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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
04/05/2006 04:21 PM  
FEE \$116.00 Pgs: 7  
DEP RTT REC'D FOR FARMINGTON CITY

WHEN RECORDED RETURN TO:  
Farmington Development Corporation  
8438 South Gad Way  
Sandy, Utah 84093

*Farmington Crossing  
South Ph-1  
08-392-0001 draw 0094*

**SECOND SUPPLEMENT AND AMENDMENT TO DECLARATION  
OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
FARMINGTON CROSSING ON SPRING CREEK POND,  
An Expandable Utah Planned Unit Development**

THIS SECOND SUPPLEMENT AND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FARMINGTON CROSSING ON SPRING CREEK POND is made and executed by FARMINGTON DEVELOPMENT CORPORATION, a Utah Corporation, whose principal address is 8438 South Gad Way, Sandy, Utah 84093 (hereinafter referred to as the "Declarant").

**RECITALS**

Whereas, the original Declaration of Covenants, Conditions, and Restrictions was recorded in the office of the County Recorder of Davis County, Utah on the 6<sup>th</sup> day of May, 2005 as Entry No. 2071653 in Book 3783 at Page 639 of the Official Records of the County Recorder of Davis County, Utah (the "Declaration"), for Phase I of the Project which is described as **"Farmington Crossing On Spring Creek Pond, Phase 1, a Planned Unit Development."**

Whereas, the First Supplement and Amendment to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond was recorded in the office of the County Recorder of Davis County, Utah on the 15<sup>th</sup> day of August, 2005 as Entry No. 2096923 in Book 3849 at Page 361 of the Official Records of the County Recorder of Davis County, Utah (the "First Supplemental Declaration"), for Phase II and Phase III of the Project which is described as **"Farmington Crossing On Spring Creek Pond, Phase 2, a Planned Unit Development"** and **"Farmington Crossing On Spring Creek Pond, Phase 3, a Planned Unit Development."**

Whereas, the related Plat Maps for Phase I, Phase II and Phase III of the Project have also been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, under Article III, Section 46 of the Declaration, Declarant reserved an option until seven (7) years from the date following the first conveyance of a Dwelling in Phase I to a Lot purchaser to expand the Project.

Whereas, under Article III, Section 45 of the Declaration, all of the rights as Declarant have been voluntarily conveyed, transferred and assigned to Farmington Development

Corporation, a Utah corporation, by Farmington Land Investments, L.C., a Utah limited liability company.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Davis County, Utah and described with particularity on Exhibit "A-4" attached hereto and incorporated herein by this reference (the "Phase IV Property").

Whereas, Declarant desires to expand the Project by creating on the Phase IV Property a planned residential development.

Whereas, Declarant now intends that the Phase IV Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, Declarant hereby executes this Second Supplement and Amendment to Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. Second Supplemental Declaration shall mean and refer to this Second Supplement and Amendment to Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond.

B. Second Supplemental Phase IV Map shall mean and refer to the Plat Map of **Farmington Crossing South, Phase 1**, prepared and certified to by David E. Hawkes, a duly registered Utah Land Surveyor holding Certificate No 356548, and filed for record in the Office of the County Recorder of Davis County, Utah prior to the filing of this Second Supplemental Declaration.

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-4" 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 this Supplemental Declaration.

3. Annexation. Declarant hereby declares that the Phase IV Property shall be annexed to the Project and become subject to the Declaration, which upon recordation of the Second Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A-4" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Lots Revised. As shown on the Second Supplemental Phase IV Map, seventeen (17) Buildings and ninety-three (93) additional Lots are or will be constructed and/or created in the Project on the Phase IV Property.

The additional Buildings and Lots are located within a portion of the Additional Land. The additional Buildings and Lots are substantially similar in construction, design and quality to the Buildings and Lots in the prior Phase. Upon the recordation of the Second Supplemental Phase IV Map and this Second Supplemental Declaration, the total number of Lots in the Project will be two hundred forty-nine (249).

5. Percentages of Ownership Interest Revised. Pursuant to the Declaration, Declarant is required, with the additional Lots, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities (the "Percentage Interests"). The percentages of ownership interest are uniform and equal. Exhibit "B" to the Declaration and the First Supplemental Declaration is deleted in its entirety and Revised Exhibit "B", attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. Effective Date. The effective date of this Second Supplemental Declaration and the Second Supplemental Phase IV Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Davis County, Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument the 17 day of March, 2006.

