

WHEN RECORDED RETURN TO:  
IVORY DEVELOPMENT  
978 E. Woodoak Lane  
Salt Lake City, Utah 84117  
(801) 747-7440

**FIRST AMENDMENT TO THE  
DECLARATION OF PROTECTIVE COVENANTS  
FOR COLONY POINTE  
An Expandable Planned Unit Development**

This FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR COLONY POINTE , P.U.D. is made and executed by IVORY DEVELOPMENT LLC., a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

**RECITALS**

Whereas, the Declaration of Protective Covenants for COLONY POINTE was recorded in the office of the County Recorder of Utah County, Utah on the 14<sup>th</sup> of March, 2005 as Entry No.26126 of the Official Records of the County Recorder of Utah County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Plat A & B of the Project have also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, under Article 3, Section 41 of the Declaration, Declarant reserved an option to unilaterally expand the subdivision in accordance with the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit "A-2" attached hereto and incorporated herein by this reference (the "PLAT B PROPERTY").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right to expand the application of the Declaration to other real property.

Whereas, Declarant desires to expand the subdivision by creating on the PHASE B Property additional Lots.

Whereas, Declarant now intends that the PLAT B Property shall become subject to the Declaration.

Whereas, the Developer desires to amend the Declaration to set forth the Street Tree Planting Plan for the Property.

Whereas, Declarant desires to amend the legal description defining the property to be included in the HOA for Plat A as shown in Exhibit B.

Whereas, Declarant desires to clarify maintenance of landscaping located along 1500 North, 900 North and 1700 West Streets.

**NOW, THEREFORE**, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this **FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR COLONY POINTE**.

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

A. **First Amendment Declaration** shall mean and refer to this **FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR COLONY POINTE**.

B. **PLAT B Map** shall mean and refer to the Plat Map of PLAT B of the Project, prepared and certified to by Dennis P. Carlisle, a duly registered Utah Land Surveyor holding Certificate No. 172675, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this First Amendment Declaration.

C. **Subdivision** shall mean and refer to COLONY POINTE PLAT A and B.

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-2 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 the Declaration as it may be supplemented or amended from time to time. Exhibit A-2 also includes a corrected legal description for Plat A area included within the Colony Pointe HOA.

3. **Annexation.** Declarant hereby declares that the PLAT B Property shall be annexed to and become subject to the Declaration, which, upon recordation of this First Amendment Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-2 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association.

4. **Total Number of Units Revised.** As shown on the PLAT A Map, forty-three (43) Lots, Numbers 1-43 and 47 (common ownership or park lot), and PLAT B Map, ninety five (95) Lots, Numbers 1-142 and 143 (common ownership or park lot) are or will be constructed and/or

created in the Project on the PLAT A and B Property. Upon the recordation of the PLAT B Map and this First Amendment Declaration, the total number of Lots in the Project will be one hundred and thirty eight (138) plus two (2) common ownership or park lots. 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 the prior Phase.

5. **Percentage Interest Revised.** Pursuant to the Declaration, Declarant is required with the additional Lots to reallocate the undivided percentages of ownership interest (the "Percentage Interests"). Seventh Revised Exhibit "C" to the Declaration, which set forth the Percentage Interests in the Project through Plat A, is deleted in its entirety and Eighth Revised Exhibit 'C' attached hereto and incorporated herein by this reference, which sets forth the Percentage Interests through Plat B is substituted in lieu thereof.

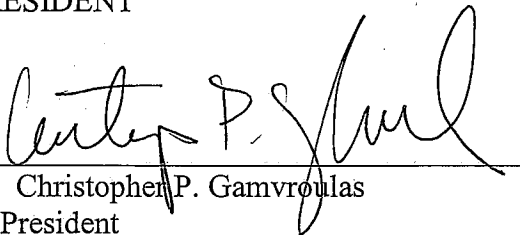
6. **Landscaping Maintenance of 1500 North, 900 North and 1700 West Streets.** The area of landscaping or City parkstrip along 1500 North (lots 48 and 140-142), 900 North (lots 4, 5, and 6), and 1700 West (lots 42, and lots 1-4) shall be considered common area and will be maintained by the Colony Pointe HOA. All other lots along 1500 North, 900 North and 1700 West streets will be considered as fronting the respective street and therefore the maintenance of the park strip shall be the responsibility of the homeowner.

