



ENT 87890:2017 PG 1 of 7
JEFFERY SMITH
UTAH COUNTY RECORDER
2017 Sep 07 3:14 pm FEE 194.00 BY MG
RECORDED FOR SARATOGA SPRINGS CITY

When Recorded Return To:

D.R. Horton, Inc.
12351 South Gateway Park Place, Suite D-100
Draper, Utah 84020
Attention: Boyd A. Martin

**FIFTH SUPPLEMENTAL DECLARATION TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
LEGACY FARMS**

THIS FIFTH SUPPLEMENTAL DECLARATION TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LEGACY FARMS (this “Fifth Supplemental Declaration”) is made as of August 10, 2017, by D.R. HORTON, INC., a Delaware corporation (“Declarant”), with reference to the following:

RECITALS

A. On October 23, 2015, Declarant caused to be recorded as Entry No. 96688:2015 in the official records of the Office of the Recorder of Utah County, Utah (the “Official Records”), that certain Declaration of Covenants, Conditions and Restrictions for Legacy Farms (the “Original Declaration”) pertaining to a master planned development known as Legacy Farms located in the City of Saratoga Springs, Utah County, Utah.

B. The Original Declaration provides that Declarant shall have the right and option, from time to time at any time, to subject some or all of the Additional Land described in the Original Declaration to the terms, conditions and restrictions created by the Original Declaration by the recordation of a Supplemental Declaration, which shall be effective upon recording the Supplemental Declaration in the Official Records.

C. On January 15, 2016, Declarant caused to be recorded as Entry No. 4144:2016 in the Official Records that certain First Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Legacy Farms (the “First Supplemental Declaration”).

D. On May 27, 2016, Declarant caused to be recorded as Entry No. 47941:2016 in the Official Records that certain Second Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Legacy Farms (the “Second Supplemental Declaration”).

E. On May 27, 2016, Declarant caused to be recorded as Entry No. 47948:2016 in the Official Records that certain First Amendment to the Declaration of Covenants, Conditions and Restrictions for Legacy Farms (the “First Amendment”).

F. On October 6, 2016, Declarant caused to be recorded as Entry No. 99000:2016 in the Official Records that Third Supplemental Declaration to the Declaration of Covenants, Covenants and Restrictions for Legacy Farms (the "Third Supplemental Declaration").

G. On February 28, 2017, Declarant caused to be recorded as Entry No. 20401:2017 in the Official Records that Fourth Supplemental Declaration and Second Amendment to the Declaration of Covenants, Covenants and Restrictions for Legacy Farms (the "Fourth Supplemental Declaration and Second Amendment").

H. Pursuant to Section 19.1 of the Original Declaration, Declarant desires to subject to the Original Declaration that portion of the Additional Land described on Exhibit "A", which is attached hereto and incorporated herein by this reference (the "Plats 3-B, 3-C, 3-D and 3-E Subject Property").

I. Declarant is executing and delivering the Fifth Supplemental Declaration for the purpose of subjecting the Plats 3-B, 3-C, 3-D and 3-E Subject Property to the provisions of the Original Declaration.

FIFTH SUPPLEMENTAL DECLARATION

NOW, THEREFORE, for the reasons recited above, Declarant hereby declares as follows:

1. All defined terms as used in this Fifth Supplemental Declaration shall have the same meanings as those set forth in the Original Declaration, unless otherwise defined in this Fifth Supplemental Declaration.

2. The Plats 3-B, 3-C, 3-D and 3-E Subject Property are hereby subjected to the Original Declaration and shall be held, transferred, sold, conveyed, occupied, improved and developed subject to the covenants, restrictions, easements, charges and liens set forth in the Original Declaration, as previously amended by the First Amendment and as previously supplemented by the First Supplemental Declaration, by the Second Supplemental Declaration, by the Third Supplemental Declaration, by the Fourth Supplemental Declaration and Second Amendment and as supplemented by this Fifth Supplemental Declaration, which provisions are hereby ratified, approved, confirmed and incorporated herein by this reference, with the same force and effect as if fully set forth herein and made again as of the date hereof.

3. The provisions of the Original Declaration, as previously amended by the First Amendment and as previously supplemented by the First Supplemental Declaration, by the Second Supplemental Declaration, by the Third Supplemental Declaration, by the Fourth Supplemental Declaration and Second Amendment and as supplemented by this Fifth Supplemental Declaration, shall run with the Plats 3-B, 3-C, 3-D and 3-E Subject Property and shall be binding upon all Persons having any right, title, or interest in the Plats 3-B, 3-C, 3-D and 3-E Subject Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

4. The Land Use Classifications and Neighborhood Designations for the Plats 3-B, 3-C, 3-D and 3-E Subject Property shall be as follows:

Legacy Farms Plat 3-B
56 Lots

<u>Lot Number</u>	<u>Land Use Classification</u>	<u>Neighborhood Designation</u>
330 to 385	Single Family Lots	Single Family Lots Neighborhood

