WHEN RECORDED RETURN TO: IVORY HOMES DEVELOPMENT, LLC Brad Mackay 3340 North Center Street Lehi City, Utah 84043 (801) 407-6800 10319740 01/10/2008 09:39 AM \$35.00 Book - 9557 Pa - 6103-6107 GARY W. OTT RECORDER, SALT LAKE COUNTY, UTAH MERIDIAN TITLE 64 E WINCHESTER #100 MURRAY UT 84107 BY: ZJM, DEPUTY - WI 5 P.

FIRST SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VILLAS AT PEPPERWOOD CREEK NEIGHBORHOOD

This First Supplement to the Declaration of Covenants, Conditions and Restrictions for The Villas at Pepperwood Creek Neighborhood, is made and executed by LEGACY COMMUNITIES, LLC., a Utah limited liability company, of 5320 South 900 East, Suite 250, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Declaration of Covenants, Conditions and Restrictions for The Villas at Pepperwood Creek Neighborhood, a planned community development, was recorded in the office of the County Recorder of Salt Lake County, Utah on June 20, 2007 as Entry No. 10139524 at Pages 8774 through 8806 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Declaration").

Whereas, the related Map for Plats 2, 4, and 6 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Section 17 of the Declaration, Declarant reserved the unilateral right to expand the Project to annex additional land and expand the application of 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 "Phases 2, 4, and 6 Property").

Whereas, Declarant desires to expand the planned community development by creating on the Phases 2, 4 and 6 Property additional Lots, Common Area and other improvements of a less significant nature.

Whereas, Declarant now intends that the Phases 2, 4, and 6 Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, Declarant hereby executes this First Supplement to the Declaration of Covenants, Conditions and Restrictions for The Villas at Pepperwood Creek Neighborhood.

- 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 Covenants, Conditions and Restrictions for The Villas at Pepperwood Creek Neighborhood.
 - D. **Phases 2, 4, and 6 Maps** shall mean and refer to the Final Plat Maps of Phases 2, 4, and 6 of the Project, prepared and certified to by a duly registered Utah Land Surveyor, 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.
 - E. **Subdivision** shall mean and refer to the planned community development known as The Villas at Pepperwood Creek Neighborhood and Phases 2, 4, and 6 Plats, as it may be amended or expanded from time to time.

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 Phases 2, 4, and 6 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 the Architectural Review Committee (the "ARC").
- 4. **Description of Property and Total Number of Lots Revised**. As shown on the Phase 2 Map five (5) new Lots, Numbers 201-205; Phase 4 Map seven (7) new Lots, Numbers 406-412; Phase 6 Map six (6) new Lots, Numbers 601-606, Common Area, and other improvements of a less significant nature are or will be constructed and/or created in the Project

on the Phases 2, 4, and 6 Property. Upon the recordation of the Phases 2, 4, and 6 Maps and this First Supplemental Declaration, the total number of Lots in the Project will be thirty five (35). 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. Road Maintenance Fund. The City and Declaration require that the Developer establish a road maintenance fund for the private roads in the Project (collectively "Road Maintenance Funds" and individually "Road Maintenance Fund"). Concurrently with the recording of the First Supplemental Declaration a corresponding Road Maintenance Fund shall be established by the Developer depositing into a separate federally insured bank account created for this purpose in the name of the Association a lump sum deposit of \$1,500.00 each for Phases 2, 4 and 6. Each Owner thereafter shall be charged a monthly Road Maintenance Fund assessment, in an amount to be established by the Developer, until the Road Maintenance Fund for his Phase has a minimum balance of \$5,000.00 (the "Minimum Required Balance"). The Developer hereby reserves to itself and hereby grants to the Association the authority and power to assess, without any additional approval, each Owner in Phases 2, 4 and 6, respectively, a monthly Road Maintenance Assessment until the Minimum Required Balance is reached within his Phase; and, in addition, if the Road Maintenance Fund for a Phase subsequently falls below the Minimum Required Balance, then the Board of Directors shall upon at least 30 days prior written notice resume and continue the monthly Road Maintenance Assessment for that Phase until such time as its Minimum Required Balance is restored.
- 6. **Effective Date**. The effective date of this First Supplemental Declaration and the Phases 2, 4, and 6 Maps shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

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DEVELOPER:
LEGACY_COMMUNITIES, LLC
By: Dallin
By: Lag Lag Name: David L. Evans
Title: Manager

Dated the 2.7th day of November 2007

ACKNOWLEDGMENT

STATE OF UTAH)
	ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 27 day November, 2007 by David L. Evans, the Manager of Legacy Communities, LLC., a Utah limited liability company, and said David L. Evans duly acknowledged to me that said Legacy Communities, LLC. executed the same.

NOTARY PUBLIC
Residing at: Salt Lake City
My Commission Expires: 12/2/08

EXHIBIT "A" LEGAL DESCRIPTION

The Property referred to in the foregoing document as Phases 2, 4 and 6 of The Villas at Pepperwood Creek Neighborhood Property is located in Salt Lake County, Utah and is described more particularly as follows:

All of Lots 201 to 205, inclusive, of Pepperwood Creek Phase 2, and
All of Lots 406 to 412, inclusive, of the Pepperwood Creek Phase 4 and

All of Lots 601 to 606, inclusive, of the Pepperwood Creek Phase 6

According to the official plats thereof.

28-14-451-006