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GARY W. OTT
 RECORDER, SALT LAKE COUNTY, UTAH
 LEGRAND WOOLSTENHULME
 2230 N UNIVERSITY PKWY STE 2F
 PROVO UT 84604
 BY: SEM, DEPUTY - WI 3 P.

After recordation, return to:

LeGrand Woolstenhulme
 2230 N University Pkwy Ste 2F
 Provo, UT 84604

**FIRST SUPPLEMENT TO
 DECLARATIONS OF EASEMENTS, COVENANTS,
 CONDITIONS AND RESTRICTIONS
 OF
 WYNGATE COMMONS TOWN HOMES
 A Planned Unit Development (Expandable)**

Draper, Salt Lake County, Utah

THIS FIRST SUPPLEMENTAL TO DECLARATION is made as of this 7th day of September 2005, by WYNGATE COMMONS LLC., a Utah limited liability company (the "Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of Wyngate Commons Town Homes, an expandable Planned Unit Development in Draper, Utah (The "Development").
- B. On June 1, 2005, Declarant caused to be recorded as Entry No. 9391609, Book 9138, Page 5590-6008, in the office of the Recorder of Salt Lake County, Utah, that certain **Declaration of Easements, Covenants, Conditions and Restrictions of Wyngate Commons Town Homes, A Planned Unit Development (Expandable), Draper, Salt Lake County, Utah** (the "Declaration") relating to the Development.
- C. Pursuant to 3.03 of the Declaration, Declarant is permitted to annex into the Development additional real property ("Additional Land") as set forth and described in the Declaration (including any exhibit thereto) for purpose of development into additional Lots and Common Areas, if any, consistent with the existing Plat A of the Development and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Development for development as Plat B of the Development.

NOW, THEREFORE, Declarant hereby declares as follows:

1. All defined terms as used in this First Supplement to Declaration shall have the same meaning as those set forth and defined in the Declaration.
2. The following described real property situated in the city of Draper, Salt Lake County, Utah, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed into the Development to be held, transferred, sold, conveyed and occupied as a part thereof:

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property, whether or not the same are reflected on the Plat.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under, the said property and any improvements (including buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in manner which is reasonable and consistent with the provisions of the Declaration): (i) to construct and complete each of the Buildings and Units and all of the other improvements described in the Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper on connection therewith; (ii) to construct and complete on the Additional Land or any portion thereof such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Additional Land or any portion thereof has been or hereafter will be added to the Development); and (iii) to improve portions of the said property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners and Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the said property of any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist.

**EXHIBIT A
TO
FIRST SUPPLEMENT TO
DECLARATIONS OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
WYNGATE COMMONS TOWNHOMES
A Planned Unit Development (Expandable)
Draper, Salt Lake County, Utah**

THIS DESCRIPTION OF THE ADDITIONAL LAND IS SET FORTH AND ATTACHED IN THIS EXHIBIT A TO THE DECLARATION SOLEY FOR PURPOSES OF IDENTIFICATION. THE DECLARATION NOT INTENDED AS AND SHOULD NOT BE DEEMED TO CONSTITUTE ANY LIEN, ENCUMBRANCE, RESTRICTION, OR LIMITATION UPON ANY PORTION OF THE EXPANSION LAND UNLESS AND UNTIL SUCH PORTION IS ADDED TO THE DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF THE DECLARATION.

PLAT B

LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DRAPER, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED SOUTH 0 DEG. 06'05" WEST ALONG THE SECTION LINE 1201.04 FEET AND WEST 543.60 FEET FROM THE EAST QUARTER CORNER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 160.18 FEET; THENCE WEST 331.17 FEET; THENCE SOUTH 74.45 FEET; THENCE WEST 18.00 FEET; THENCE SOUTH 13.15 FEET; THENCE ALONG THE ARC OF A 31.00 FOOT RADIUS CURVE TO THE LEFT 48.64 FEET THROUGH A CENTRAL ANGLE OF 89 DEG. 54'16" (CHORD BEARS SOUTH 44 DEG. 57'08" EAST 43.80 FEET); THENCE SOUTH 89 DEG. 54'16" EAST 43.58 FEET; THENCE SOUTH 150.78 FEET; THENCE SOUTH 89 DEG. 58'00" WEST 26.29 FEET; THENCE NORTH 34 DEG. 26'00" WEST 230.57 FEET; THENCE ALONG THE ARC OF A 4967.00 FOOT RADIUS CURVE TO THE RIGHT 289.72 FEET THROUGH A CENTRAL ANGLE OF 3 DEG. 20'31" (CHORD BEARS NORTH 32 DEG. 45'44" WEST 289.67 FEET); THENCE SOUTH 89 DEG. 35'55" EAST 588.08 FEET TO THE POINT OF BEGINNING.

(PROPOSED LOTS 21-32, PLAT "B", WYNGATE COMMONS SUBDIVISION)