

E 2098465 B 3853 P 908-911  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
08/19/2005 03:30 PM  
FEE \$138.00 Pgs: 4  
DEP RTT REC'D FOR KAYSVILLE CITY

After recording, please return to:

Robert A McConnell  
Parr Waddoups Brown Gee & Loveless  
185 South State Street, Suite 1300  
Salt Lake City, Utah 84111

*Old Mill Village-1B*  
*08-367+*

Space above for Recorder's use

*All state! OP space B,C,D  
E, F, H, I, J, K*

**SUPPLEMENT TO DECLARATION OF  
PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR OLD MILL SUBDIVISION  
ADDING  
OLD MILL VILLAGE PHASE 1B**

This Supplement (the "Supplement") is made and executed this 19<sup>th</sup> day of August, 2005, by KAYSVILLE DEVELOPMENT, LLC, a Utah limited liability company (the "Declarant").

**RECITALS:**

A. Declarant is the record owner of that certain tract of real property known as Old Mill Village Phase 1B ("Phase 1B"), which property is more specifically shown on the plat thereof recorded in the official records of Davis County, State of Utah, on 8-19-05 as Entry Number 2098464 in Book 3853 at Page 907 (the "Phase 1B Plat"). The metes and bounds description of Phase 1B is set forth on Exhibit "A" of this Supplement.

B. Declarant previously recorded that certain plat of subdivision known as Old Mill Village Subdivision, Phase 1-A in the official records of Davis County, State of Utah. The said plat was recorded on April 1, 2005 as Entry Number 2063105 in Book 3758 at Page 318.

C. Declarant has previously executed and recorded that certain Declaration of Protective Covenants, Conditions, and Restrictions for Old Mill Subdivision dated March 25, 2005 (the "Original Declaration"), which Original Declaration was recorded in the official records of Davis County, State of Utah on April 1, 2005 as Entry Number 2063106 in Book 3758 at Page 319. Subsequent thereto, Declarant executed and recorded that certain First Addendum to Declaration of Protective Covenants For Old Mill Village Subdivision, dated March 31, 2005 (the "First Amendment") in the official records of Davis County, State of Utah, on April, 1, 2005 as Entry Number 2063107 in Book 3758 at Page 352. The Original Declaration and the First

*4/16  
+122.00  
The doc:  
138.00*

Amendment are collectively referred to herein as the "Declaration." Capitalized terms not specifically defined herein have the meaning ascribed to such terms in the Declaration.

D. Pursuant to Article XI of the Declaration, Declarant reserved the right to expand the Project by submitting certain Additional Land to the Declaration. Phase 1B is a part of the Additional Land.

E. Pursuant to Section 11.3 of the Declaration, Declarant desires to expand the Project by adding Phase 1B to the Project and to subject Phase 1B to the Declaration with this Supplement.

NOW, THEREFORE, in consideration of the foregoing covenants and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. Declarant hereby declares that, as more fully set forth in Article XI of the Declaration, the Project known as Old Mill Village Subdivision shall be expanded to include Phase 1B and that Phase 1B, from and after the recording of this Supplement, shall be a part of the Project.

2. Declarant hereby declares that Phase 1B shall be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration, as the same may be amended or supplemented from time to time in accordance with the terms and provisions of the Declaration.

3. Declarant hereby agrees to convey by special warranty deed to the Association, at or prior to the time Declarant conveys to an Owner the first Lot located on Phase 1B, good and marketable title to any parcels or Lots located on Phase 1B that are intended to be HOA Real Property, free and clear of all monetary liens and encumbrances (other than the lien of current general taxes and the lien of any current assessments, charges, or taxes imposed by governmental or quasi-governmental authorities).

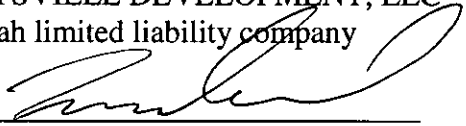
4. Declarant hereby reserves those rights-of-ways and easements as are shown on the Phase 1B Plat or otherwise reserved in the Declaration, such that the said rights-of-way and easements shall be available for and used for the purposes stated on the Phase 1B Plat and the Declaration.

[Continued on the next page.]

Executed by Declarant on this 4<sup>th</sup> day of August, 2005.