7. **Street Trees.** The planting of trees shall be done in accordance with the Street Tree Planting Plan, a copy of which is attached hereto, marked Exhibit "C" and incorporated herein by this reference.

8. **Effective Date.** The effective date of this First Supplemental Declaration and the PLAT B Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

Dated the 7<sup>th</sup> day of April, 2005.


DEVELOPER:  
IVORY DEVELOPMENT, LLC.  
By: CHRISTOPHER P GAMVROULAS.  
Its: PRESIDENT

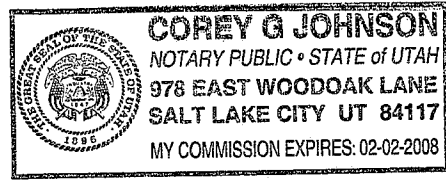
By:   
Name: Christopher P. Gamvroulas  
Title: President

ACKNOWLEDGMENT

STATE OF UTAH )  
SS:  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day ~~February~~ <sup>APRIL</sup>, 2005 by Christopher P. Gamvroulas, the 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.

  
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NOTARY PUBLIC  
Residing at:  
My Commission Expires:



**REVISED AND AMENDED EXHIBIT "A-2"  
LEGAL DESCRIPTION**

The Property referred to in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

**REVISED COLONY POINTE "A" DESCRIPTION  
(ONLY HOMES IN COLONY POINTE HOA)**

A portion of COLONY POINTE "A", located in the NE1/4 and the NW1/4 of Section 7, Township 5 South, Range 1 East, Salt Lake Base & Meridian, located in Lehi, Utah, more particularly described as follows:

Beginning at a point located S89°44'31"W along the Section line 11.57 feet and South 1,599.50 feet from the North ¼ Corner of Section 7, T5S, R1E, S.L.B.& M.; thence S79°02'21"E 58.53 feet; thence S88°31'49"E 122.09 feet; thence S1°30'20"W 383.57 feet; thence S89°54'47"E 172.53 feet; thence N1°40'40"E 221.80 feet; thence N1°30'00"E 236.32 feet; thence S88°25'19"E 25.29 feet; thence S2°00'00"W 457.56 feet; thence N89°54'47"W 4.46 feet; thence S1°29'40"W 681.80 feet; thence S88°54'00"W 317.85 feet; thence N1°02'56"W 308.93 feet; thence N88°53'01"W 483.66 feet; thence N0°01'15"W 232.30 feet; thence N89°52'14"W 169.34 feet; thence N0°01'15"W 241.90 feet; thence S89°26'24"W 0.80 feet; thence N0°01'51"W 3.01 feet; thence N43°46'39"E 182.43 feet; thence S63°54'18"E 80.11 feet; thence N56°07'17"E 116.83 feet; thence N64°49'00"E 256.59 feet; thence N80°03'34"E 109.91 feet to the point of beginning.

Contains: 15.78+/- acres

**PLAT B DESCRIPTION  
LESS LOTS 144-152  
(ONLY HOMES IN COLONY POINTE HOA)**

A portion of Sections 6 and 7, Township 5 South, Range 1 East, Salt Lake Base & Meridian, located in Lehi, Utah, more particularly described as follows:

Beginning at a point located S89°44'31"W along the Section line 299.52 feet and North 50.77 feet from the North ¼ Corner of Section 7, T5S, R1E, S.L.B.& M.; thence N89°59'03"E 521.65 feet; thence S2°48'03"W 249.95 feet; thence N89°25'47"W 66.03 feet; thence S1°35'05"W 467.39 feet; thence S89°25'31"E 271.87 feet; thence S2°00'00"W 253.69 feet; thence N88°16'24"W 317.49 feet; thence S1°46'00"W 295.33 feet; thence S88°10'43"E 111.04 feet; thence S1°30'20"W 401.90 feet to the Northeast Corner of Lot 33, Plat "A", COLONY POINTE Subdivision; thence N88°31'49"W 122.09 feet; thence N79°02'21"W 58.53 feet; thence S80°03'34"W 109.91 feet; thence S64°49'00"W 256.59 feet; thence S56°07'17"W 116.83 feet; thence N63°54'18"W 80.11 feet; thence S43°46'39"W 182.43 feet, the previous 7 (seven) courses along said Plat "A"; thence S88°04'42"W 169.50 feet; thence N88°53'34"W 171.73 feet; thence N0°15'31"E 323.16 feet; thence S89°59'23"W 302.51 feet; thence N0°42'19"E 579.91 feet; thence N89°25'00"E 215.81 feet; thence N89°22'00"E 457.77 feet; thence S89°56'00"E 311.00 feet; thence N0°09'54"W 319.49 feet; thence N2°59'19"W 13.35 feet; thence N0°08'17"W 201.94 feet; thence N0°05'45"W 216.97 feet; thence N2°02'40"E 24.43 feet; thence N0°03'29"W 255.10 feet to the point of beginning.

