

WHEN RECORDED RETURN TO:
IVORY HOMES
970 E. Woodoak Lane
Salt Lake City, Utah 84117

ENT 106507;2001 PG 1 of 4
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2001 Oct 18 1:54 pm FEE 120.00 BY 55
RECORDED FOR COTTONWOOD TITLE

**SECOND SUPPLEMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR
UTAH HIGHLANDS**

This SECOND SUPPLEMENT to the DECLARATION OF PROTECTIVE COVENANTS for UTAH HIGHLANDS, dated for reference May 1, 2001, is made and executed by IVORY HOMES, LTD., a Utah limited partnership, of 970 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

WHEREAS, the Original Declaration of Protective Covenants was recorded in the Office of the County Recorder of Utah County, Utah on the 16th day of November, 2000 as Entry No. 91062 in Book 2000 at Page 1 of the Official Records (the "Declaration").

WHEREAS, the Plat "A" for Phase I of the Project was prepared concurrently.

WHEREAS, a document entitled First Supplement to the Declaration of Protective Covenants for Utah Highlands was recorded in the Office of the County Recorder of Utah County, Utah on the 4th day of December, 2000 as Entry No. 95851 of the Official Records (the "First Supplement").

WHEREAS, the Plat B for Phase II of the Project was prepared concurrently.

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-3" attached hereto and incorporated herein by this reference (the "Plat D Property").

WHEREAS, under the provisions of Section 3 of the Declaration, Declarant expressly reserved the absolute right to expand or add to the Project additional land at any time and in any order, without limitation.

WHEREAS, Declarant desires to expand the Project by creating on the Plat D Property a residential development.

WHEREAS, Declarant now intends that the Plat D Property shall become subject to the Declaration.

WHEREAS, Section 12 of the Declaration allows for the amendment of the Declaration with

the approval of at least a majority of the Lot Owners.

WHEREAS, the Large Animal prohibition has been approved by at least a majority of the Lot Owners.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, Declarant hereby executes this SECOND SUPPLEMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR UTAH HIGHLANDS.

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

m. "First Supplement to the Declaration" shall mean and refer to this FIRST SUPPLEMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR UTAH HIGHLANDS.

n. "Plat D Map" shall mean and refer to the Map of Plat D, prepared and certified to by Roger Dudley, a duly registered Utah Land Surveyor holding Certificate No. 14-7-089, and filed for record in the Office of the County Recorder of Utah County, Utah.

o. "Large Animals" shall mean and refer to horses, mules, donkeys, sheep, goats, swine and all other animals weighing more than fifty (50) pounds not authorized by the Management Committee in writing.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. **New Use Restriction.** The Declaration is amended to add the following new section:

14. **Prohibition of Large Animals.** Large Animals are not allowed within the Project, shall be considered a nuisance *per se*, and must be permanently removed within ten (10) days of delivery of written notice.

3. **Legal Description.** The real property described in 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.

4. **Annexation.** Declarant hereby declares that the Plat D Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Second Supplement to the Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-3 subject to the protective covenants in the Declaration.

5. **Total Number of Units Revised.** As shown on the Plat D Map, twenty (20) new Lots are or will be constructed and/or created in the Project on the Plat D Property. The additional Lots are located within a portion of the Additional Land. With the recordation of the Plat D Map and this Second Supplement to the Declaration, the total number of Lots in the Project will be two hundred

seven (207). The additional Lots are or will be substantially similar in design and quality to the Lots in Plat A and Plat B.

6. **Effective Date.** The effective date of this Second Supplement to the Declaration and the Plat D 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.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above written.

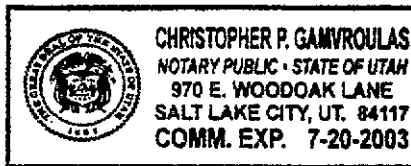
DECLARANT:
IVORY HOMES, LTD.
By: VALUE L.C., Its General Partner

By: [Signature]
Name: Clark Ivory
Title: Manager

STATE OF UTAH -)
)ss:
COUNTY OF SALT LAKE)

On the 31st day of May, 2001, personally appeared before me CLARK DIVORY, who by me being duly sworn, did say that he is the Manager of VALUE, L.C., the General Partner of IVORY HOMES, LTD., a Utah limited partnership, and that the within and foregoing instrument was signed in behalf of said partnership pursuant to its Partnership Agreement, and said CLARK DIVORY further acknowledged to me that IVORY HOMES, LTD. executed the same.

