

WHEN RECORDED RETURN TO:
IVORY DEVELOPMENT, LLC
970 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 268-0700

9576595
12/8/2005 4:17:00 PM \$135.00
Book - 9227 Pg - 8628-8635
Gary W. Ott
Recorder, Salt Lake County, UT
COTTONWOOD TITLE INS AGENCY
BY: eCASH, DEPUTY - EF 8 P.

**FIRST SUPPLEMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR VALLE DI VILLA PHASE 2**

This First Supplement to the Declaration of Protective Covenants for Valle Di Villa Phase 2, is made and executed by Ivory Development, LLC, a Utah limited liability company, of 970 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Declaration of Protective Covenants for Valle Di Villa Subdivision was recorded in the office of the County Recorder of Salt Lake County, Utah on **09-25-2003** as Entry **8830234** in Book **8887** at Page **40** of the Official Records of the County Recorder of Salt Lake County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase 1 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Amendment to Declaration of Protective Covenants for Valle Di Villa was recorded in the office of the County Recorder of Salt Lake County, Utah on 05-17-2004 as Entry **9064343** in Book **8988** at Pages **6108** of the Official Records of the County Recorder of Salt Lake County, Utah (the "First Amendment").

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

Whereas, under Section 35 of the Declaration, Declarant reserved the right to amend the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-2" attached hereto and incorporated herein by this reference (the "Phase 2 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 2 Property additional Lots.

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

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this First Supplement to the Declaration of Protective Covenants for Valle Di Villa Phase 2.

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

A. **First Supplemental Declaration** shall mean and refer to this First Supplement to the Declaration of Protective Covenants for Valle Di Villa Phase 2.

B. **Phase 2 Map** shall mean and refer to the Plat Map of Phase 2 of the Project, prepared and certified to by Richard P. Sorenson, a duly registered Utah Land Surveyor holding Certificate No. 1798, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this First Supplemental Declaration.

C. **Subdivision** shall mean and refer to Valle Di Villa Phase 1 and Phase 2.

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.

3. **Annexation.** Declarant hereby declares that the Phase 2 Property shall be annexed to and become subject to the Declaration, which, 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 this Declaration and the functions, powers, rights, duties and jurisdiction of the Association and Architectural Review Committee.

4. **Total Number of Units Revised.** As shown on the Phase 2 Map, forty three (43) new Lots, Numbers 201-243, are or will be constructed and/or created in the Project on the Phase 2 Property. Upon the recordation of the Phase 2 Map and this First Supplemental Declaration, the total number of Lots in the Project will be one hundred and twelve (112). 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. **Description of Common Areas.** The common areas in the Project include the following as shown on the Map.

- Lot 136 (Pool, Clubhouse and related amenities)
- Park strip and property strips along Highland Drive
- Area under bridge
- 15 foot trail easement between Lots 113 and 114
- 15 foot trail easement between Lots 153 and 154
- 15 foot trail easement between Lots 206 and 207
- 15 foot trail easement between Lots 222,223,215, and 214
- 15 foot trail easement between Lots 227 and 228
- Lot A open space to be maintained by the Association but dedicated to Draper City

6. **Open Space.** 2.09 Acres have been dedicated to Draper City as open space as shown on the Map.

7. **Definitions.** Section 1 of the Declaration is hereby amended to add the following definitions:

y. **Corner Lot.** The term "Corner Lot" shall mean and refer to a lot or parcel abutting two intersections or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees. Each Corner Lot shall have designated "Front," "Side" and "Rear" Yard sections. A Corner Lot may not have two (2) "Front Yard" sections.

z. **Front Yard.** The term "Front Yard" shall mean and refer to a space extending across the full width of a lot or parcel between the front building line and the front lot line. The depth of the front yard is the minimum distance required by city ordinance between the front lot line and the front building line.

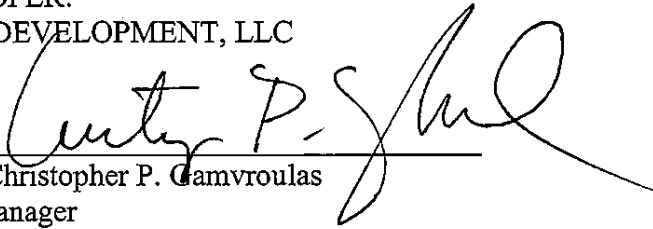
8. **General Status and Authority and Duties of Management Committee.** Section 6 of the Declaration is hereby amended to add the following sentence:

The Management Committee is hereby granted the authority to designate the Front, Side and Rear Yard portions of a Corner Lot and its designation shall be conclusive, final and binding.

9. **Effective Date.** The effective date of this First Supplemental Declaration and the Phase 2 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 day of December, ²⁰⁰⁵~~2004~~.

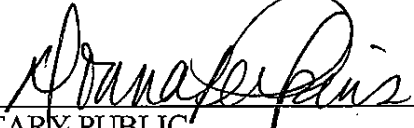
DEVELOPER:
IVORY DEVELOPMENT, LLC

By: 
Name: Christopher P. Gamvroulas
Title: Manager

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 7 day December, ²⁰⁰⁵~~2004~~ by Christopher P. Gamvroulas, the Manager 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.


