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RICHARD T. NAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
10/03/2016 11:34 AM  
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T LLC

WHEN RECORDED RETURN TO:  
IVORY HOMES DEVELOPMENT, LLC.  
Christopher P. Gamvroulas  
978 E. Woodoak Lane  
Salt Lake City, Utah 84117  
(801) 268-0700

11-796-0338 to 0345  
382 to 387

**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 27<sup>th</sup>, 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.

RETURNED  
OCT 03 2016

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.



**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 979.78 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