DECLARANT:

FARMINGTON DEVELOPMENT CORPORATION  
a Utah corporation

  
By: Bryson Garbett, President

STATE OF UTAH                    )  
  )ss:  
COUNTY OF SALT LAKE    )

On the 17 day of March, 2006 personally appeared before me Bryson Garbett, who by me being duly sworn, did say that he is the President of FARMINGTON DEVELOPMENT CORPORATION, a Utah corporation, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its board of directors or its Articles of Incorporation, and said Bryson Garbett, duly acknowledged to me that said Company executed the same.

  
NOTARY PUBLIC



**Exhibit "A-4"**  
**Phase 4**  
**Legal Description**

All of FARMINGTON CROSSING SOUTH, PHASE 1, a Planned Unit Development, according to the official plat thereof as recorded in the Office of the Davis County Recorder, State of Utah.

**REVISED EXHIBIT "B"**  
**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

<u>Phase</u>	<u>Bldg. No.</u>	<u>Lot No.</u>	<u>Percentage of Interest</u>	<u>Phase</u>	<u>Bldg. No.</u>	<u>Lot No.</u>	<u>Percentage of Interest</u>
1	1	1	0.4016%	2	9	7	0.4016%
1	1	2	0.4016%	2	10	1	0.4016%
1	1	3	0.4016%	2	10	2	0.4016%
1	1	4	0.4016%	2	10	3	0.4016%
1	2	1	0.4016%	2	10	4	0.4016%
1	2	2	0.4016%	2	10	5	0.4016%
1	2	3	0.4016%	2	10	6	0.4016%
1	2	4	0.4016%	2	10	7	0.4016%
1	2	5	0.4016%	2	10	8	0.4016%
1	3	1	0.4016%	2	10	9	0.4016%
1	3	2	0.4016%	2	11	1	0.4016%
1	3	3	0.4016%	2	11	2	0.4016%
1	4	1	0.4016%	2	11	3	0.4016%
1	4	2	0.4016%	2	11	4	0.4016%
1	4	3	0.4016%	2	11	5	0.4016%
1	4	4	0.4016%	2	12	1	0.4016%
1	4	5	0.4016%	2	12	2	0.4016%
1	4	6	0.4016%	2	12	3	0.4016%
1	4	7	0.4016%	2	12	4	0.4016%
1	5	1	0.4016%	2	12	5	0.4016%
1	5	2	0.4016%	2	12	6	0.4016%
1	5	3	0.4016%	2	12	7	0.4016%
1	5	4	0.4016%	2	12	8	0.4016%
1	5	5	0.4016%	2	12	9	0.4016%
1	5	6	0.4016%	2	13	1	0.4016%
1	5	7	0.4016%	2	13	2	0.4016%
1	6	1	0.4016%	2	13	3	0.4016%
1	6	2	0.4016%	2	13	4	0.4016%
1	6	3	0.4016%	2	13	5	0.4016%
1	6	4	0.4016%	2	13	6	0.4016%
1	7	1	0.4016%	2	13	7	0.4016%
1	7	2	0.4016%	2	14	1	0.4016%
1	7	3	0.4016%	2	14	2	0.4016%
1	7	4	0.4016%	2	14	3	0.4016%
1	8	1	0.4016%	2	14	4	0.4016%
1	8	2	0.4016%	2	14	5	0.4016%
1	8	3	0.4016%	2	15	1	0.4016%
1	8	4	0.4016%	2	15	2	0.4016%
1	8	5	0.4016%	2	15	3	0.4016%
1	8	6	0.4016%	2	15	4	0.4016%
				2	16	1	0.4016%
2	9	1	0.4016%	2	16	2	0.4016%
2	9	2	0.4016%	2	16	3	0.4016%
2	9	3	0.4016%	2	16	4	0.4016%
2	9	4	0.4016%	2	16	5	0.4016%
2	9	5	0.4016%	2	16	6	0.4016%
2	9	6	0.4016%	2	16	7	0.4016%