Legacy Farms Plat 3-C
42 Lots

<u>Lot Number</u>	<u>Land Use Classification</u>	<u>Neighborhood Designation</u>
386 to 427	Single Family Lots	Single Family Lots Neighborhood

Legacy Farms Plat 3-D
50 Lots

<u>Lot Number</u>	<u>Land Use Classification</u>	<u>Neighborhood Designation</u>
428 to 435	Single Family Lots	Single Family Lots Neighborhood
3000 to 3041	Townhome Lots	Townhome Lots Neighborhood

Legacy Farms Plat 3-E
18 Lots

<u>Lot Number</u>	<u>Land Use Classification</u>	<u>Neighborhood Designation</u>
3042 to 3059	Townhome Lots	Townhome Lots Neighborhood

5. Except as supplemented by the provisions of this Fifth Supplemental Declaration, the Original Declaration, as previously amended by the First Amendment and as previously supplemented by the First Supplemental Declaration, by the Second Supplemental Declaration, by the Third Supplemental Declaration and by the Fourth Supplemental Declaration and Second Amendment, shall remain unmodified and in full force and effect.

6. The Original Declaration, as previously amended by the First Amendment and as previously supplemented by the First Supplemental Declaration, by the Second Supplemental Declaration, by the Third Supplemental Declaration and by the Fourth Supplemental Declaration and Second Amendment, and as supplemented by this Fifth Supplemental Declaration, shall collectively be referred to as the "Declaration."

IN WITNESS WHEREOF, Declarant has caused this Fifth Supplemental Declaration to be executed by an officer duly authorized to execute the same as of the date first above written.

D.R. HORTON, INC.,
a Delaware corporation

By: [Signature]
Name: Jonathan S. Thornley
Title: Division CFO

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged to me this 10 day of August, 2017, by Jonathan S. Thornley, in his capacity as the Division CFO of D.R. Horton, Inc., a Delaware corporation.

[Signature]
NOTARY PUBLIC
Residing at: Utah County

My commission expires:

Jan. 12, 2019

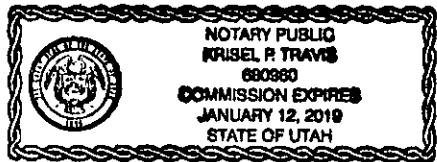


EXHIBIT "A"
TO
FIFTH SUPPLEMENTAL DECLARATION TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
LEGACY FARMS

Legal Description of the Plat 3-B Subject Property

That certain real property located in Utah County, Utah more particularly described as follows:

A parcel of land lying and situated in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 00°33'28" West 1010.29 feet, along the Section Line, and West 409.74 feet from the East Quarter Corner of said Section 26, and running thence South 00°00'08" West 85.00 feet; thence South 45°00'54" East 7.07 feet; thence North 89°58'04" East 4.00 feet; thence South 00°00'08" West 54.00 feet; thence South 89°58'04" West 4.00 feet; thence South 44°59'06" West 7.07 feet; thence South 00°00'08" West 491.00 feet; thence North 89°59'52" West 74.00 feet; thence South 00°00'08" West 5.00 feet; thence South 44°58'33" West 7.07 feet; thence South 89°56'57" West 651.00 feet to the boundary line of Legacy Farms Plat 2-A, recorded as Entry No. 4142:2016 on January 15, 2016 in the office of the Utah County Recorder; thence along said boundary line of Legacy Farms Plat 2-A the following three (3) courses: (1) South 89°56'57" West 5.00 feet, (2) North 45°01'27" West 7.07 feet, (3) North 00°00'08" East 191.25 feet to the boundary line of Legacy Farms Plat 2-C recorded as Entry No. 47940:2016 on May 27, 2016 in the office of the Utah County Recorder; thence along said boundary line of Legacy Farms Plat 2-C the following three (3) courses: (1) North 00°00'08" East 458.75 feet, (2) North 44°58'33" East 7.07 feet, (3) North 89°56'57" East 10.00 feet, thence North 89°56'57" East 150.00 feet; thence South 45°01'27" East 7.07 feet; thence South 00°00'08" West 5.00 feet; thence North 89°59'52" East 54.00 feet; thence North 00°00'08" East 5.05 feet; thence North 44°58'33" East 7.07 feet; thence North 89°56'57" East 177.97 feet; thence South 45°01'31" East 7.07 feet; thence South 5.00 feet; thence East 54.00 feet; thence North 5.05 feet; thence North 44°58'29" East 7.07 feet; thence North 89°56'57" East 190.03 feet; thence South 45°01'27" East 7.07 feet; thence South 00°00'08" West 5.00 feet; thence South 89°59'52" East 74.00 feet to the Point of Beginning.

