

WHEN RECORDED RETURN TO:

Ivory Development, LLC,
A Utah limited liability company
Nick Mingo
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Salt Lake City, UT 84117
(801) 747-7440

**FIRST SUPPLEMENT
TO THE
NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS, AND RESERVATION OF EASEMENTS
FOR
HIGHBURY TOWNS EAST PHASE 2,
a Part of the Expandable
Highbury Commons at Lake Park Development**

This First Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Towns East for Phase 2, a part of the expandable Highbury Commons at Lake Park Development, 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 Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Commons at Lake Park Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah on October 6, 2006 as Entry No. 9868362 in Book 9362 at Pages 804-846 (the “Master Declaration”).

Whereas, the related Final Plat for the Highbury Commons at Lake Park Planned Unit Development has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 1 of Highbury Towns East was recorded in the office of the County Recorder of Salt Lake County, Utah on September 10, 2009 as Entry No. 10795397 in Book 9762 at Pages 2745 of the official records (the “Neighborhood Declaration”).

Whereas, the related Final Plat for the Highbury Towns East Phase 1 has also been recorded in the office of the County Recorder of Salt Lake County, Utah on November 4, 2010, Entry No. 11068695 in Book 9876 at Pages 3865.

Whereas, in the Master Declaration and Neighborhood Declaration Declarant reserved the unilateral right to expand the Project and Neighborhood to annex additional land and expand the application of the Declarations.

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

Whereas, Declarant desires to expand the Project and Neighborhood by creating on the Phase 2 Property eighteen (18) additional Lots, numbered 201-218, inclusive.

Whereas, Declarant now intends that the Phase 2 Property shall become subject to the Master and Neighborhood Declarations (collectively "Declarations").

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project, Neighborhood, and the Owners thereof, Declarant hereby executes this First Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Towns East Phase 2.

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

- a. **Phase 2 Map** shall mean and refer to the Final Plat of Phase 2 of the Highbury Towns East, prepared and certified to by Brad A. Llewelyn, a duly registered Utah Land Surveyor holding Certificate No. 4938735, 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.
- b. **First Supplemental Declaration** shall mean and refer to this First Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Towns East 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" is hereby submitted to the provisions of the Declarations and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of said Declarations as they may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 2 Property shall be 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" subject to the Declarations and to the functions, powers, rights, duties and jurisdiction of the Association.

4. **Description of Property and Total Number of Units Revised.** Phase 1 contained thirty-one (31) Lots numbered 101-131 inclusive, and other improvements of a less significant nature. Phase 2 will contain eighteen (18) new Lots, numbered 201-218, inclusive, and other improvements of a less significant nature. Upon the recordation of the Phase 2 Map and this First Supplemental Declaration, the total number of Lots in the Highbury Towns East will be forty-nine (49). 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. **Incorporation of Original Declarations as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Master Declaration and the Neighborhood Declaration, which are by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Phase 2 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

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

7. **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 26th day of September 2012.

DEVELOPER:
IVORY DEVELOPMENT, LLC.

By: 
Name: Darin Haskell
Title: Secretary

ACKNOWLEDGMENT

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

The foregoing instrument was acknowledged before me this 26 day September, 2012 Darin Haskell, the Secretary of IVORY DEVELOPMENT, LLC., a Utah limited liability company, and said Darin Haskell duly acknowledged to me that said IVORY DEVELOPMENT, LLC. executed the same.



Notary Public



EXHIBIT "A"
LEGAL DESCRIPTION
HIGHBURY TOWNS EAST PHASE 2 PROPERTY

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

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°06'50" WEST ALONG THE WEST LINE OF SAID SECTION 25, 387.65 FEET; THENCE NORTH 89°53'10" EAST 1614.78 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF HIGHBURY TOWNS EAST PHASE 1 PUD AND THE POINT OF BEGINNING; RUNNING THENCE EAST, 91.36 FEET; THENCE ALONG A 15.00 FOOT RADIUS CURVE TO THE LEFT, 23.56 FEET (CHORD BEARS NORTH 45°00'00" EAST, 21.21 FEET); THENCE NORTH, 14.61 FEET; THENCE EAST, 54.00 FEET; THENCE SOUTH, 13.61 FEET; THENCE ALONG A 21.00 FOOT RADIUS CURVE TO THE LEFT, 30.93 FEET (CHORD BEARS SOUTH 42°11'16" EAST, 28.21 FEET); THENCE SOUTH, 9.91 FEET; THENCE ALONG A 33.06 FOOT RADIUS CURVE TO THE LEFT, 3.94 FEET (CHORD BEARS SOUTH 87°09'29" EAST, 3.94 FEET); THENCE EAST, 84.98 FEET; THENCE ALONG A 98.00 FOOT RADIUS CURVE TO THE LEFT, 8.68 FEET (CHORD BEARS NORTH 87°27'47" EAST, 8.68 FEET); THENCE SOUTH, 332.51 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 3100 SOUTH STREET; THENCE SOUTH 89°53'12" WEST ALONG SAID RIGHT-OF-WAY LINE, 276.86 FEET TO THE SOUTHEAST CORNER OF HIGHBURY TOWNS EAST PHASE 1 PUD; THENCE NORTH 00°00'15" WEST ALONG THE EASTERLY BOUNDARY OF HIGHBURY TOWNS EAST PHASE 1 PUD, 347.67 FEET TO THE POINT OF BEGINNING.

CONTAINS 96,369 SQUARE FEET OR 2.212 ACRES, 18 UNITS