

WHEN RECORDED RETURN TO:
Ivory Development, LLC,
A Utah limited liability company
Christopher P. Gamvroulas
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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
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DEP RT REC'D FOR FARMINGTON CITY

08-604-0026, 0027
08-448-0001 → 0025

FIRST SUPPLEMENT TO THE *D*

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR

08-032-0146

MONTEBELLA SUBDIVISION, + *Montebella First Amendment*

THE FARMINGTON HOLLOW CONSERVATION SUBDIVISION PHASE 1 AND PHASE 2

08-514-0101 → 0130

This First Supplement to the Declaration of Covenants, Conditions and Restrictions for Montebella Subdivision, the Farmington Hollow Conservation Subdivision Phase 1 and Phase 2, 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 Declaration of Covenants, Conditions and Restrictions for Montebella Subdivision was recorded in the office of the County Recorder of Davis County, Utah on June 6, 2008 as Entry No. 2371001 in Book 4549 at Pages 1222-1279 of the official records (the "Declaration").

Whereas, the related Final Plat for Montebella Subdivision has also been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, Declarant is the fee simple owner of record of that certain real property located in the City of Farmington, Davis County, Utah and described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter referred to as the "Farmington Hollow Conservation Subdivision Phase 1" or the "Farmington Hollow Phase 1 Property").

Whereas, Declarant is the fee simple owner of record of that certain real property located in the City of Farmington, Davis County, Utah and described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter referred to as the "Farmington Hollow Conservation Subdivision Phase 2" or the "Farmington Hollow Phase 2 Property").

Whereas, pursuant to Article III, Section 55 of the Declaration, the Declarant reserved the right to expand the Project and annex additional land.

Whereas, Declarant desires to expand the Project by creating on the Farmington Hollow Phase 1 Property an additional twenty-nine (29) single family residential Lots

numbered 101-129, inclusive, and certain Common Area, including but not limited to a drainage easement, landscape strip, fence, and entry feature along 1800 North Street which backs Lots 110-115, inclusive, and a storm detention basin structure behind Lots 116-118, inclusive.

Whereas, Declarant desires to expand the Project by creating on the Farmington Hollow Phase 2 Property an additional eighteen (18) single family residential Lots numbered 201-218, inclusive, and certain Common Area.

Whereas, Declarant now intends that the Farmington Hollow Phase 1 Property and the Farmington Hollow Phase 2 Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Owners thereof, Declarant hereby executes this First Supplement to the Declaration of Covenants, Conditions and Restrictions for Montebella Subdivision, the Farmington Hollow Phase 1 and Phase 2, a Conservation Subdivision.

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

- a. **Farmington Hollow Phase 1, a Conservation Subdivision** shall mean and refer to Phase 2 of the Montebella Subdivision.
- b. **Farmington Hollow Phase 1, a Conservation Subdivision Map** shall mean and refer to the Farmington Hollow Phase 1 Map.
- c. **Farmington Hollow Phase 2, a Conservation Subdivision** shall mean and refer to Phase 2 of the Montebella Subdivision.
- d. **Farmington Hollow Phase 2, a Conservation Subdivision Map** shall mean and refer to the Farmington Hollow Phase 1 Map.
- e. **First Supplemental Declaration** shall mean and refer to this First Supplement to the Declaration of Covenants, Conditions and Restrictions for Montebella Subdivision, the Farmington Hollow Conservation Subdivision Phase 1 and Phase 2.
- f. **Phase 1** shall mean and refer to the Farmington Hollow Phase 1 Property, a Conservation Subdivision.
- g. **Phase 1 Map** shall mean and refer to the Final Plat of Phase 1 of the Project, prepared and certified to by Robert

D. Kunz, a duly registered Utah Land Surveyor holding Certificate No. 150228, and filed for record in the Office of the County Recorder of Davis County, Utah or will file it concurrently with the filing of this First Supplemental Declaration.

