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NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
THE BOYER COMPANY
REC BY: B GRAY DEPUTY - WI

After recording, please return to:

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

5997304

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

This Fourth Supplement is made and executed this 3rd day of January, 1995, 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 P.U.D. Phase 5, a Planned Unit Development recorded on the official records of Salt Lake County, State of Utah, January 3, 1995 as entry number 5997302, (the "Plat"). Said Phase 5 is more particularly described in the legal description in Exhibit "A" of this Fourth 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").
4. Emigration Oaks Phase 3, a Planned Unit Development on the official records of Salt Lake County, State of Utah on January 4, 1993 as Entry No. 5407643 in Book 93-1 at Page 1 ("Phase 3").

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5. The Estates at Emigration Oaks, Emigration Oaks Phase 4, A Planned Unit Development on the official records of Salt Lake County, State of Utah on February 3, 1994 as Entry No. 5730921 in Book 94-2-34 ("Phase 4") and on Easement for Well Head Protection Zones for the Estates at Emigration Oaks Phase 4 on the official records of Salt Lake County in December 1994 in Book 94-12-266.

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 4108691 in Book 5670, Pages 816-818 of the official records of Salt Lake County, State of Utah (the "Amendment").

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 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 0337-0340 of the official records of Salt Lake County, State of Utah (the "Supplement").

G. 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. 5407646 in Book 6584, Pages 0108-0111 of the official records of Salt Lake County, State of Utah (the "Third Amendment").

H. Declarant has previously executed and recorded a Second Supplement 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. 5407647 in Book 6584, Pages 0112-0115 of the Official Records of Salt Lake County, State of Utah (the "Second Supplement").

I. Declarant has previously executed and recorded a Third Supplement to Declaration of Covenants, Conditions and Restrictions of Emigration Oaks a Planned Unit Development dated February 22, 1994 which was recorded February 24, 1994 as Entry No. 5747029 in Book 6878 Pages 2672-2676 of the Official Records of Salt Lake County, State of Utah (the "Third Supplement").

J. Declarant hereby expands the project by adding a portion of the additional land, known as Emigration Oaks P.U.D. Phase 5, a Planned Unit Development and supplements the Declaration and Amendment to include Emigration Oaks Phase 5 in accordance with Article XI, Paragraph 3 of the Declaration.

K. 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 Fourth Supplement (known as Emigration Oaks P.U.D. Phase 5, 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, the Second Supplement, the Third Supplement or this Fourth 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 and February 24, 1994 as Entry No. 5747028 in Book 6870, Page 2670 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 3rd day of January, 1995.

"DECLARANT":

THE BOYER COMPANY,
a Utah general partnership

By Kem C. Gardner

Its: General Partner

NOTARY

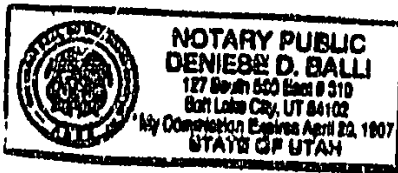
STATE OF Utah
COUNTY OF Salt Lake : ss.

On this 3 day of January, 1995, personally appeared before me Kem C. Gardner, 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:

4-28-97

Denise D. Balli
NOTARY PUBLIC
Residing at: Salt Lake County



BK 7081 PG 2247

EXHIBIT "A"

EMIGRATION OAKS P.U.D. PHASE 5

A PLANNED UNIT DEVELOPMENT

BEGINNING at the furthest most Northerly corner of LOT 105, EMIGRATION OAKS P.U.D., PHASE 3 as recorded in the Salt Lake Co. Records Office, P.O.B. also being North 14 degrees 35' 32" East 1050.081 feet from the Southwest corner of Section 28, Township 1 North, Range 2 East, Salt Lake Base and Meridian; thence from said point of beginning North 63 degrees 46' 58" East 529.045 feet; thence North 40 degrees 16' 06" East 99.044' feet; thence North 00 degrees 14' 04" East 126.056 feet; thence South 89 degrees 45' 56" East 96.345 feet; thence North 49 degrees 37' 42" East 1381.897 feet; thence North 66 degrees 33' 06" East 696.206 feet; to the center of said section 28; thence along said center of section line South 00 degrees 44' 20" East 1201.659 feet; thence departing said line North 74 degrees 20' 33" West 290.981 feet; thence South 37 degrees 13' 26" West 371.921 feet; thence South 59 degrees 17' 32" West 239.513 feet; thence South 35 degrees 44' 16" East 194.123 feet; thence South 75 degrees 15' 41" West 288.155 feet; thence South 53 degrees 09' 00" West 852.455 feet; thence South 01 degrees 09' 18" East 130.043 feet; thence South 08 degrees 57' 39" East 543.763 feet; thence South 38 degrees 50' 42" West 682.667 feet to a point common with the Easterly line of EMIGRATION OAKS PLAT 3; thence along said Easterly line North 01 degrees 09' 18" West 798.287 feet; thence North 20 degrees 42' 38" West 205.404 feet to a point on a 525.000 foot radius curve to the left bearing to the radius point bears North 16 degrees 23' 03" West; thence along arc of said curve 150.125 feet through a central angle of 16 degrees 23' 02"; thence departing said curve and continuing along said Easterly Line of EMIGRATION OAKS PLAT 3 North 32 degrees 56' 05" West 50.000 feet; thence North 38 degrees 29' 05" West 335.428 feet to the point of BEGINNING.