


When Recorded Return to:  
ERTH, LLC  
c/o Bryan Flamm  
1099 W. South Jordan Pkwy  
South Jordan, UT 84095



ENT 119624:2017 PG 1 of 4  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2017 Dec 04 2:40 pm FEE 47.00 BY BA  
RECORDED FOR EVANS RANCH

SUPPLEMENT TO THE AMENDED AND RESTATED  
NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR EVANS RANCH SOUTH

(Plat "K-4")

This SUPPLEMENT TO THE AMENDED AND RESTATED NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EVANS RANCH SOUTH ("Supplemental Declaration") is executed and adopted by ERTH, LLC, a Utah limited liability company ("Declarant") on behalf of The Evans Ranch South Owners Association.

RECITALS

A. This Supplemental Declaration shall modify and supplement the Amended and Restated Neighborhood Declaration of Covenants, Conditions and Restrictions for Evans Ranch South ("Declaration") recorded with the Utah County Recorder's Office on July 6, 2017 as Entry No. 65173:2017.

B. ERTH, LLC is the Declarant as identified and set forth in the Declaration and is the owner of the real property subject to this Supplemental Declaration as identified on Exhibit A attached hereto.

C. Under the terms of the Declaration, Declarant reserved the right to expand the Property by the addition of all or a portion of the Additional Land including but not limited to Additional Land described in the Declaration.

D. Declarant desires to add a portion of the Additional Land as hereinafter provided for.

ANNEXATION

NOW THEREFORE, in consideration of the recitals set forth above, the Declarant hereby declares and certifies as follows:

1. Annexation of Additional Land. Declarant hereby annexes in and submits the following described portion of the Additional Land (herein referred to as "Subject Property") to the Declaration, including, without limitation, the Declaration's terms, conditions, restrictions, covenants, assessments, and easements:

ALL PROPERTY IDENTIFIED ON EXHIBIT "A" ATTACHED HERETO.

TOGETHER WITH: (i) all buildings, if any, improvements, and structures situated on or comprising a part of the above-described Subject Property, whether

now existing or hereafter constructed; (ii) all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying said Subject Property; and (iii) all articles of personal property intended for use in connection with said Subject Property.

ALL OF THE FOREGOING IS SUBJECT TO: all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all patent reservations and exclusions; any mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described Subject Property or any portion thereof, including, without limitation, any mortgage or deed of trust, The Declaration (as amended, supplemented and/or restated from time to time); all visible easements and rights-of-way; all easements and rights-of-way of record; any easements, rights-of-way, encroachments, or discrepancies shown on or revealed by the Plat or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the above-described Subject Property at such times as construction of all improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cables, wires, utility lines, and similar facilities.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under the above-described Land and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant or for any assignee or successor of Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (i) to construct and complete all of the improvements described in this Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; and (ii) to improve portions of the Subject Property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all Owners, as Declarant or as such assignee or successor may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the above-described Land or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire ten (10) years after the date on which this Supplemental Declaration is filed for record in the Utah County records.

2. Evans Ranch Plat K-4. The real properties described in Paragraph 1, and the improvements to be constructed thereon, all of which are submitted to the terms and conditions of the Declaration, are more particularly set forth on the Evans Ranch Plat K-4 subdivision plat map, which plat map shall be recorded with this Supplemental Declaration.

3. Submission. The Subject Property shall hereinafter be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration and all supplements and amendments thereto.

4. Membership. The Owner of each Lot or Parcel within the Subject Property shall be a member of The Evans Ranch South Owners Association, and shall be entitled to all benefits of such membership and shall be subject to the Declaration.

5. Representations of Declarant. Declarant represents that the annexed real property is part of the Additional Land described in the Declaration.

6. Effective Date. This Supplemental Declaration shall take effect upon being recorded with the Utah County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this Supplemental Declaration on the date set forth below, to be effective upon recording with the Utah County Recorder.

DECLARANT  
ERTH, LLC  
A Utah Limited Liability Company

By: \_\_\_\_\_

Name: Nathan Shipp

Title: Manager

STATE OF UTAH )  
COUNTY OF Salt Lake ) ss.

On the 21<sup>st</sup> day of November, 2017, personally appeared before me Nathan Shipp who by me being duly sworn, did say that she/he is an authorized representative of ERTH, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

Denise Cassidy  
Notary Public

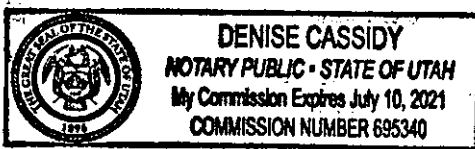


EXHIBIT A  
SUBJECT PROPERTY/ADDITIONAL LAND  
(Legal Description)

All of **Evans Ranch Plat "K-4"**, according to the official plat thereof, on file in the office of the Utah County Recorder.

More particularly described as:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED S89°16'15"E ALONG THE SECTION LINE 259.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N0°37'03"E 90.48 FEET; THENCE ALONG THE ARC OF A 63.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 29.94 FEET (RADIUS BEARS: N12°33'38"W) THROUGH A CENTRAL ANGLE OF 27°13'35"(CHORD: N63°49'35"E 29.66 FEET); THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 39.30 FEET (RADIUS BEARS: N35°26'33"E) THROUGH A CENTRAL ANGLE OF 45°02'01 (CHORD: S77°04'27"E 38.30 FEET); THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE RIGHT 18.11 FEET THROUGH A CENTRAL ANGLE OF 20°44'49" (CHORD: S89°13'03"E 18.01 FEET); THENCE S78°50'39"E 20.86 FEET; THENCE ALONG THE ARC OF A 525.50 FOOT RADIUS CURVE TO THE LEFT 44.20 FEET THROUGH A CENTRAL ANGLE OF 4°49'09" (CHORD: S81°15'13"E 44.19 FEET); THENCE N0°35'20"E 288.65 FEET; THENCE N0°37'03"E 37.74 FEET; THENCE S89°22'57"E 207.13 FEET; THENCE S0°24'57"W 276.32 FEET; THENCE S89°16'15"E 59.26 FEET; THENCE S0°43'45"W 136.34 FEET; THENCE N89°16'15"W 413.10 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±2.47 ACRES