- h. **Phase 2** shall mean and refer to the Farmington Hollow Phase 2 Property, a Conservation Subdivision.
- i. **Phase 2 Map** shall mean and refer to the Final Plat of Phase 2 of the Project, prepared and certified to by Robert D. Kunz, a duly registered Utah Land Surveyor holding Certificate No. 150228, and filed for record in the Office of the County Recorder of Davis County, Utah or will file it concurrently with the filing of this First 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-2" and Exhibit "A-3" 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.

3. **Annexation and Jurisdiction of Farmington Hollow Phase 1 Property.** Declarant hereby declares that the Farmington Hollow Phase 1 Property shall be and is hereby annexed and upon recordation of this First Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A-1" subject to the Declaration and to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Description of Property and Total Number of Lots Revised.** Montebella Phase 1 contained twenty seven (27) Lots, certain Common Area, and other improvements of a less significant nature. Upon the recordation of the Farmington Hollow Phase 1 Map and this First Supplemental Declaration, twenty-nine (29) additional Lots will be added to the Project (which the individual Lot Owners shall maintain at their sole expense) together with certain Common Area, including but not limited to a drainage easement, landscape strip, fence, and entry feature along 1800 North Street which backs Lots 110 through 115, inclusive, and a storm detention structure behind Lots 116-118, inclusive, and other improvements of a less significant nature (which the Association shall maintain as a Common Expense). The total number of Lots in Montebella Phase 1 and Farmington Hollow Phase 1 will be fifty-six (56). The additional Lots (and the homes to be constructed thereon) and other improvements are or will be substantially similar in construction, design and quality to the Lots and homes and improvements in the first phase.

5. **Annexation and Jurisdiction of Farmington Hollow Phase 2 Property.** Declarant hereby declares that the Farmington Hollow Phase 2 Property shall be and is hereby annexed and upon recordation of this First Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A-2" subject to the Declaration and to the functions, powers, rights, duties and jurisdiction of the Association.

6. **Description of Property and Total Number of Lots Revised.** Montebella Phase 1 contained twenty seven (27) Lots, certain Common Area, and other improvements of a less significant nature. Farmington Hollow Phase 1 contained twenty-nine (29) Lots, certain Common Area, including but not limited to a drainage easement, landscape strip, fence, and entry feature along 1800 North Street which backs Lots 201-218, inclusive, and a storm detention structure behind Lots 116-118, inclusive, and other improvements of a less significant nature. Upon the recordation of the Farmington Hollow Phase 2 Map and this First Supplemental Declaration, eighteen (18) additional Lots will be added to the Project together with certain Common Area and improvements of a less significant nature. The total number of Lots in Montebella Phase 1, Farmington Hollow Phase 1 and Farmington Hollow Phase 2 will be seventy-four (74). The additional Lots (and the homes to be constructed thereon) and other improvements are or will be substantially similar in construction, design and quality to the Lots and homes and improvements in the first phase.

7. **Governing Board and Neighborhood Representation.** After the end of the Period of Declarant's Control, at least one Director shall be a resident of Montebella Phase 1, one Director shall be a resident of Farmington Hollow Phase 1, and one Director shall be a resident of Farmington Hollow Phase 2.

8. **Name of Association.** The name of the incorporated Association shall be Montebella/Farmington Hollow Homeowners Association (the "Association").

9. **Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Declaration, as heretofore amended and supplemented, which is by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Farmington Hollow Phase 1 Property and Farmington Hollow Phase 2 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

10. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration, as supplemented or amended, and this First Supplemental Declaration, the latter shall in all respects govern and control.

11. **Effective Date.** The effective date of this First Supplemental Declaration and the Farmington Hollow Phase 1 Map and Farmington Hollow Phase 2 Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Davis County, Utah.

