

AFTER RECORDING PLEASE RETURN TO:

SunCrest, L.L.C.  
Attn: Ed Grampp  
2021 East Village Green Circle  
Draper, Utah 84020

**SUPPLEMENTAL DECLARATION  
TO  
THE DECLARATION OF COVENANTS,  
CONDITIONS, EASEMENTS AND RESTRICTIONS  
FOR  
SUNCREST, A PLANNED COMMUNITY**

(TO ANNEX ADDITIONAL LAND AND DESIGNATE  
LIMITED USE DRIVEWAYS IN OAK VISTA NO. 8 AT SUNCREST)

THIS SUPPLEMENTAL DECLARATION TO THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SUNCREST, A PLANNED COMMUNITY (this "Supplemental Declaration"), is executed pursuant to the provisions of the Declaration described in Recital "B" below by SunCrest, L.L.C., a Delaware limited liability company ("Declarant") (f/k/a DAE/Westbrook, L.L.C., a Delaware limited liability company ("DAE/Westbrook")).

**WITNESSETH:**

A. Declarant was formerly known as DAE/Westbrook and it properly changed its name to SunCrest, L.L.C. Declarant has the power to execute this Supplemental Declaration pursuant to the provisions of the Declaration described in Recital "B" below.

B. On December 28, 1999, Declarant recorded with the Recorder of Salt Lake County, Utah, that certain Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 7543075 at Book 8332, Page 4708, which Declaration Declarant also recorded with the Recorder of Utah County, Utah on December 22, 2000, as Entry No. 101565:2000 ("Original Declaration"), covering the initial real property and improvements situated in Salt Lake County, Utah, more particularly described in Exhibit "A" attached thereto ("SunCrest").

C. On October 11, 2002, Declarant recorded with the Recorder of Salt Lake County, Utah, a First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 8383413 at Book 8664, Page 2560, which First Amendment Declarant also recorded with the Recorder of Utah County, Utah on August 14, 2002 as Entry No. 93174:2002 ("First Amendment").

D. On June 15, 2006, Declarant recorded with the Recorder of Utah County, Utah, an Official Plat of OAK VISTA NO. 8 AT SUNCREST as Entry No. 74942:2006 ("Oak Vista No. 8 Plat").

E. The Original Declaration, as amended and supplemented pursuant to the First Amendment, this Supplemental Declaration and as amended and supplemented pursuant to certain other Supplemental Declarations that Declarant has or may in the future record against various projects, Lots, Parcels and Neighborhoods within SunCrest, is collectively referred to as the "Declaration," which term shall, for all purposes thereof or of any related document, mean and refer to the Original Declaration as so amended, supplemented, or otherwise modified.

F. The Declaration established an association known as the SunCrest Owners Association, Inc., a Utah nonprofit corporation (the "Master Association"), which is responsible for governing SunCrest on matters of common concern as more particularly described in the Declaration.

G. Article XVI of the Declaration provides that Declarant shall have the absolute right and option, from time to time and at any time to subject to the provisions of the Declaration and the jurisdiction of the Master Association, the Additional Land or portions thereof by the recordation of a Supplemental Declaration annexing such Additional Land which shall be effective upon filing for recordation, unless otherwise provided therein.

H. Declarant desires to subject to the provisions of the Declaration and the jurisdiction of the Master Association, that certain portion of the Additional Land, situated in Utah County, Utah consisting of all of the Lots and other real property located within OAK VISTA NO. 8 AT SUNCREST as shown on the Oak Vista No. 8 Plat ("Annexation Property") and as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

I. Declarant is the fee and equitable owner of the Annexation Property.

J. Accordingly, pursuant to Section 16.3 of the Declaration, Declarant hereby exercises its unilateral right to execute and record this Supplemental Declaration for the purpose of subjecting the Annexation Property to the provisions of the Declaration and to the jurisdiction of the Master Association and for such other purposes set forth and described in this Supplemental Declaration.