[Signature]
Notary Public
Residing at: SUC, UT



**EXHIBIT "A-3"
LEGAL DESCRIPTION**

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

Utah Highlands Plat 'A' Subdivision

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN; RUNNING THENCE N00D02'31"W, 285.00 FEET ALONG THE SECTION LINE; THENCE S89D56'35"E, 244.60 FEET; THENCE N01D13'17"W, 450.43 FEET; THENCE S89D58'03", 235.33 FEET; THENCE N00D02'31"W, 358.61 FEET; THENCE N89D58'27"E, 406.31 FEET; THENCE ALONG AN ARC LENGTH OF 507.02 FEET (CHORD BEARS N73D00'26"E, 498.95 FEET, RADIUS = 818.00 FEET); THENCE S34D44'59"E, 38.00 FEET; THENCE S00D00'10"E, 124.49 FEET; THENCE N89D59'09"E, 493.60 FEET; THENCE S00D01'50"W, 579.76 FEET; THENCE WEST 341.76 FEET; THENCE S34D32'28"W, 152.37 FEET; THENCE N87D29'19"W, 104.69 FEET; THENCE S17D24'15"W, 125.11 FEET; THENCE S83D09'31"W, 69.73 FEET; THENCE S68D47'26"W, 70.70 FEET; THENCE S61D18'13"W, 68.37 FEET; THENCE S52D25'44"W, 151.75 FEET; THENCE ALONG AN ARC LENGTH OF 412.96 FEET (CHORD BEARS S69D26'55"W, 404.12 FEET, RADIUS = 574.00 FEET); THENCE N89D56'26"W, 133.68 FEET; THENCE NORTH 37.05 FEET TO THE POINT OF BEGINNING.

Utah Highlands Plat 'B' Subdivision

COMMENCING AT A POINT N00D02'31"W, 1093.63 FEET ALONG THE SECTION LINE AND EAST, 1.38 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE N01D01'24"W, 521.15 FEET ALONG THE CENTERLINE OF 600 EAST STREET; THENCE EAST, 449.47 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF HIGH BENCH ESTATES; THENCE N01D06'24"W, 214.80 FEET ALONG THE EASTERLY BOUNDARY LINE OF HIGH BENCH ESTATES; THENCE S89D59'57"E, 176.30 FEET; THENCE S11D57'15"E, 12.27 FEET; THENCE S89D59'57"E, 294.38 FEET; THENCE N00D00'20"E, 12.00 FEET; THENCE S89D59'57"E, 300.00 FEET; THENCE S00D00'20"W, 166.34 FEET; THENCE S18D57'16"E, 59.21 FEET; THENCE S00D00'20"W, 150.00 FEET; THENCE S89D59'41", 100.00 FEET; THENCE S00D00'20"W, 150.00 FEET; THENCE S07D54'37"W, 56.58 FEET; THENCE S00D00'10"E, 167.05 FEET; THENCE S89D59'09"W, 416.88 FEET; THENCE N00D00'10"W, 124.46 FEET; THENCE N34D44'59"W, 38.00 FEET; THENCE ALONG AN ARC LENGTH OF 507.03 FEET (CHORD BEARS S73D00'26"W, 498.95 FEET, RADIUS = 818.00 FEET); THENCE S89D59'09"W, 406.31 FEET TO THE POINT OF BEGINNING.

Utah Highlands - Plat 'D' Subdivision

COMMENCING AT A POINT N 00d 02' 31" W ALONG THE SECTION LINE 800.54 FEET AND EAST 1398.37 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN; THENCE N 00d 01' 50" E 283.43 FEET; THENCE S 89d 59' 09" W 76.72 FEET; N 00d 00' 10" W 167.05 FEET; THENCE N 07d 54' 37" E 56.58 FEET; THENCE N 00d 00' 20" E 150.00 FEET; THENCE N 89d 59' 41" W 100.00 FEET; THENCE N 00d 00' 20" E 150.00 FEET; THENCE N 18d 57' 16" W 59.21 FEET; THENCE N 00d 00' 20" E 166.40 FEET; THENCE S 89d 59' 40" E 200 FEET; THENCE S 00d 00' 20" W 166.40 FEET; THENCE S 18d 57' 19" E 59.21 FEET; THENCE S 00d 00' 20" W 150.00 FEET; THENCE S 89d 59' 41" E 300.31 FEET; THENCE N 56d 09' 20" E 89.09 FEET; THENCE S 89d 59' 40" E 150.44 FEET; THENCE S 00d 02' 04" E 200.00 FEET; THENCE S 05d 19' 49" W 56.23 FEET; THENCE S 00d 01' 39" E 382.14 FEET; THENCE S 86d 48' 57" W 375.15 FEET; THENCE ARC LENGTH 178.70 FEET (CHORD BEARS S 74d 42' 06" W 178.70 FEET, R = 424.00 FEET); THENCE S 86d 46' 32" W 5.41 FEET TO THE POINT OF BEGINNING.