

WHEN RECORDED RETURN TO:
Ivory Development, LLC,
A Utah limited liability company
Nick Mingo
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Salt Lake City, UT 84117
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Gary W. Ott
Recorder, Salt Lake County, UT
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**FIFTH SUPPLEMENT
TO THE
NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS, AND RESERVATION OF EASEMENTS
FOR
Highbury Place Phase 6**

This Fifth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 6 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 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 Highbury Commons at Lake Park 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 Place was recorded in the office of the County Recorder of Salt Lake, Utah on December 5, 2007 as Entry No. 10292560 in Book 9544 at Pages 7794-7831 (the "Neighborhood Declaration").

Whereas, the related Final Plat for Highbury Place Phase 1 has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 2 of Highbury Place was recorded in the office of the County Recorder of Salt Lake, Utah on 6/13/2008 as Entry No. 10453451 in Book 9617 at Pages 1999-2005 (the "First Supplemental Declaration").

Whereas, the related Final Plat for Highbury Place Phase 2 has also been recorded in the office of the County Recorder of Salt Lake County, Utah

Whereas, the Second Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 3 of Highbury Place was recorded in the office of the County Recorder of Salt Lake, Utah on 7/21/2008 as Entry No. 10481899 in Book 9628 at Pages 1395-1399 (the "Second Supplemental Declaration").

Whereas, the related Final Plat for Highbury Place Phase 3 has also been recorded in the office of the County Recorder of Salt Lake County, Utah

Whereas, the Third Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 4 of Highbury Place was recorded in the office of the County Recorder of Salt Lake, Utah on 10/22/08 as Entry No. 10546498 in Book 9653 at Pages 1055-1059 (the "Third Supplemental Declaration").

Whereas, the related Final Plat for Highbury Place Phase 4 has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fourth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 5 of Highbury Place was recorded in the office of the County Recorder of Salt Lake, Utah on November 1, 2011 as Entry No. 11271947 in Book 9963 at Pages 2889-2893 (the "Fourth Supplemental Declaration").

Whereas, the related Final Plat for Highbury Place Phase 5 has also been recorded in the office of the County Recorder of Salt Lake County, Utah

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

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 6 Property").

Whereas, Declarant desires to expand the Project by creating on the Phase 6 Property nine (9) additional Lots, numbered 601-609, inclusive.

Whereas, Declarant now intends that the Phase 6 Property shall become subject to the Declarations.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Owners thereof, Declarant hereby executes this Fifth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 6.

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

- a. **Phase 6 Map** shall mean and refer to the Final Plat of Phase 6 of the Project, 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 Fifth Supplemental Declaration.
- b. **Fifth Supplemental Declaration** shall mean and refer to this Fifth Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 6.

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 the Declarations as they may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 6 Property shall be annexed and upon recordation of this Fifth 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 twenty-nine (29) Lots numbered 101-129 inclusive and other improvements of a less significant nature. Phase 2 contained twenty-five (25) Lots numbered 201-225 inclusive and other improvements of a less significant nature. Phase 3 contained nine (9) Lots numbered 301-309 inclusive and other improvements of a less significant nature. Phase 4 contained seventeen (17) Lots numbered 401-417 inclusive and other improvements of a less significant nature. Phase 5 contained twelve (12) Lots numbered 501-512 inclusive of a less significant nature. Phase 6 contains nine (9) new Lots numbered 601-609 inclusive and other improvements of a less significant nature. Upon the recordation of the Phase 6 Map and this Fifth Supplemental Declaration, the total

EXHIBIT "A"
LEGAL DESCRIPTION
HIGHBURY PLACE PHASE 6 PROPERTY

The Property referred to in the foregoing document as the Highbury Place Phase 6 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 SECTION LINE OF SAID SECTION 25, 1945.44 FEET; THENCE NORTH 89°53'10" EAST, 2712.58 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING A POINT ON THE NORTH BOUNDARY OF HIGHBURY PLACE PHASE 5 P.U.D; RUNNING THENCE NORTH 50°25'06" EAST, 303.97 FEET; THENCE SOUTH 40°06'32" EAST, 297.06 FEET; THENCE SOUTH 49°53'51" WEST, 33.94 FEET; THENCE SOUTH 40°05'54" EAST, 100.46 FEET; THENCE SOUTH 49°54'06" WEST, 280.03 FEET TO THE NORTHEAST CORNER OF LOT 506 OF SAID HIGHBURY PLACE PHASE 5 P.U.D; THENCE ALONG THE NORTH BOUNDARY OF SAID HIGHBURY PLACE PHASE 5 P.U.D THE FOLLOWING THREE (3) COURSES: 1) NORTH 40°05'54" WEST, 112.95 FEET; 2) NORTH 21°04'09" WEST, 30.68 FEET; 3) NORTH 40°06'31" WEST, 258.32 FEET TO THE POINT OF BEGINNING.

CONTAINS: 119,114 SQFT OR 2.73 ACRES (9 LOTS)