

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

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01/31/2013 11:32 AM \$24.00
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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
IVORY DEVELOPMENT LLC
978 E WOODOAK LN
SLC UT 84117
BY: TMW, DEPUTY - WI 8 P.

NOTE TO RECORDER:
RECORD ONLY AGAINST THE PROPERTY
DESCRIBED IN EXHIBIT "A"

**NINTH SUPPLEMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR IVORY CROSSING PHASE 10,
A Utah Planned Unit Development**

This Ninth Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 10, a Utah Planned Unit Development, is made and executed by IVORY HOMES DEVELOPMENT, LLC., a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Declaration of Protective Covenants for Ivory Crossing Phase 1, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on August 29, 2003 as Entry No. 8795529 in Book 8872 at Pages 7924-7982 of the Official Records (the "Declaration").

Whereas, the related Plat Map 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 Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 2, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on July 12, 2004 as Entry No. 9117821 in Book 9013 at Pages 1269-1275 of the Official Records (the "First Supplement").

Whereas, the related Plat Map for Phase 2 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Second Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 3, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on May 5, 2005 as Entry No. 9368186 in Book 9127 at Pages 1797-1810 of the Official Records (the "Second Supplement").

Whereas, the related Plat Map for Phase 3 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Third Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 4, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on March 23, 2006 as Entry No. 9671410 in Book 9270 at Pages 3564-3572 of the Official Records (the "Third Supplement").

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

Whereas, the Fourth Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 5, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on May 22, 2007 as Entry No. 10107327 in Book 9467 at Pages 1886-1892 of the Official Records (the "Fourth Supplement").

Whereas, the related Plat Map for Phase 5 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Fifth Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 6, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on March 11, 2011 as Entry No. 11148533 in Book 9910 at Pages 8884-8890 of the Official Records (the "Fifth Supplement").

Whereas, the related Plat Map for Phase 6 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Sixth Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 7, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on September 30, 2011 as Entry No. 11252445 in Book 9954 at Pages 2102-2109 of the Official Records (the "Sixth Supplement").

Whereas, the related Plat Map for Phase 10 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Seventh Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 8, a planned residential development, was recorded in the office of the County Recorder of Salt Lake County, Utah on August 5, 2011 as Entry No. 11223572 in Book 9941 at Page 4466 of the Official Records (the "Sixth Supplement").

Whereas, the related Plat Map for Phase 8 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the Eighth Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 9, a planned residential development, was recorded in the office of the County

Recorder of Salt Lake County, Utah on July 31, 2012 as Entry No. 11440458 in Book 2012P at Page 108 of the Official Records (the "Sixth Supplement").

Whereas, the related Plat Map for Phase 9 of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 41 of the Declaration, Declarant has the right to expand the Project and annex additional land.

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-10" attached hereto and incorporated herein by this reference (the "Phase 10 Property").

Whereas, Declarant now intends that the Phase 10 Property as described herein and the Plat Map for Phase 10 of the Project shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the planned residential development and the Lot Owners thereof, Declarant hereby executes this Ninth Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 10.

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

a. **Phase 10 Map** shall mean and refer to the Plat Map of Phase 10 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 Ninth Supplemental Declaration.

b. **Ninth Supplemental Declaration** shall mean and refer to this Ninth Supplement to the Declaration of Protective Covenants for Ivory Crossing Phase 10.

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-10 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 from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 10 Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Ninth Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property

described in Exhibit A-10 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association and the ARC.

4. Description of Property and Total Number of Lots and Percentages of Ownership Interest Revised. As shown on the Phase 10 Map, twenty-one (21) new Lots, Numbers 1001-1021, and other improvements of a less significant nature are or will be constructed and/or created in the Project on the Phase 10 Property. Upon the recordation of the Phase 10 Map and this Ninth Supplemental Declaration, the total number of Lots in the Project will be 317. 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 Phases. Upon recordation of the Phase 10 Map and Ninth Supplemental Declaration, the percentage of ownership interest for each Lot will be 1/317. The common profits of the property shall be distributed among, the common expenses shall be charged to, and the voting rights shall be available to, the Lot Owners according to their percentages of ownership interest.

5. Exclusion of Parcels. Parcel A as shown on the Phase 10 Plat is excluded from this submission and is not annexed to the Project.

