

After recording, please return to:

The Boyer Company  
Attention: Richard Moffat  
127 South 500 East, Suite 310  
Salt Lake City, UT 84102

27.50

5407647  
04 JANUARY 93 10:15 AM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
BOYER CO  
REC BY: VALERIE ASHBY , DEPUTY

5407647

SECOND SUPPLEMENT TO DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS OF  
EMIGRATION OAKS, A PLANNED UNIT DEVELOPMENT

This Second Supplement is made and executed this 4<sup>th</sup> day of January, 1993, by THE BOYER COMPANY, a Utah general partnership (the "Declarant").

RECITALS:

A. Declarant is the record owner of that certain tract of property known as Emigration Oaks Phase 3, a Planned Unit Development recorded on the official records of Salt Lake County, State of Utah, January 4, 1993 as entry number 5407643; (the "Plat"). Said Phase 3 is more particularly described in the legal description in Exhibit "A" of this Second Supplement.

B. Declarant is the owner of certain lots and has previously executed and recorded property known as:

1. Emigration Oaks Phase 1A, a Planned Unit Development on the official records of Salt Lake County, State of Utah on April 26, 1985 as Entry No. 4078734 in Book 85-4 of Plats at Page 77 ("Phase 1A").

2. Emigration Oaks Phase 2A, a Planned Unit Development on the official records of Salt Lake County, State of Utah on January 3, 1991, as Entry No. 5008247 in book 9101 of Plats at Page 0001 ("Phase 2A").

3. Emigration Oaks Phase 2B, a Planned Unit Development on the official records of Salt Lake County, State of Utah, on January 3, 1991 as Entry No. 5008248 in Book 9101 of Plats at Page 0002 ("Phase 2B").

C. Declarant has previously executed and recorded a Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development dated February 4, 1985 which was recorded April 26, 1985 as entry number 4078735 in Book 5648, at Page 2997 of the official records of Salt Lake County, State of Utah (the "Declaration").

D. Declarant has previously executed and recorded an Amendment to Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development dated July 3, 1985 which was recorded July 10, 1985 as entry number 4100691 in Book 5670, Pages 816-818 of the official records of Salt Lake County, State of Utah (the "Amendment").

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E. Declarant has previously executed and recorded a Second Amendment to the Declaration of Covenants, Conditions, and Restrictions of Emigration Oaks, a Planned Unit Development dated August 8, 1991 which was recorded August 9, 1991 as entry number 5109545 in Book 6344, Pages 2221-2227 of the official records of Salt Lake County, State of Utah (the "Second Amendment").

F. Declarant has previously executed and recorded a Third Amendment to the Declaration of Covenants, Conditions and Restrictions of Emigration Oaks, a Planned Unit Development dated January 4, 1993 which was recorded January 4, 1993 as Entry No. 5407643 in Book 93-01, Page 001 of the official records of Salt Lake County, State of Utah (the "Third Amendment").

G. Declarant has previously executed and recorded a Supplement to Declaration of Covenants, Conditions and Restrictions of Emigration Oaks, a Planned Unit Development dated August 27, 1991 which was recorded August 29, 1991 as Entry No. 5118708 in book 6351, Pages 0337 and 0338 of the official records of Salt Lake County, State of Utah.

H. Declarant hereby expands the project by adding a portion of the additional land, known as Emigration Oaks Phase 3, and supplements the Declaration and Amendment to include Emigration Oaks Phase 3 in accordance with Article XI, Paragraph 3 of the Declaration.

I. Declarant deems it desirable for the efficient preservation of the values and amenities in the project to amend certain portions of the Declaration as per the Amendment, Second Amendment and Third Amendment.

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, Declarant hereby declares that as more fully set forth in Article XI of the Declaration, the project known as Emigration Oaks shall be expanded to include the additional land described in Exhibit "A" of this Second Supplement (known as Emigration Oaks Phase 3, a Planned Unit Development). Declarant also declares that the newly added plat shall be held, transferred, sold, conveyed, and occupied subject to the Declaration of Covenants, Conditions, and Restrictions, easements, charges and liens set forth in the Declaration, the Amendment, the Second Amendment, the Third Amendment, the Supplement or this Second Supplement.

Declarant further declares the Declaration shall provide as specified hereinbelow:

1. LOT CONVEYANCING: As required in Article XI, Section 3(f) the form for conveyancing lots in the new Plats shall remain similar to the present form as set forth in Section 2 of Article IV of the Declaration with appropriate changes in Phase, recording date, entry number, and book and page.