K. Among other things, the First Amendment created a new Land Use Classification known as Limited Community Areas, which Land Use Classification includes Limited Use Driveways as further described in the First Amendment. In particular, Section 10.4 of the Declaration provides that a Limited Use Driveway to be maintained by the Master Association must be identified on Plats or in Supplemental Declarations recorded or approved by Declarant. In addition, Section 4.1 of the Declaration provides that Declarant shall have the right to fix Land Use Classifications for certain portions of SunCrest by the recordation of a Supplemental Declaration.

L. Accordingly, pursuant to Section 4.1 of the Declaration, Declarant hereby exercises its unilateral right to execute and record this Supplemental Declaration for the purposes of fixing two Limited Use Driveways and designating the respective seven Owners of Lots 6, 7, 8, 9, 18, 19, and 20 as Benefited Owners, and for such other purposes set forth and described in this Supplemental Declaration.

NOW, THEREFORE, Declarant hereby unilaterally exercises its right to record this Supplemental Declaration and hereby declares and states as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Supplemental Declaration shall have the meaning or meanings given to them in the Declaration. The Recitals set forth above shall constitute a portion of the terms of this Supplemental Declaration.

2. Annexation Property. The Annexation Property is hereby subjected to the Declaration, pursuant to the provisions of Article XVI of the Declaration and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens of the Declaration, which provisions are hereby ratified, approved and confirmed, with the same force and effect as if fully set forth herein and made again as of the date hereof and subject to the jurisdiction of the Master Association.

3. Land Use Classifications; Neighborhood. The Land Use Classifications, Neighborhood, and certain other restrictions affecting the Annexation Property are set forth in Exhibit "B" attached hereto and incorporated herein for all purposes.

4. Limited Use Driveways. The Lots lettered "AA" and "BB" as depicted and identified in the Oak Vista No. 8 Plat are designated as Limited Use Driveways as further described in the Declaration.

(a) Benefited Owners. Such Limited Use Driveways constitute a portion of the Limited Community Areas, and are for the exclusive use, occupancy and benefit of the respective seven Lots 6, 7, 8, 9, 18, 19, and 20 to which they are adjacent as depicted on the Oak Vista No. 8 Plat and to which they are required for access to such Lots. The Benefited Owners include the specific seven Owners of Lots 6, 7, 8, 9, 18, 19, and 20. The Master Association shall hold fee title to the Limited Use Driveways lettered "AA" and "BB" and such Limited Use Driveways shall constitute Master Association Land.

(b) Master Association's Duty to Maintain; Benefited Owners' Assessment Obligations. The Master Association shall maintain, repair, replace and service such Limited Use Driveways in accordance with the provisions of the Declaration, unless Declarant or the Board authorizes the delegation of such responsibility in the Declaration or by an amendment to this Supplemental Declaration. Each Benefited Owner, for each Lot that he, she or it owns, shall be liable for an equal share of the maintenance, repair, replacement and service costs associated with the Limited Use Driveways, and for all Assessments levied by the Master Association associated with the same, as further described in the Declaration.

5. Binding Provisions. The provisions of this Supplemental Declaration shall be binding upon all parties having any right, title, or interest in the real property covered by the Oak Vista No. 8 Plat, including but not limited to Lot AA and Lot BB, or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

6. Effective Date. This Supplemental Declaration shall be effective as of the date of its recordation in the real property records of the Recorder for Utah County, Utah.


7. Declaration Remains in Effect. The Oak Vista No. 8 Plat and this Supplemental Declaration shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration shall remain in full force and effect and shall not be cancelled, suspended or otherwise abrogated by the recording of this Supplemental Declaration.

8. Authority. Declarant hereby certifies that Declarant may execute this Supplemental Declaration without the consent or signature of any other party or Owner as provided in Sections 16.3 and 4.1 of the Declaration.

IN WITNESS WHEREOF, this Supplemental Declaration is hereby executed this 25<sup>th</sup> day of July, 2006.

