assessments, charges, or taxes imposed by governmental or quasi-governmental authorities).

4. The Declarant hereby reserves those rights-of-ways and easements as are shown on the Phase 4 Plat or otherwise reserved in the Declaration, such that the said rights-of-way and easements shall be available for and used for the purposes stated on the Phase 4 Plat and the Declaration.

Executed by Declarant on this 6<sup>th</sup> day of MAY, 2003.

"DECLARANT"

BOYER WHEELER FARM, L.C.  
A Utah limited liability company

By Its Manager,

The Boyer Company, L.C., a Utah limited liability company

By: *H. Roger Boyer*  
H. Roger Boyer  
Chairman and Manager

NOTARIES:

STATE OF UTAH )  
 ) ss  
COUNTY OF SALT LAKE )

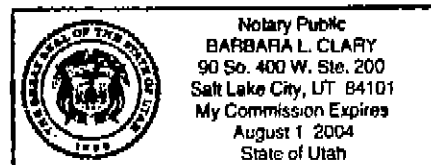
On this 6<sup>th</sup> day of May, 2003, personally appeared before me H. Roger Boyer, who being by me duly sworn, did say that he is the CHAIRMAN AND MANAGER of THE BOYER COMPANY, L.C., a Utah limited liability company and the MANAGER of BOYER WHEELER FARM, L.C., that the foregoing Supplement to Declaration of Covenants, Conditions and Restrictions was signed on behalf of said limited liability company by proper authority, and did acknowledge to me that said limited liability company executed the same.

[Seal]

My Commission Expires:

8/1/04

*Barbara L. Clary*  
Notary Public  
Residing at *Salt Lake County*



## LEGAL DESCRIPTION

A parcel of land located in the Northwest Quarter of Section 23 and the Northeast Quarter of Section 22, Township 3 North, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the southwest corner of Farmington Ranches Phase 3 Subdivision, as recorded in the Office of the Davis County Recorder, which point is 783.10 feet North 00°09'05" West along the section line and 2414.88 feet North 89°43'14" West along the south line of said Phase 3 from the Davis County Survey monument found marking the Center Quarter corner of said Section 23 (basis of bearings being North 00°09'05" West 2642.95 feet between the Davis County Survey monuments found marking the Center Quarter and the North Quarter corners of said Section 23), and running thence South 00°16'46" West 0.18 feet, more or less, to the northerly boundary line of Farmington Ranches Phase 2 Subdivision and Clark Lane, as monumented on the ground, said point being 33.00 feet perpendicularly distant north of the monument line between monuments "M6" (Farmington Ranches Phase 1 Subdivision) and "M4" (Farmington Ranches Phase 2 Subdivision); thence along said north line of Farmington Ranches Phase 2 Subdivision the following seven (7) courses: (1) North 89°43'14" West 407.44 feet to a point on a 123.00-foot radius curve to the left; (2) southwesterly 78.19 feet along the arc of said curve through a central angle of 36°25'27" (chord bears South 72°04'03" West 76.88 feet); (3) South 53°51'19" West 52.19 feet; (4) North 36°01'22" West 107.00 feet; (5) South 53°51'19" West 165.31 feet; (6) South 72°11'48" West 57.94 feet; (7) South 53°51'19" West ~~156.67 feet~~; thence North 37°16'53" West 742.42 feet;

thence North 53°10'59" East 151.46 feet; thence North 36°49'01" West 15.77 feet; thence North 53°10'59" East 252.51 feet; thence South 36°02'00" East 17.66 feet; thence North 53°51'19" East 822.29 feet; thence South 36°11'29" East 102.50 feet; thence South 37°39'18" East 55.02 feet; thence South 36°08'41" East 205.00 feet; thence South 20°53'23" East 57.01 feet; thence South 36°08'41" East 442.33 feet to a point on the westerly line of said Farmington Ranches Phase 3 Subdivision; thence along said westerly line the following two (2) courses: (1) South 21°45'33" West 338.37 feet; (2) South 00°16'46" West 120.00 feet to the point of beginning.

Contains 54 lots, and 1,098,934 square feet, or 25,228 acres, more or less.