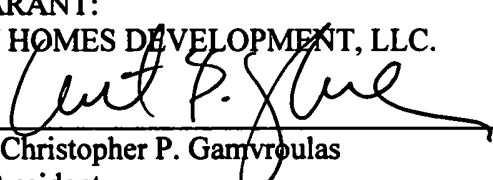
6. Conflict. In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration, as supplemented or , and the Ninth Supplement, the latter shall in all respects govern and control.

7. Severance. If any provision of this Ninth Supplemental Declaration is held to be illegal, invalid, or unenforceable under any present or future law, then that provision will be fully severable. This Ninth Supplemental Declaration will be construed and enforced as if the illegal, invalid, or unenforceable provision had never comprised a part hereof, and the remaining provisions of this Ninth Supplemental Declaration will remain in full force and effect and will not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Ninth Supplemental Declaration. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there will be added automatically, as a part of this Ninth Supplemental Declaration, a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid and enforceable.

8. Effective Date. The effective date of this Ninth Supplemental Declaration and the Phase 10 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 25 day of January, 2013.

DECLARANT:
IVORY HOMES DEVELOPMENT, LLC.

By: 
Name: Christopher P. Garvroulos
Title: President

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 28 day January, 2013 by Christopher P. Gamvroulas, the President of of IVORY HOMES DEVELOPMENT, LLC., a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY HOMES DEVELOPMENT, LLC. executed the same.



NOTARY PUBLIC



EXHIBIT "A-10"
LEGAL DESCRIPTION

The Property referred to in the foregoing document as the Ivory Crossing Phase 10 Property is located in Salt Lake County, Utah and is described more particularly as follows:

LOCATED IN THE NORTHEAST QUARTER OF SECTION 20 & THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN

BEGINNING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING THE SOUTHEAST CORNER OF THE RECORDED CHATEAU FLAT SUBDIVISION; RUNNING THENCE ALONG THE NORTH SECTION LINE OF SAID SECTION 21 NORTH 89°58'50" EAST 17.39 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 3200 WEST; THENCE ALONG THE SAID RIGHT-OF-WAY LINE OF 3200 WEST THE FOLLOWING THREE (3) COURSES: 1) SOUTH 14°45'38" EAST, 354.14 FEET; 2) SOUTH 06°22'38" EAST, 353.01 FEET; 3) SOUTH 00°16'53" EAST, 0.01 FEET TO THE NORTHEAST CORNER OF THE RECORDED IVORY CROSSING NO. 5 P.U.D.; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID IVORY CROSSING NO. 5 P.U.D. THE FOLLOWING THREE (3) COURSES: 1) SOUTH 89°44'28" WEST, 115.22 FEET; 2) NORTH 89°11'16" WEST, 55.16 FEET; 3) SOUTH 89°44'28" WEST, 110.74 FEET TO THE SOUTHEAST CORNER OF THE RECORDED IVORY CROSSING NO. 6 P.U.D.; THENCE ALONG THE BOUNDARY OF SAID IVORY CROSSING NO. 6 P.U.D. THE FOLLOWING SIX (6) COURSES: 1) NORTH 05°40'38" WEST, 178.08 FEET; 2) NORTH 15°32'04" WEST, 93.69 FEET; 3) SOUTH 79°13'58" WEST, 115.73 FEET; 4) NORTH 16°31'26" WEST, 23.49 FEET; 5) SOUTH 73°28'34" WEST, 55.00 FEET; 6) SOUTH 79°14'14" WEST, 110.60 FEET; THENCE NORTH 05°08'07" WEST, 108.55 FEET; THENCE SOUTH 86°43'46" WEST, 34.71 FEET; THENCE NORTH 03°16'14" WEST, 55.00 FEET; THENCE NORTH 11°37'45" WEST, 241.69 FEET; THENCE NORTH 16°12'23" WEST, 68.91 FEET TO A POINT ON THE NORTH SECTION LINE OF SAID SECTION 20 AND A POINT ON THE SOUTH BOUNDARY OF SAID CHATEAU FLAT SUBDIVISION; THENCE ALONG SAID NORTH SECTION LINE OF SECTION 20 AND THE SOUTH BOUNDARY OF SAID CHATEAU FLAT SUBDIVISION SOUTH 89°44'58" EAST, 574.20 FEET TO THE POINT OF BEGINNING.

CONTAINS: 333,516 SQFT OR 7.656 ACRES (INCLUDES 21 LOTS)

EXHIBIT "B"
Copy of Plat Map for Phase 10 of the Project