2	17	1	0 4016%	3	24	3	0 4016%
2	17	2	0 4016%	3	24	4	0 4016%
2	17	3	0 4016%	3	24	5	0 4016%
2	17	4	0 4016%	3	24	6	0 4016%
2	17	5	0 4016%	3	24	7	0 4016%
2	17	6	0 4016%	3	25	1	0 4016%
2	18	1	0 4016%	3	25	2	0 4016%
2	18	2	0 4016%	3	26	1	0 4016%
2	18	3	0 4016%	3	26	2	0 4016%
2	18	4	0 4016%	3	26	3	0 4016%
2	18	5	0 4016%	3	26	4	0 4016%
2	18	6	0 4016%	3	26	5	0 4016%
3	19	1	0 4016%				
3	19	2	0 4016%	4	27	1	0 4016%
3	19	3	0 4016%	4	27	2	0 4016%
3	19	4	0 4016%	4	27	3	0 4016%
3	19	5	0 4016%	4	27	4	0 4016%
3	19	6	0 4016%	4	28	1	0 4016%
3	19	7	0 4016%	4	28	2	0 4016%
3	19	8	0 4016%	4	28	3	0 4016%
3	19	9	0 4016%	4	28	4	0 4016%
3	20	1	0 4016%	4	28	5	0 4016%
3	20	2	0 4016%	4	28	6	0 4016%
3	20	3	0 4016%	4	28	7	0 4016%
3	20	4	0 4016%	4	29	1	0 4016%
3	20	5	0 4016%	4	29	2	0 4016%
3	20	6	0 4016%	4	29	3	0 4016%
3	21	1	0 4016%	4	29	4	0 4016%
3	21	2	0 4016%	4	30	1	0 4016%
3	21	3	0 4016%	4	30	2	0 4016%
3	21	4	0 4016%	4	30	3	0 4016%
3	21	5	0 4016%	4	30	4	0 4016%
3	21	6	0 4016%	4	31	1	0 4016%
3	21	7	0 4016%	4	31	2	0 4016%
3	21	8	0 4016%	4	31	3	0 4016%
3	22	1	0 4016%	4	31	4	0 4016%
3	22	2	0 4016%	4	32	1	0 4016%
3	22	3	0 4016%	4	32	2	0 4016%
3	22	4	0 4016%	4	32	3	0 4016%
3	22	5	0 4016%	4	33	1	0 4016%
3	22	6	0 4016%	4	33	2	0 4016%
3	23	1	0 4016%	4	34	1	0 4016%
3	23	2	0 4016%	4	34	2	0 4016%
3	23	3	0 4016%	4	34	3	0 4016%
3	23	4	0 4016%	4	34	4	0 4016%
3	23	5	0 4016%	4	34	5	0 4016%
3	23	6	0 4016%	4	34	6	0 4016%
3	23	7	0 4016%	4	35	1	0 4016%
3	23	8	0 4016%	4	35	2	0 4016%
3	24	1	0 4016%	4	35	3	0 4016%
3	24	2	0 4016%	4	35	4	0 4016%

4	35	5	0.4016%
4	35	6	0.4016%
4	35	7	0.4016%
4	35	8	0.4016%
4	36	1	0.4016%
4	36	2	0.4016%
4	36	3	0.4016%
4	36	4	0.4016%
4	36	5	0.4016%
4	36	6	0.4016%
4	36	7	0.4016%
4	37	1	0.4016%
4	37	2	0.4016%
4	37	3	0.4016%
4	37	4	0.4016%
4	38	1	0.4016%
4	38	2	0.4016%
4	38	3	0.4016%
4	38	4	0.4016%
4	39	1	0.4016%
4	39	2	0.4016%
4	39	3	0.4016%
4	39	4	0.4016%
4	39	5	0.4016%
4	39	6	0.4016%
4	40	1	0.4016%
4	40	2	0.4016%
4	40	3	0.4016%
4	40	4	0.4016%
4	40	5	0.4016%
4	40	6	0.4016%
4	40	7	0.4016%
4	41	1	0.4016%
4	41	2	0.4016%
4	41	3	0.4016%
4	41	4	0.4016%
4	41	5	0.4016%
4	41	6	0.4016%
4	41	7	0.4016%
4	41	8	0.4016%
4	42	1	0.4016%
4	42	2	0.4016%
4	42	3	0.4016%
4	42	4	0.4016%
4	42	5	0.4016%
4	42	6	0.4016%
4	42	7	0.4016%
4	42	8	0.4016%
4	43	1	0.4016%
4	43	2	0.4016%
4	43	3	0.4016%
4	43	4	0.4016%
4	43	5	0.4016%

4	43	6	0.4016%
4	43	7	0.4016%
<b>TOTAL:</b>			<b>100%</b>