EXHIBIT "A-1"
LEGAL DESCRIPTION

The Property referred to in the foregoing document as the Farmington Hollow Phase 1, a Conservation Subdivision, is located in Davis County, Utah and is described more particularly as follows:

PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT S89°51'07"W 1321.46 FEET AND SOUTH 1300.72 FEET AND N89°39'00"W 363.34 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 11; THENCE S11°31'52"E 848.10 FEET TO THE NORTH RIGHT OF WAY LINE OF 1800 NORTH STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) S43°20'00"W 238.68 FEET AND (2) N89°59'58"W 695.49 FEET; THENCE N25°36'50"E 23.47 FEET; THENCE N34°26'30"W 132.77 FEET; THENCE N43°29'06"W 120.00 FEET; THENCE N49°46'40"W 58.28 FEET; THENCE N47°05'54"E 29.55 FEET TO THE EAST LINE OF HESS FARM ESTATES; THENCE S89°54'06"E 171.35 FEET; THENCE S40°30'06"E 10.35 FEET; THENCE S41°05'09"E 6.81 FEET; THENCE S00°21'03"E 18.44 FEET; THENCE N76°30'40"E 180.96 FEET; THENCE S59°33'26"E 77.76 FEET; THENCE N76°30'40"E 112.00 FEET; THENCE N13°29'20"W 20.91 FEET; THENCE S89°59'58"E 163.98 FEET; THENCE N00°00'02"E 165.71 FEET; THENCE N12°16'45"W 100.00 FEET; THENCE N14°42'22"W 99.84 FEET; THENCE N02°32'38"W 117.05 FEET; THENCE N89°39'00"W 88.99 FEET; THENCE N05°43'26"W 56.32 FEET; THENCE N00°21'00"E 180.00' TO THE SOUTH LINE OF MONTEBELLA SUBDIVISION; THENCE S89°39'00"E ALONG A FENCELINE AND THE SOUTH LINE OF MONTEBELLA SUBDIVISION, 311.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 462,150 SQUARE FEET OR 10.610 ACRES

08-514-0101 → 0130

EXHIBIT "A-2"
LEGAL DESCRIPTION

The Property referred to in the foregoing document as the Farmington Hollow Phase 2, a Conservation Subdivision, is located in Davis County, Utah and is described more particularly as follows:

PART OF THE NORTHEAST QUARTER OF SECTION 11,
TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND
MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT S89°51'07"W 1321.46 FEET AND
SOUTH 1300.72 FEET AND N89°39'00"W 363.34 FEET FROM
THE NORTHEAST CORNER OF SAID SECTION 11; THENCE
S00°21'00"W 180.00 FEET; THENCE S05°43'26"E 56.32 FEET;
THENCE S89°39'00"E 88.99 FEET; THENCE S02°32'38"E
117.05 FEET; THENCE S14°42'22"E 99.84 FEET; THENCE
S12°16'45"E 100.00 FEET; THENCE S00°00'02"W 165.71 FEET;
THENCE N89°59'58"W 163.98 FEET; THENCE S13°29'20"E
20.91 FEET; THENCE S76°30'40"W 112.00 FEET; THENCE
N59°33'26"W 77.76 FEET; THENCE S76°30'40"W 180.96 FEET;
THENCE N00°21'03"W 18.44 FEET; THENCE N41°05'09"W 6.81
FEET; THENCE N40°30'06"W 10.35 FEET; THENCE N89°54'06"W
171.36 FEET TO THE EAST LINE OF HESS FARM ESTATES;
THENCE N18°40'06"E ALONG SAID EAST LINE, 734.52 FEET;
THENCE N89°38'55"E 140.01 FEET; THENCE N08°37'01"E
35.71 FEET TO THE SOUTH LINE OF MONTEBELLA
SUBDIVISION; THENCE S89°39'00"E ALONG A FENCELINE AND
THE SOUTH LINE OF MONTEBELLA SUBDIVISION, 167.90 FEET
TO THE POINT OF BEGINNING.