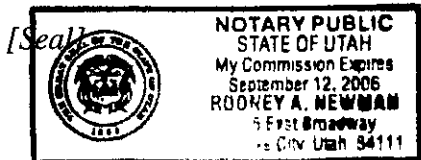
"DECLARANT"

KAYSVILLE DEVELOPMENT, LLC  
a Utah limited liability company

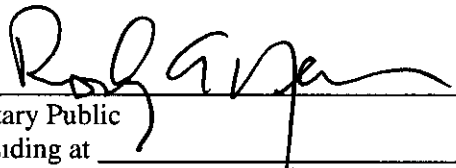
By   
Terry C. Diehl, Member

STATE OF UTAH                    )  
  ) ss  
COUNTY OF SALT LAKE        )

On this 4<sup>th</sup> day of August, 2005, personally appeared before me Lee Conant, who being by me duly sworn, did say that he is a member of Kaysville Development, LLC, a Utah limited liability company, that the foregoing instrument was signed on behalf of said limited liability company by proper authority, and did acknowledge to me that said limited liability company executed the same.



My Commission Expires:  
\_\_\_\_\_

  
Notary Public  
Residing at \_\_\_\_\_

**EXHIBIT "A"****OLD MILL VILLAGE PHASE 1B - LEGAL DESCRIPTION**

Beginning at a point which lies South 88°08'30" East along the north line of the Southwest Quarter of Section 3 Township 3 North, Range 1 West, Salt Lake Base & Meridian 218.39 feet, from the found brass cap marking the West Quarter Corner of said Section 3; and running thence South 88°08'30" East along said north line, a distance of 243.78 feet; thence South 21°54'19" East, a distance of 1,209.23 feet; thence South 25°03'04" East, a distance of 273.18 feet; thence South 70°17'09" East, a distance of 91.35 feet to a point of curve to the left having a radius of 15.00 feet and a central angle of 90°00'00"; thence northeasterly along the arc of said curve a distance of 23.56 feet, said arc subtended by a chord bearing North 64°42'51" East, a distance of 21.21 feet; thence South 70°17'09" East, a distance of 55.00 feet to a point of non-tangent curvature to the left having a radius of 15.00 feet and a central angle of 90°00'00"; thence southeasterly along the arc of said curve a distance of 23.56 feet, said arc subtended by a chord bearing South 25°17'09" East, a distance of 21.21 feet; thence South 19°42'51" West, a distance of 70.00 feet to a point of non-tangent curvature to the left having a radius of 15.00 feet and a central angle of 90°00'00"; thence southwesterly along the arc of said curve a distance of 23.56 feet, said arc subtended by a chord bearing South 64°42'51" West, a distance of 21.21 feet; thence South 19°42'51" West, a distance of 77.67 feet; thence South 24°56'59" East, a distance of 1,159.99 feet; thence South 70°33'41" West, a distance of 7.67 feet to a point of non-tangent curvature to the left having a radius of 170.00 feet and a central angle of 15°16'01"; thence southwesterly along the arc of said curve a distance of 45.30 feet, said arc subtended by a chord bearing South 62°55'41" West, a distance of 45.16 feet; thence South 55°17'40" West, a distance of 249.56 feet; thence South 34°42'29" East, a distance of 345.00 feet; thence North 70°33'41" East, a distance of 245.10 feet; thence South 25°59'22" East, a distance of 803.69 feet; thence North 89°45'37" East, a distance of 35.00 feet to the westerly line of the Kaysville City property as described in that one condemnation document on file with the Davis County Recorder's office in Book 3107 at Pages 466-469, dated August 19, 2002; thence along said westerly line the following five (5) courses: South 00°14'23" East, a distance of 113.92 feet; thence South 25°20'12" East, a distance of 13.57 feet (measured); thence South 00°15'09" East, a distance of 201.60 feet (measured); thence South 17°52'09" East, a distance of 223.08 feet (record and measured); thence South 30°15'37" East (South 29°50' East - record), a distance of 157.47 feet (160.60 feet - record) to the point of curve of a non tangent curve to the left, of which the radius point lies North 81°44'42" East, a radial distance of 388.31 feet; thence southerly along the arc, through a central angle of 18°52'11", a distance of 127.89 feet; thence South 27°07'29" East, a distance of 153.00 feet; thence South 00°59'51" West, a distance of 56.14 feet; thence North 85°50'09" West, a distance of 121.24 feet; thence North 34°42'28" West, a distance of 879.00 feet; thence North 81°30'09" West, a distance of 9.32 feet; thence North 34°42'29" West, a distance of 2,133.26 feet; thence South 86°26'45" East a distance of 89.91 feet; thence North 19°42'51" East a distance of 303.96 feet; thence South 70°17'09" East a distance of 40.50 feet; thence North 19°42'51" East a distance of 155.00 feet; thence North 70°17'09" West a distance of 200.00 feet; thence North 63°48'51" West a distance of 68.02 feet; thence North 34°42'29" West a distance of 793.58 feet; thence North 00°09'23" East a distance of 885.00 feet; thence South 89°50'37" East a distance of 39.53 feet; thence North 00°09'23" East a distance of 181.82 feet; to the POINT OF BEGINNING;

Containing 2,407,752 sq ft or 55.27 acres, more or less.