

WHEN RECORDED RETURN TO:  
Ivory Development, LLC,  
A Utah limited liability company  
Nick Mingo  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
(801) 747-7440

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6/5/2013 9:33:00 AM \$45.00  
Book - 10145 Pg - 8321-8325  
Gary W. Ott  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 5 P.

TAX ID NO: 14-25177-059

**SECOND SUPPLEMENT  
TO THE  
NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS, AND RESERVATION OF EASEMENTS  
FOR  
Highbury Towns East for Phase 3, A PART OF HTE EXPANDABLE  
Highbury Commons at Lake Park Development**

This Second Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Towns East for Phase 3, a part of the expandable Highbury Commons at Lake Park Development, is made and executed by Ivory Development, LLC., a Utah limited liability company, of 978 East Woodoak Lane, Salt Lake City, UT 84117 (the "Declarant").

**RECITALS**

Whereas, the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Commons at Lake Park Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah on October 6, 2006 as Entry No. 9868362 in Book 9362 at Pages 804-846 (the "Master Declaration").

Whereas, the related Final Plat for the Highbury Commons at Lake Park Planned Unit Development has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 1 of Highbury Towns East was recorded in the office of the County Recorder of Salt Lake County, Utah on September 10, 2009 as Entry No. 10795397 in Book 9762 at Pages 2745 of the official records (the "Neighborhood Declaration").

Whereas, the related Final Plat for the Highbury Towns East Phase 1 has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Amendment to Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservations of Easements for Highbury Towns East was recorded in the office of the Salt Lake County Recorder on November 4, 2010 as Entry No. 11068695 in Book 9876 at Pages 3865-3868 of the official records (the "First Amendment").

Whereas, the First Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 2 of Highbury Towns East was recorded in the office of the County Recorder of Salt Lake County, Utah on September 27, 2012 as Entry No. 11480743 in Book 10060 at Pages 7832-7836 of the official records (the "First Supplement").

Whereas, the related Final Plat for the Highbury Towns East Phase 2 has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, in the Master Declaration and Neighborhood Declaration Declarant reserved the unilateral right to expand the Project and Neighborhood to annex additional land and expand the application of the Declarations.

Whereas, Declarant is the fee simple owner of record of that certain real property located in West Valley City, Salt Lake County, Utah and described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference (the "Phase 3 Property").

Whereas, Declarant desires to expand the Project and Neighborhood by creating on the Phase 3 Property twenty-six (26) additional Lots, numbered 301-326, inclusive.

Whereas, Declarant now intends that the Phase 3 Property shall become subject to the Master and Neighborhood Declarations (collectively "Declarations").

**NOW, THEREFORE**, for the reasons recited above, and for the benefit of the Project, Neighborhood, and the Owners thereof, Declarant hereby executes this Second Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Towns East Phase 3.

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

- a. **Phase 3 Map** shall mean and refer to the Final Plat of Phase 3 of the Highbury Towns East, 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 Second Supplemental Declaration.

- b. **Second Supplemental Declaration** shall mean and refer to this Second Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Towns East Phase 3.

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" is hereby submitted to the provisions of the Declarations and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of said Declarations as they may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 3 Property shall be annexed and upon recordation of this Second Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A" subject to the Declarations and to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Description of Property and Total Number of Units Revised.** Phase 1 contained twenty-nine (29) Lots numbered 101-129 inclusive, and other improvements of a less significant nature. Phase 2 contained eighteen (18) new Lots, numbered 201-218, inclusive, and other improvements of a less significant nature. Upon the recordation of the Phase 3 Map and this Second Supplemental Declaration, the total number of Lots in the Highbury Towns East will be seventy-three (73). The additional Lots (and the homes to be constructed therein) and improvements are or will be substantially similar in construction, design and quality to the Lots and homes and improvements in the prior Phases.

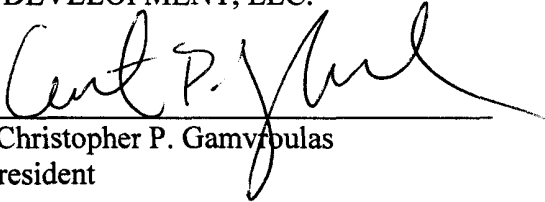
5. **Incorporation of Original Declarations as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Master Declaration and the Neighborhood Declaration, which are by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Phase 3 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

6. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Master Declaration and Neighborhood Declaration, as supplemented or amended, and the Second Supplemental Declaration, the latter shall in all respects govern and control.

7. **Effective Date.** The effective date of this Second Supplemental Declaration and the Phase 3 Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

Dated the \_\_\_ day of April, 2013.

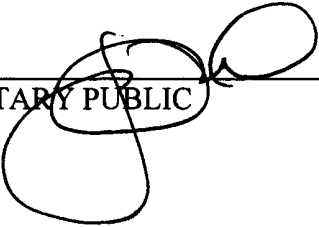
DEVELOPER:  
IVORY DEVELOPMENT, LLC.

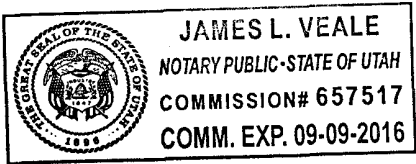
By:   
Name: Christopher P. Gamvroulas  
Title: President

**ACKNOWLEDGMENT**

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

The foregoing instrument was acknowledged before me this 30 day April, 2013 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 IVORY DEVELOPMENT, LLC. executed the same.

  
NOTARY PUBLIC



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**HIGHBURY TOWNS EAST PHASE 3 PROPERTY**

The Property referred to in the foregoing document as the Highbury Towns East Phase 3 Property is located in Salt Lake County, Utah and is described more particularly as follows:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°06'50" WEST ALONG THE WEST SECTION LINE OF SAID SECTION 25, 372.48 FEET; THENCE NORTH 89°53'10" EAST, 1891.63 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING THE NORTHEAST CORNER OF RECORDED HIGHBURY TOWNS EAST PHASE 2 P.U.D.; RUNNING THENCE 14.68 FEET ALONG A 98.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 80°38'04" EAST, 14.67 FEET) TO A POINT OF REVERSE CURVATURE; THENCE 24.31 FEET ALONG A 102.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 83°10'17" EAST, 24.26 FEET); THENCE EAST, 50.97 FEET; THENCE 23.56 FEET ALONG A 15.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 45°00'00" EAST, 21.21 FEET); THENCE EAST, 24.00 FEET; THENCE NORTH, 62.21 FEET; THENCE EAST, 18.00 FEET; THENCE NORTH, 4.00 FEET; THENCE EAST, 97.05 FEET; THENCE SOUTH 0°04'43" EAST, 418.50 FEET TO A POINT ON THE NORTHERLY RIGH-OF-WAY LINE OF 3100 SOUTH STREET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 89°53'12" WEST, 244.15 FEET TO THE SOUTHEAST CORNER OF SAID HIGHBURY TOWNS EAST PHASE 2 P.U.D. ; THENCE ALONG THE EAST BOUNDARY OF SAID HIGHBURY TOWNS EAST PHASE 2 P.U.D. NORTH, 332.50 FEET TO THE POINT OF BEGINNING.