Contains: 36.13+/- acres

**REVISED EXHIBIT "B"**  
**PERCENTAGE OF OWNERSHIP INTEREST**

<u>Plat</u>	<u>Lot No.</u>	<u>Percentage Of Ownership Interest</u>
A	1	0.7246%
A	2	0.7246%
A	3	0.7246%
A	4	0.7246%
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**EXHIBIT "C"****S T R E E T   T R E E   P L A N T I N G   P L A N**  
COLONY POINTE  
PLATS A AND B  
LEHI CITY, UTAH COUNTY, UTAH

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**01. GENERAL REQUIREMENTS**

- 01.1. STREET TREES initially are to be planted by the HOME OWNER in compliance with this plan.
- 01.2. STREET TREES are to be planted in the parkstrip in front of each lot. They are to be centered between the back of curb and the edge of the sidewalk.
- 01.3. Two (2) Street Trees are to be planted per lot.
- 01.4. Corner lots shall have two (2) Street Trees on each street fronting the lot—or a total of four (4) Street Trees. In most cases, this will be two different varieties of trees. Consult the Street Tree Plan carefully.
- 01.5. Lots on cul de sacs have a narrower frontage and may not, in all cases, accommodate two Street Trees. Follow the guidelines in paragraph 01.6 below and provide Street Trees at the proper and appropriate spacing.
- 01.6. STREET TREES shall be spaced at approximately forty (40) feet on center, but no less than thirty (30) feet from a street tree in front of an adjoining lot.
- 01.7. STREET TREES shall be planted twenty (20) feet from any street intersection. This is to be measured from the point of intersection between the street curb and the sidewalk.
- 01.8. STREET TREES shall be a minimum one and one-half inch (1 ½") caliper in size when planted. (Caliper is the diameter of the trunk measured twelve (12) inches above the top of the root ball.)
- 01.9. Any damaged or diseased STREET TREES are to be replaced by the homeowner at his sole cost and expense.

02. STREET TREE PLAN

02.1. The following Plant List identifies Street Trees to be planted on each street within COLONY POINTE. No substitutions are allowed.

02.2. STREET TREE PLANT LIST

STREET	COMMON NAME	BOTANICAL NAME
Colony Pointe Dr	Aristocrat Flowering Pear	Pyrus calleryana 'Aristocrat'
1750 West	Eastern Redbud	Cercis canadensis
1800 West	Bechtel Crab	Malus 'Bechtel'
1850 West	Chokecherry	Prunus virginiana 'Canada Red'
1250 North	Aristocrat Flowering Pear	Pyrus calleryana 'Aristocrat'
1150 North	Eastern Redbud	Cercis canadensis
1980 West	Kwanzan Cherry	Prunus serrulata 'Kwanzan'
2040 West	Chokecherry	Prunus virginiana 'Canada'
1320 North	Eastern Redbud	Cercis canadensis
1400 North	Kwanzan Cherry	Prunus serrulata 'Kwanzan'
1480 North	Eastern Redbud	Cercis canadensis

The following Street trees are to be planted on major city roads. (Trees to be installed by Ivory Development and maintained by HOA).

900 North Applause'	Autumn Applause Ash	Fraxinus americana 'Autumn'
1700 West	Green Spire Linden	Tilia cordata 'Greenspire'
1500 North	Armstrong Maple	Acer rubrum 'Armstrong'