

891 5
RETURNED

SEP 24 2003

WHEN RECORDED, PLEASE RETURN TO:

E 1913711 B 3381 P 419
RICHARD T. MAUGHAN, DAVIS CNTY RECORDER
2003 SEP 24 8:43 AM FEE 89.00 DEP DJW
REC'D FOR BOYER WHEELER FARM LC

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

lots 501 thru 567 +
Parcels 54/comm on 1/2 north
5 D/comm on 1/2

**FOURTH SUPPLEMENT TO DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
FARMINGTON RANCHES SUBDIVISION PHASE 1
ADDING
FARMINGTON RANCHES PHASE 5 SUBDIVISION**

08-314-0501
thru 0571

This Fourth Supplement (the "Fourth Supplement") is made and executed this 25th day of August 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 Subdivision Phase 5 ("Phase 5"), which property is more specifically shown on the plat thereof recorded in the official records of Davis County, State of Utah, on September 24, 2003 as Entry Number 1913710 in Book 3381 at Page 419 (the "Phase 5 Plat"). The metes and bounds description of Phase 5 is set forth on Exhibit "A" of this Fourth 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 recorded that certain plat of subdivision known as Farmington Ranches Phase 4 Subdivision in the official records of Davis County, State of Utah, on May 3, 2003, as Entry Number 1868726 in Book 3295 at Page 552 (the "Phase 4 Plat").

F. 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.

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 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.

H. 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.

I. 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 4, dated May 6, 2003 (the "Third Supplement"), which Third Supplement was recorded in the official records of Davis County, State of Utah on May 21, 2003, as Entry Number 1868727 in Book 3295 at Page 551. Capitalized terms not specifically defined herein have the meaning ascribed to such terms in the Declaration.

J. 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.

K. Pursuant to Article X of the Declaration, Declarant reserved the right to expand the Project by submitting certain Additional Land to the Declaration. Phase 5 is a part of the Additional Land.

L. Pursuant to Section 10.3 of the Declaration, Declarant desires to expand the Project by adding Phase 5 to the Project and to subject Phase 5 to the Declaration with this Fourth 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 5 and that Phase 5, from and after the recording of this Fourth Supplement, shall be a part of the Project.

2. Declarant also declares that Phase 5 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 5 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 5:

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 finished square feet of floor area on the main floor above finished grade. Tri-level homes shall have a minimum of 1650 finished 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, caves, 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. 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. 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 5, it shall convey good and marketable title to the Common Areas shown on the Phase 5 Plat to the Association by quit claim 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 5 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 5 Plat and the Declaration.

Executed by Declarant on this 28th day of AUGUST, 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

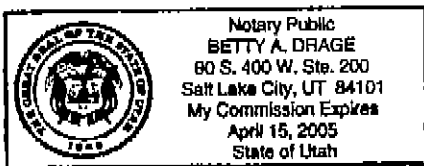
By: *Kem C. Gardner*
Kem C. Gardner
Manager

NOTARIES:

STATE OF UTAH)
) ss
COUNTY OF SALT LAKE)

On this 28th day of May, 2003, personally appeared before me Kem C. Gardner, who being by me duly sworn, did say that he is the 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:

April 15, 2005

Betty A. Drage
Notary Public
Residing at *Salt Lake County*

EXHIBIT "A"

BOUNDARY 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 Northwest corner of Farmington Ranches Phase 3 Subdivision, as recorded in the Office of the Davis County Recorder, which point is 1631.13 feet South 89°45'45" West along the section line from the Davis County Survey monument found marking the North 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 along the westerly line of said Farmington Ranches Phase 3 Subdivision the following two (2) courses: (1) South 39°15'01" West 281.74 feet; (2) South 21°45'33" West 1280.08 feet; thence North 36°08'41" West 442.32 feet; thence North 20°53'23" West 57.01 feet; thence North 36°08'41" West 205.00 feet; thence North 37°39'18" West 55.02 feet; thence North 36°11'29" West 102.50 feet; thence South 53°51'19" West 338.47 feet; thence North 36°08'41" West 83.23 feet to a 20.00-foot radius curve to the left; thence northwesterly 30.80 feet along the arc of said curve through a central angle of 88°14'28" (chord bears North 80°15'55" West 27.85 feet); thence North 37°27'50" West 55.08 feet to a 20.00-foot radius curve to the left (radius bears North 34°16'15" West); thence northeasterly 32.07 feet along the arc of said curve through a central angle of 91°52'26" (chord bears North 09°47'32" East 28.74 feet); thence North 54°39'52" East 55.01 feet to a 20.00-foot radius curve to the left (radius bears North 53°51'19" East); thence southeasterly 31.42 feet along the arc of said curve through a central angle of 90°00'00" (chord bears South 81°08'41" East 28.28 feet); thence North 53°51'19" East 80.00 feet; thence North 36°08'41" West 119.47 feet; thence North 53°51'19" East 177.81 feet; thence North 00°14'12" West 138.10 feet; thence South 89°45'48" West 132.12 feet; thence North 41°42'17" West 223.31 feet; thence West 22.26 feet; thence North 174.38 feet to a point on the north line of said Section 22; thence along said north line North 89°50'49" East 609.20 feet to the Davis County Survey monument found marking the Northeast corner of said Section 22 (also being the Northwest corner of said Section 23); thence along the north line of said Section 23 North 89°45'45" East 1011.33 feet to the point of beginning.