CONTAINING 369,227 SQUARE FEET AND 8.476 ACRES

08-032-0146

EXHIBIT "A-3"
LEGAL DESCRIPTION

08-448-0001 → 0025

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

Montebella Subdivision:

A part of the Northeast Quarter of Section 11, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey;

Beginning at a point on the Southwesterly right-of-way line of State Road 273 (U.S. Highway 91A) said point being 1565.92 feet South 89°51'06" West along the Section line and South 0°08'54" East 511.49 feet from the Northeast corner of said Quarter Section; and running thence two (2) courses along said Southwesterly right-of-way as follows: South 37°12'30" East 48.07 feet and South 42°55'08" East 437.48 feet; thence South 47°15'00" West 130.08 feet; thence South 39°48'31" East 184.98 feet; thence South 89°39'00" East 192.31 feet to said Southwesterly right-of-way line; thence Southeasterly along the arc of a 2814.90 foot radius curve to the right a distance of 59.77 feet (Long Chord bears South 41°52'07" East 59.77 feet); thence South 50°06'42" West 191.19 feet; thence North 43°25'14" West 88.02 feet; thence Southwesterly along the arc of a 50.00 foot radius curve to the right a distance of 30.47 feet (Long Chord bears South 46°34'46" West 30.00 feet; thence South 43°25'14" East 117.42 feet); thence South 17°06'00" East 13.65 feet; thence South 89°38'58" West 192.55 feet; thence North 0°00'24" West 24.94 feet; thence North 89°39'00" West 845.11 feet to the East line of Oak View Subdivision, Kaysville City, Davis County, Utah as occupied on the ground; thence North 8°37'01" East 524.23 feet along said East line and the East line of Oak View Subdivision Amended, Kaysville City, Davis County, Utah as occupied on the ground and the East line of Edge End Hollow Subdivision No. 1, Kaysville City, Davis County, Utah as occupied on the ground; thence North 23°24'01" East 203.57 feet along said East line of said Edge End Subdivision No. 1 and said line extended; thence North 40°58'01" East 214.63 feet; thence South 29°52'50" East 179.29 feet; thence South 52°35'40" East 96.00 feet; thence Northeasterly along the arc of a 299.47 foot radius curve to the right a distance of 51.46 (Long Chord bears North 42°44'57" East 51.40 feet); thence North 47°15'03" East 135.55 feet to the point of beginning.

Together With,

Montebella, First Amendment:

08-504-0026, 0027

BOUNDARY DESCRIPTION

LOTS 26 AND 27, MONTEBELLA SUBDIVISION, A PLAT RECORDED AT THE DAVIS COUNTY RECORDERS OFFICE, LOCATED IN KAYSVILLE CITY, DAVIS COUNTY, STATE OF UTAH,, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 27, SAID POINT BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 273 (U.S. HIGHWAY 91A), SAID POINT BEING SOUTH 89°51'06" WEST ALONG SECTION LINE 1530.66 FEET AND SOUTH 555.10 FEET FROM THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, AND RUNNING THENCE SOUTH 42°55'08" EAST ALONG SAID SOUTHWESTERLY LINE 214.61 FEET TO THE NORTHEASTERLY CORNER OF LOT 25 OF SAID SUBDIVISION; THENCE SOUTH 47°22'49" WEST 123.63 FEET ALONG THE NORTH LINE OF SAID LOT 25 TO THE NORTHEASTERLY LINE OF DORIS PLACE ROAD, A 55 FOOT WIDE STREET; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID STREET THE FOLLOWING (3) COURSES: (1) NORTH 42°37'11" WEST 76.42 FEET TO A POINT OF CURVATURE, (2) 75.06 FEET ALONG THE ARC OF A 211.53 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 20°19'56" (CHORD BEARS NORTH 52°47'09" WEST 74.67 FEET) TO A POINT OF TANGENCY, AND (3) NORTH 62°57'07" WEST 66.88 FEET TO THE SOUTHERLY LINE OF RIGBY ROAD, A 55 FOOT WIDE STREET; THENCE NORTHEASTERLY (2) COURSES ALONG SAID SOUTHERLY LINE: (1) 28.06 FEET ALONG THE ARC OF A 244.47 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 6°34'32" (CHORD BEARS NORTH 43°57'47" EAST 28.04 FEET TO A POINT OF TANGENCY, AND (2) NORTH 47°15'03" EAST 130.93 FEET TO THE POINT OF BEGINNING.

CONTAINING: 28,312 SQ.FT. (0.65 ACRES - 2 LOTS)