Furthermore, said conveyancing language shall include reference to any Amendments and Supplements to the Original Declaration.

2. CONVEYANCE OF COMMON AREA: In accordance with Paragraph 3(g) of Declaration and Paragraph 1(e) of the Second Amendment, Declarant states it has conveyed the platted Common Areas in the Plat to the Association by Quit Claim Deeds which were recorded August 9, 1991 as entry number 5109548 in Book 6344, Page 2232 of the official records of Salt Lake County, State of Utah.
  
3. RIGHTS-OF-WAY FOR DECLARANT: In accordance with Paragraph 3(h) and Paragraph 2(e) of Declaration, Declarant reserves herewith such rights-of-way and/or easements as necessary through the new plats being added to the project for purposes of enabling access to, furnishing utilities to, and facilitating or enabling development of the additional land being added to the project.

Executed by Declarant on this 4 day of January, 1993.

"DECLARANT":

THE BOYER COMPANY,  
a Utah general partnership

By [Signature]  
Its: General Partner

NOTARY

STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On this 4 day of January, 1993, personally appeared before me [Signature], who being by me duly sworn, did say that he is a partner of THE BOYER COMPANY, a Utah general partnership, that the foregoing Declaration of Covenants, Conditions, and Restrictions was signed on behalf of said partnership by proper authority, and did acknowledge to me that said partnership executed the same.

My commission expires:

4-28-93

[Signature]  
NOTARY PUBLIC  
Residing at: Salt Lake County

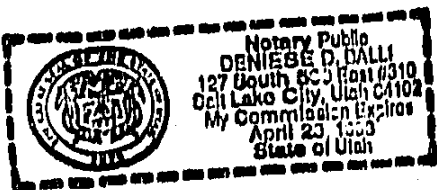


EXHIBIT "A"

BOUNDARY DESCRIPTION

EMIGRATION OAKS P.U.D. - PHASE 3, A PLANNED UNIT DEVELOPMENT

BEGINNING AT THE FURTHEST MOST NORTHEAST CORNER OF LOT 60, EMIGRATION OAKS P. U. D., PHASE 2A AS RECORDED IN THE SALT LAKE CO. RECORDERS OFFICE, SAID P. O. B. ALSO BEING NORTH 89° 53' 41" EAST 1361.508 FEET, SOUTH 00° 35' 05" EAST 91.904 FEET FROM THE NORTH 1/4 CORNER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE FROM SAID POINT OF BEGINNING NORTH 57° 47' 54" EAST 1372.782 FEET; THENCE NORTH 38° 40' 01" EAST 85.569 FEET; THENCE NORTH 39° 40' 53" WEST 82.497 FEET; THENCE NORTH 52° 41' 47" EAST 169.943 FEET; THENCE NORTH 66° 00' 37" EAST 358.448 FEET; THENCE SOUTH 38° 29' 05" EAST 335.428 FEET; THENCE SOUTH 32° 56' 05" EAST 50.00 FEET TO THE POINT OF A 525.00 FOOT RADIUS CURVE TO THE RIGHT. BEARING TO THE RADIUS POINT BEARS NORTH 32° 56' 05" WEST; THENCE ALONG ARC OF SAID CURVE 150.125 FEET THROUGH A CENTRAL ANGLE OF 16° 23' 02"; THENCE DEPARTING SAID CURVE SOUTH 20° 42' 38" EAST 205.404 FEET; THENCE SOUTH 01° 09' 18" EAST 890.803 FEET; THENCE SOUTH 88° 50' 42" WEST 499.667 FEET; THENCE SOUTH 08° 37' 12" WEST 273.920 FEET; THENCE SOUTH 52° 00' 26" WEST 919.172 FEET; THENCE NORTH 40° 03' 36" WEST 650.220 FEET; THENCE SOUTH 44° 30' 19" WEST 176.770 FEET; THENCE NORTH 00° 35' 05" WEST 814.473 FEET TO THE POINT OF BEGINNING. CONTAINS AN AREA OF 54.896 ACRES OR 36 LOTS.

BASIS OF BEARING BEING FROM THE EAST 1/16TH CORNER TO THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, WHICH HAS A BEARING OF NORTH 89° 53' 41" EAST.

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