

WHEN RECORDED RETURN TO:

Ivory Development, LLC  
Christopher P. Gamvroulas  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
(801) 747-7440

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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
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**SECOND SUPPLEMENT** *D*  
**TO THE**  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, AND**  
**RESERVATION OF EASEMENTS**  
**FOR**  
**ORCHARD FARMS P.R.U.D. PHASE 4**

*07-292-0401 -> 0425*

This Second Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. Phase 4 is made and executed by Ivory Development, LLC., a Utah limited liability company, of 978 East Woodoak Lane, Salt Lake City, UT 84117 (the "Declarant").

**RECITALS**

Whereas, the Master Declaration of Covenants, Conditions and Restrictions, and Reservation or Grant of Easements For Orchard Farms P.R.U.D., a Planned Residential Development was recorded in the Office of the County Recorder of Davis County, Utah on May 16, 2011 as Entry No. 2598884 in Book 5274 at Pages 402-463 of the Official Records (the "Master Declaration").

Whereas, Phase 1 consists of fifty-one (51) Lots of which twenty-six (26) are Town Homes and twenty-five (25) are Single Family Residences.

Whereas, the related Plat Map for Phase 1 has also been recorded in the Office of the County Recorder of Utah County, Utah (the "Initial Phase 1 Final Plat").

Whereas, the First Amendment to the Phase 1 Plat Map has been recorded or will be recorded concurrently herewith, a copy of which is attached hereto and incorporated herein by this reference (the "Orchard Farms P.R.U.D. Phase 1 - 1st Amendment").

Whereas, the Condominium Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. was recorded in the office of the County Recorder of Davis County, Utah on May 29, 2012 as Entry No. 2664102 in Book 5531 at Pages 127-173 of the official records (the "Condominium Declaration").

Whereas, the Town Home Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. was recorded in the office of the County Recorder of Davis County, Utah on May 16, 2011 as Entry No. 2598886 in Book 5274 at Pages 529-579 of the official records (the "Town Home Declaration").

Whereas, the Single Family Residence Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. was recorded in the office of the County Recorder of Davis County, Utah on May 16, 2011 as Entry No. 2598885 in Book 5274 at Pages 464-528 of the official records (the "SFR Declaration").

Whereas, the related Plat Map for Orchard Farms P.R.U.D. Phase 2 has also been recorded in the office of the County Recorder of Davis County, Utah (the "Phase 2 Final Plat").

Whereas, Phase 2 consists of eighty (80) condominium units.

Whereas, the related Plat Map for Orchard Farms P.R.U.D. Phase 3 has also been recorded in the office of the County Recorder of Davis County, Utah (the "Phase 3 Final Plat").

Whereas, Phase 3 consists of seventeen (17) Single Family Residential Lots.

Whereas, the 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" attached hereto and incorporated herein by this reference (the "Orchard Farms P.R.U.D. Phase 4 Property").

Whereas, Declarant reserved the unilateral right and now desires to expand the Orchard Farms P.R.U.D. Subdivision and to annex additional land to the Project.

**NOW, THEREFORE**, for the reasons recited above, and for the benefit of Orchard Farms P.R.U.D. Subdivision, and all of the Owners, Declarant hereby executes this Second Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Orchard Farms P.R.U.D. Phase 4 (the "Second Supplement") for the purpose of annexing additional land and creating certain fencing restrictions.

**1. Supplement to Definitions.** Article I of the Master Declaration and SFR Declaration, entitled "Definitions," are hereby modified to include the following supplemental definitions:

a. **Second Supplemental Declaration** shall mean and refer to this Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Orchard Farms P.R.U.D. Phase 4.

b. **Phase 4 Map** shall mean and refer to the Final Plat of Phase 4 of the Project, prepared and certified to by Brad A. Llewelyn, a duly

registered Utah Land Surveyor holding Certificate No. 4838735, and filed for record in the Office of the County Recorder of Davis County, Utah concurrently with 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" is hereby submitted to the provisions of the Master Declaration and the SFR Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions thereof as they may be supplemented or amended from time to time.