**DECLARANT:**

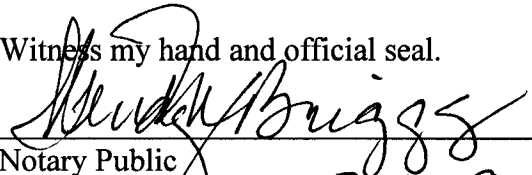
SUNCREST, L.L.C.,  
a Delaware limited liability company  
(f/k/a DAE/Westbrook, L.L.C., a Delaware limited liability company)

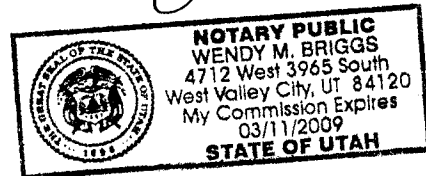
By:   
Its: Assistant Vice President

STATE OF UTAH                     )  
  ss.  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of July, 2006 by Edward L. Gramp, as Att. V.P. of SunCrest, L.L.C., a Delaware limited liability company (f/k/a DAE/Westbrook, L.L.C., a Delaware limited liability company).

Witness my hand and official seal.

  
Notary Public  
My Commission expires: 3-11-09



## EXHIBIT "A"

## OAK VISTA NO. 8 AT SUNCREST

All real property located within OAK VISTA NO. 8 AT SUNCREST as shown on the Official Plat recorded in the Official Records of Utah County, Utah on June 15, 2006 as Entry No. 74942:2006.

Utah County APN \_\_\_\_\_

For 2006 - 11-010-0054 & 11-009-0041

For 2007 - 48-352-0001	48-352-0020
48-352-0002	48-352-0027
48-352-0003	48-352-0028
48-352-0004	48-352-0029
48-352-0005	48-352-0030
48-352-0006	48-352-0031
48-352-0007	48-352-0032
48-352-0008	48-352-0033
48-352-0009	48-352-0034
48-352-0010	48-352-0035
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48-352-0015	48-352-0040
48-352-0016	48-352-0041
48-352-0017	48-352-0042
48-352-0018	48-352-0043
48-352-0019	48-352-0044
48-352-0020	48-352-0045
48-352-0021	48-352-0046
48-352-0022	48-352-0047
48-352-0023	48-352-0048
48-352-0024	48-352-0049
48-352-0025	48-352-0050

**EXHIBIT "B"****OAK VISTA NO. 8 AT SUNCREST**1. Land Use Classifications —

(a) Single Family Residential Use. All fifty Lots numbered 1-50 in Oak Vista No. 8 at SunCrest are designated for Single Family Residential Use as further described in the Declaration.

(b) Limited Use Driveways. The Lots lettered "AA" and "BB" in Oak Vista No. 8 at SunCrest are designated as Limited Use Driveways for the use and benefit of the Benefited Owners thereof and shall constitute Master Association Land as further described in the foregoing Supplemental Declaration.

(c) Master Association Land. The Master Association shall hold fee title to the Lots lettered "A", "B", and "C" and such Lots shall constitute Master Association Land.

2. Neighborhood Designation — All of the Lots in Oak Vista No. 8 at SunCrest as depicted on the Oak Vista No. 8 Plat comprise a portion of "Tallwoods at SunCrest", a Residential Neighborhood within SunCrest.

3. Size Restrictions — No residence shall be constructed wherein the floor area of the main structure of the dwelling, exclusive of garages and open porches, is less than 2,000 square feet or more than 3,200 square feet for a single story dwelling not including basement area; and no less than 2,500 square feet or more than 5,000 square feet for a two story dwelling not including basement area.

4. Nondisturbance Areas — No grading or vegetation removal shall take place within the established "Nondisturbance Areas" on the Natural Lots as depicted on the Oak Vista No. 8 Plat, except as may be provided in Paragraph 4, Section 4.2.3 and Section 3.4.9 of the SunCrest Development Guidelines. Nondisturbance Areas as depicted on the Oak Vista No. 8 Plat shall be marked by construction fencing, colored tape or other means acceptable to the City of Draper, on such Natural Lots prior to commencing construction to prevent incidental incursion into areas to be protected. Moreover, no building, fence, wall, Dwelling Unit or other Improvement shall be commenced, erected, maintained, improved, altered or made without the prior written approval of the Design Review Board as further described in Section 4.2.36 of the Declaration.