2970698 BK 6613 PG 579

29

WHEN RECORDED RETURN TO:
IVORY HOMES DEVELOPMENT, LLC.
Christopher P. Gamvroulas
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 268-0700
1)-796-0338 to 5345
282 to 387
FIRST

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
10/03/2016 11:34 AM
FEE \$29.00 Pps: 4
DEP RTT REC'D FOR IVORY DEVELOPMEN
T LLC

FIRST SUPPLEMENT TO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EVERGREEN FARMS PHASE 3B

This First Supplement to the Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 3B is made and executed by IVORY HOMES DEVELOPMENT, LLC., a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 3A Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on January 27th, 2016 as Entry No. 2917877 in Book 6440 at Pages 1004-1038 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 3A of the Project has also been recorded in the Office of the County Recorder of Davis County, Utah.

Whereas, under Section 5 of the Declaration, Declarant reserved the unilateral right to expand the subdivision by annexing additional land and expanding the application of the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Davis County, Utah and described with particularity on Exhibits "A-3B" (the "Phase 3B Property") attached hereto and incorporated herein by this reference.

Whereas, Declarant desires to expand the subdivision by creating on the Phase 3B Property additional Lots.

Whereas, Declarant now intends that the Phase 3B Property shall become subject to the Declaration, as amended.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this First Supplement to the Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 3B.

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- 1. **Supplement to Definitions**. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:
 - A. **First Supplemental Declaration** shall mean and refer to this First Supplement to the Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 3B.
 - B. **Phase 3B Map** shall mean and refer to the Final Plat Map of Evergreen Farms Phase 3B prepared and certified to by Klint Whitney, a duly registered Utah Land Surveyor holding Certificate No. 8227228, and filed for record in the Office of the County Recorder of Davis County, Utah concurrently with the filing of this First Supplemental Declaration.
 - C. **Subdivision** shall mean and refer to Evergreen Farms Phase 3 Subdivision as it may be supplemented or expanded from time to time.

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-3B is hereby submitted to the provisions of the Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration as it may be supplemented or amended from time to time.
- 3. Annexation. Declarant hereby declares that the Phase 3B Property shall be annexed to and become subject to the Declaration and the Utah Community Association Act, Utah Code Ann., Sections 57-8a-101 et seq. (2004) as amended or supplemented (the "Act"). The recordation of this First Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-3B subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association/Board of Directors.
- 4. **Landscape Buffer**. Lots 343-345 are subject to the Layton Parkway Landscape Buffer. This Landscape Buffer is common area to be maintained by the Evergreen Farms HOA.
- 5. Total Number of Units Revised. As shown on the Phase 3B Map, fourteen (14) new Lots, Numbers 382-387 and 338-345, inclusive, are or will be constructed and/or created in the Project on the Phase 3B Property. Upon the recordation of the Phase 3B Map and this First Supplemental Declaration, the total number of Lots in the Project will be twenty (20). The additional Lots (and the homes to be constructed therein) are or will be substantially similar in construction, design and quality to the Lots and homes in the prior Phase.

- 6. Incorporation of Original Declaration as Supplemented and Amended. It is expressly agreed by the parties that this document is supplemental to the Declaration which is 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 3B Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.
- 7. **Conflict**. In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration and this First Supplemental Declaration, the latter shall in all respects govern and control. If there is a conflict between a provision in the Declaration, as supplemented, and a provision in the Act, the Act shall in all respects govern and control.
- 8. **Effective Date**. The effective date of this First Supplemental Declaration and the Phase 3B Map shall be the date or dates on which said instruments are filed for record in the Office of the County Recorder of Davis County, Utah.

Dated the **27th** day of September, 2016.

DEVELOPER:

IVORY HOMES DEVELOPMENT, LLC

Name: Christopher P. Gamyroulas

Title: President

ACKNOWLEDGMENT

STATE OF UTAH)
	ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 29th day of September, 2016 by Christopher P. Gamvroulas, the President of IVORY HOMES DEVELOPMENT, LLC., a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY HOMES DEVELOPMENT, LLC. executed the same.

Brook Siddoway NOTARY PUBLIC

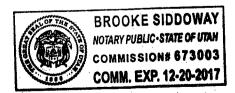


EXHIBIT "A-3B" LEGAL DESCRIPTION

The real property referred to in the foregoing document as the Evergreen Farms Phase 3B Property is located in Davis County, Utah and is described more particularly as follows:

BOUNDARY DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF THE ROCKY MOUNTAIN POWER PROPERTY 11-085-0003 LOCATED NORTH 89°57'58" EAST 1116.96 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER AND SOUTH 36°25'35" EAST 97.9.78 FEET ALONG SAID EASTERLY LINE OF ROCKY MOUNTAIN POWER PROPERTY, FROM THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER WHICH IS MARKED BY A DAVIS COUNTY BRASS CAP MONUMENT. RUNNING THENCE:

N 53°34'25" E	113.01 FEET	THENCE;
N 31°20'11" E	62.65 FEET	THENCE;
N 53°34'25" E	113.00 FEET	TO THE WESTERLY BOUNDARY OF EVERGREEN FARMS
		PHASE 3C THENCE ALONG SAID WESTERLY BOUNDARY
		THE FOLLOWING (5) FIVE COURSES;
(1)S 36°25'35" E	570.97 FEET	THENCE;
(2)S 29°59'41" E	58:01 FEET	THENCE;
(3)S 31°03'13" E	30.41 FEET	THENCE;
(4)S 24°20'40" E	154.65 FEET	THENCE;
(5)S 0°02'38" E	42.00 FEET	THENCE;
S 89°57'22" W	270.00 FEET	TO THE SOUTHEAST PROPERTY CORNER OF
R		ROCKY MOUNTAIN POWER PROPERTY THENCE;
N 36°25'35" W	660.07 FEET	ALONG SAID NORTHEAST PROPERTY LINE TO THE
		POINT OF BEGINNING.

CONTAINS: 212,784 SQ. FT. 4.88 ACRES