3. **Annexation.** Declarant declares that the Orchard Farms P.R.U.D. Phase 4 Property is hereby annexed to and shall be subject to the Master Declaration and the SFR Declaration, which, upon recordation of this Second Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A" subject to the Master Declaration, the SFR Declaration, and the functions, powers, rights, duties and jurisdiction of the Association(s) and the Architectural Review Committee(s).

4. **Description of Property and Total Number of Units Revised.** As shown on the Phase 4 Map, twenty-five (25) new Lots, Numbers 401-425 and other improvements of a less significant nature are or will be constructed and/or created in the Project on the Orchard Farms P.R.U.D. Phase 4 Property. Upon the recordation of the Phase 4 Map and this Second Supplemental Declaration, the total number of Lots/Units in the Project will be one hundred and seventy-three (173). 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 Phases 1 and 3.

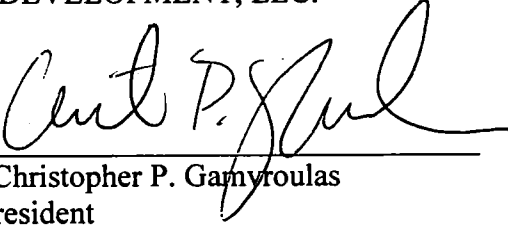
5. **Severability.** If any provision, paragraph, sentence, clause, phrase, or word of this Second Supplemental Declaration should under any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the First Supplement, and the application of any such provision, paragraph, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby.

6. **Topical Headings and Conflict.** The headings appearing at the beginning of the paragraphs of this First Supplement are only for convenience of reference and are not intended to describe, interpret, define or otherwise affect the content, meaning or intent of this Second Supplemental Declaration of any paragraph or provision hereof. In case any provisions hereof shall conflict with Utah law, Utah law shall be deemed to control.

7. **Effective Date.** This annexation shall take effect upon the recording of this instrument and the Phase 4 Map in the office of the County Recorder of Davis County, Utah.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand this \_\_\_\_\_  
day of April, 2013.

DECLARANT:  
IVORY 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 4 day of April, 2013 by Christopher P. Gamvroulas, as President of IVORY DEVELOPMENT, LLC, a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY DEVELOPMENT, LLC executed the same.

  
\_\_\_\_\_  
NOTARY PUBLIC



**EXHIBIT "A"**

**LEGAL DESCRIPTION  
ORCHARD FARMS P.R.U.D. PHASE 4**

The Property referred to in the foregoing document as the Orchard Farms P.R.U.D. Phase 4 Property is located in Davis County, Utah and is described more particularly as follows:

BEGINNING AT A CORNER OF LOT 314 ORCHARD FARMS P.R.U.D. PHASE 3 IS POINT IS ALSO SOUTH 29.42 FEET; AND WEST 6.06 FEET; FROM THE CENTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 1 WEST SALT LAKE BASE AND MERIDIAN.

THENCE SOUTH 51°28'05" EAST 418.73 ALONG AND BEYOND THE LINE OF SAID SUBDIVISION;  
THENCE SOUTH 38°31'10" WEST 495.55 FEET TO A POINT ON THE CORNER OF LOT 132 OF ORCHARD FARMS P.R.U.D. PHASE 1; THENCE ALONG SAID SUBDIVISION THE FOLLOWING (3) COURSES; 1) NORTH 51°28'50" WEST 110.50 FEET; 2) NORTH 51°28'59" WEST 43.00 FEET; 3) NORTH 51°29'01" WEST 244.50 FEET TO A COMMON CORNER OF THE TWO SAID SUBDIVISIONS; THENCE ALONG THE LINE OF ORCHARD FARMS P.R.U.D. PHASE 3 THE FOLLOWING (7) COURSES; 1) NORTH 38°31'10" EAST 135.01 FEET; 2) NORTH 51°28'50" WEST 36.58 FEET; 3) NORTH 38°31'10" EAST 92.00 FEET; 4) NORTH 51°28'50" WEST 11.41 FEET; 5) NORTH 38°31'10" EAST 92.00 FEET; 6) SOUTH 51°28'52" EAST 27.44 FEET; 7) NORTH 38°31'10" EAST 176.64 FEET TO THE POINT OF BEGINNING.

CONTAINS: 4.79 ACRES