

WHEN RECORDED RETURN TO:
IVORY HOMES DEVELOPMENT, LLC.

Christopher P. Gamvroulas
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 268-0700

12.024.0027

**FIRST SUPPLEMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MONTEREY ESTATES AMENDED - PHASE 2**

This First Supplement to the Declaration of Covenants, Conditions and Restrictions for Monterey Estates Amended - Phase 2 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 Monterey Estates Amended - Phase 1 Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on April 17, 2015 as Entry No. 2860754 in Book 6248 at Pages 14-61 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 1 of the Project has also been recorded in the Office of the County Recorder of Davis County, Utah.

Whereas, under Section 4 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-2" (the "Phase 2 Property") attached hereto and incorporated herein by this reference.

Whereas, Declarant desires to expand the subdivision by creating on the Phase 2 Property twenty-two (22) additional Lots.

Whereas, Declarant now intends that the Phase 2 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 Monterey Estates Amended - Phase 2.

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 Monterey Estates Amended - Phase 2.

B. **Phase 2 Map** shall mean and refer to the Final Plat Map of Monterey Estates Amended - Phase 2 prepared and certified to by Steven C. Earl, a duly registered Utah Land Surveyor holding Certificate No. 318575-2201, 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 Monterey Estates Amended - Phases 1 and 2, 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-2 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 2 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-2 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association/Board of Directors.

4. **Total Number of Units Revised.** As shown on the Phase 2 Map, twenty-two (22) new Lots, Numbers 201- 222, inclusive, are or will be constructed and/or created in the Project on the Phase 2 Property. Upon the recordation of the Phase 2 Map and this First Supplemental Declaration, the total number of Lots in the Project will be fifty-two (52). 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.

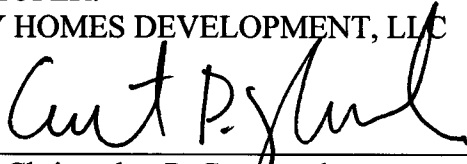
5. **Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Declaration which is by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Phase 2 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 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.

7. **Effective Date.** The effective date of this First Supplemental Declaration and the Phase 2 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 15th day of February, 2016.

DEVELOPER:
IVORY HOMES 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 15th day of February, 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.


NOTARY PUBLIC

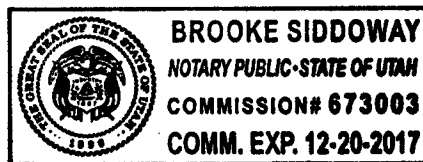


EXHIBIT "A-2"
LEGAL DESCRIPTION

The real property referred to in the foregoing document as the Monterey Estates Amended - Phase 2 Property is located in Davis County, Utah and is described more particularly as follows:

A PART OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, LOCATED IN THE CITY OF SYRACUSE, COUNTY OF DAVIS, STATE OF UTAH, DESCRIBED AS FOLLOWS:

*COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 3;
THENCE N9°49'08"E 399.29 FEET TO THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF PARCEL B OF MONTEREY ESTATES PHASE 1 - AMENDED;
THENCE S89°56'56"E 361.42 FEET;
THENCE S88°19'56"E 31.23 FEET;
THENCE N88°27'42"E 31.77 FEET;
THENCE S89°56'56"E 76.60 FEET;
THENCE N87°16'42"E 83.10 FEET;
THENCE N76°48'18"E 324.38 FEET TO THE WEST LINE OF PARCEL 12-026-0013, DESCRIBED IN THE DEED RECORDED IN BOOK 919 PAGE 699 IN THE OFFICE OF THE RECORDER OF SAID COUNTY;
THENCE S13°11'42"E 22.04 FEET ALONG SAID WEST LINE;
THENCE S26°52'08"E 264.14 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF LOT 2 OF NINIGRET FIELD;
THENCE S72°12'57"W 548.75 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF LOT 130 OF SAID MONTEREY ESTATES PHASE 1;
THENCE ALONG THE BOUNDARY OF SAID MONTEREY ESTATES PHASE 1 THE FOLLOWING FIVE COURSES:*

- 1. N1°10'49"W 93.72 FEET;*
- 2. N89°56'56"W 578.00 FEET;*
- 3. N0°03'04"E 96.50 FEET;*
- 4. S89°56'56"E 78.00 FEET;*
- 5. N0°03'04"E 156.50 FEET TO THE POINT OF BEGINNING.*

CONTAINING 6.38 ACRES. MORE OR LESS.