NOTARY PUBLIC
Residing at: Salt Lake
My Commission Expires: 5/30/06

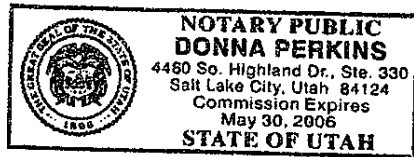


EXHIBIT "A"
LEGAL DESCRIPTION

Valle di Villa Phase 2

BEGINNING AT A POINT WHICH IS S89°52'30"E. 807.157 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; SAID POINT BEING LOCATED ON THE SOUTHEASTERN BOUNDARY LINE OF VALLE DI VILLA PHASE 1; AND RUNNING ALONG SAID BOUNDARY LINE N00°11'07"W, 83.448 FEET; THENCE N09°04'50"W 141.390 FEET; THENCE N39°18'17"W 73.280 FEET; THENCE N66°47'21"W 191.150 FEET; THENCE N89°52'46"W 200.000 FEET; THENCE N55°40'07"W 58.670 FEET TO THE EAST LINE OF HIGHLAND DRIVE; THENCE N44°46'25"E 517.740 FEET; THENCE S48°40'58"E 219.750 FEET TO A POINT ON A 226.000 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARS N34°09'11"E 28.850 FEET; THENCE NORTHERLY 28.870 FEET ALONG THE ARC OF SAID CURVE; THENCE S52°40'58"E 174.601 FEET; THENCE N46°07'39"E 129.240 FEET; THENCE N36°40'12"E 528.780 FEET; THENCE S55°59'15"E 194.940 FEET; THENCE N34°15'29"E 9.390 FEET TO A POINT ON A 282.500 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARS N26°10'14"E 79.510 FEET; THENCE NORTHERLY 79.775 FEET ALONG THE ARC OF SAID CURVE; THENCE S71°55'15"E 149.750 FEET; THENCE S00°07'30"W 45.090 FEET; THENCE S63°15'58"E 21.330 FEET; THENCE S02°33'40"E 147.110 FEET; THENCE S05°24'06"E 172.120 FEET; THENCE S64°42'44"E 142.240 FEET TO A POINT ON A 1333.000 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARS S28°45'42"W 125.576 FEET; THENCE SOUTHERLY 125.623 FEET ALONG THE ARC OF SAID CURVE; THENCE S26°03'43"W 472.443 FEET; THENCE N89°52'30"W 847.225 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 43 LOTS ON 21.634 ACRES

REVISED EXHIBIT "C"
PERCENTAGE OF OWNERSHIP INTEREST

<u>PHASE</u>	<u>LOT NO.</u>	<u>PERCENTAGE OF OWNERSHIP INTEREST</u>
1	101	.89
2	102	.89
3	103	.89
4	104	.89
5	105	.89
6	106	.89
7	107	.89
8	108	.89
9	109	.89
10	110	.89
11	111	.89
12	112	.89
13	113	.89
14	114	.89
15	115	.89
16	116	.89
17	117	.89
18	118	.89
19	119	.89
20	120	.89
21	121	.89
22	122	.89
23	123	.89
24	124	.89
25	125	.89
26	126	.89
27	127	.89
28	128	.89
29	129	.89
30	130	.89
31	131	.89
32	132	.89
33	133	.89
34	134	.89
35	135	.89
36	136	.89
37	137	.89
38	138	.89

39	139	.89
40	140	.89
41	141	.89
42	142	.89
43	143	.89
44	144	.89
45	145	.89
46	146	.89
47	147	.89
48	148	.89
49	149	.89
50	150	.89
51	151	.89
52	152	.89
53	153	.89
54	154	.89
55	155	.89
56	156	.89
57	157	.89
58	158	.89
59	159	.89
60	160	.89
61	161	.89
62	162	.89
63	163	.89
64	164	.89
65	165	.89
66	166	.89
67	167	.89
68	168	.89
69	169	.89

<u>PHASE</u>	<u>LOT NO.</u>	<u>PERCENTAGE OF OWNERSHIP INTEREST</u>
2	201	.89
2	202	.89
2	203	.89
2	204	.89
2	205	.89
2	206	.89
2	207	.89
2	208	.89
2	209	.89
2	210	.89
2	211	.89
2	212	.89
2	213	.89
2	214	.89
2	215	.89
2	216	.89
2	217	.89
2	218	.89
2	219	.89
2	220	.89
2	221	.89
2	222	.89
2	223	.89
2	224	.89
2	225	.89
2	226	.89
2	227	.89
2	228	.89
2	229	.89
2	230	.89
2	231	.89
2	232	.89
2	233	.89
2	234	.89
2	235	.89
2	236	.89
2	237	.89
2	238	.89
2	239	.89
2	240	.89
2	241	.89
2	242	.89
2	243	.89
Total	112 Lots	100.00%