Legal Description of the Plat 3-C Subject Property

That certain real property located in Utah County, Utah more particularly described as follows:

A parcel of land lying and situated in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 00°33'28" West 466.14 feet, along the Section Line, and West 420.80 feet from the East Quarter Corner of said Section 26, and running thence South 00°00'08" West 10.96 feet; thence South 44°59'52" East 7.07 feet; thence South 89°59'52" East 4.00 feet; thence South 00°00'08" West 54.00 feet; thence North 89°59'52" West 4.00 feet; thence South 45°00'08" West 7.07 feet; thence South 00°00'08" West 160.01 feet; thence South 44°59'52" East 7.07 feet; thence East 4.00 feet; thence South 54.00 feet; thence West 4.00 feet; thence South 45°00'08" West 7.07 feet; thence South 0°00'08" West 55.00 feet; thence South 11°18'32" East 40.79 feet; thence South 00°00'08" West 28.20 feet to a point on a 291.00 foot radius curve to the right; thence Southerly 12.16 feet along said curve, through a central angle of 2°23'42", (chord bears South 01°11'59" West 12.16 feet); thence South 02°23'50" West 42.68 feet to a point on a 209.00 foot radius curve to the left; thence Southerly 8.74 feet along said curve, through a central angle of 2°23'42", (chord bears South 01°11'59" West 8.74 feet); thence South 00°00'08" West 58.42 feet; thence North 89°59'52" West 74.00 feet; thence North 00°00'08" East 5.00 feet; thence North 45°01'27" West 7.07 feet; thence South 89°56'57" West 190.03 feet; thence South 44°58'29" West 7.07 feet; thence South 5.05 feet; thence West 54.00 feet; thence North 5.00 feet; thence North 45°01'31" West 7.07 feet; thence South 89°56'57" West 177.97 feet; thence South 44°58'33" West 7.07 feet; thence South 00°00'08" West 5.05 feet; thence North 89°59'52" West 54.00 feet; thence North 00°00'08" East 5.00 feet; thence North 45°01'27" West 7.07 feet; thence South 89°56'57" West 150.00 feet to the boundary line of Legacy Farms Plat 2-C recorded as Entry No. 47940:2016 on May 27, 2016 in the office of the Utah County Recorder; thence along said boundary line of Legacy Farms Plat 2-C the following nine (9) courses: (1) North 00°00'08" East 36.00 feet, (2) South 89°56'57" West 8.02 feet, (3) North 21°22'15" West 10.92 feet, (4) North 00°00'08" East 67.60 feet, (5) North 26°33'14" East 11.18 feet, (6) North 89°56'07" East 7.00 feet, (7) North 00°00'08" East 36.00 feet, (8) South 89°56'07" West 10.00 feet, (9) North 45°01'52" West 7.07 feet to the boundary line of Legacy Farms Plat 2-D, recorded as Entry No. 20399:2017 on February, 28, 2017 in the office of the Utah County Recorder; thence along said east boundary line of Legacy Farms Plat 2-D, the following four (4) courses: (1) North 00°00'08" East 300.19 feet, (2) North 44°58'08" East 7.08 feet, (3) North 89°56'07" East 5.00 feet, (4) North 00°03'53" West 54.00 feet; thence North 89°56'07" East 653.29 feet; thence North 44°58'08" East 7.08 feet; thence North 00°00'08" East 5.00 feet; thence South 89°59'52" East 66.00 feet to the Point of Beginning.

Legal Description of the Plat 3-D Subject Property

That certain real property located in Utah County, Utah more particularly described as follows:

A parcel of land lying and situated in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 00°33'28" West 120.34 feet, along the Section Line, and West 424.15 feet from the East Quarter Corner of said Section 26, and running thence South 00°00'08" West 95.22 feet; thence South 44°59'52" East 7.07 feet; thence South 89°59'52" East 4.00 feet; thence South 00°00'08" West 54.00 feet; thence North 89°59'52" West 4.00 feet; thence South 45°00'08" West 7.07 feet; thence South 00°00'08" West 186.56 feet; thence North 89°59'52" West 66.00 feet; thence South 00°00'08" West 5.00 feet; thence South 44°58'08" West 7.08 feet; thence South 89°56'07" West 528.49 feet; thence North 00°00'17" West 356.41 feet; thence South 89°59'52" East 599.53 feet to the Point of Beginning.

Legal Description of the Plat 3-E Subject Property

That certain real property located in Utah County, Utah more particularly described as follows:

A parcel of land lying and situated in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of 400 South Street, said point also being South 00°33'28" West 34.41 feet, along the section line, and West 419.98 feet from the East Quarter Corner of said Section 26, and running thence South 44°59'52" West 7.07 feet; thence South 00°00'08" West 80.92 feet; thence North 89°59'52" West 599.53 feet; thence South 00°00'17" East 356.41 feet; thence South 89°56'07" West 325.00 feet; thence North 00°00'17" West 441.63 feet to said southerly right-of-way line of 400 South Street; thence, along said south right-of-way line, North 89°56'07" East 929.54 feet to the Point of Beginning.

Tax Parcel Number 66-058-0020