

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

ENT 15088:2015 PG 1 of 5
Jeffery Smith
Utah County Recorder
2015 Feb 26 02:06 PM FEE 31.00 BY SW
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ELECTRONICALLY RECORDED

**FOURTH SUPPLEMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR DRY CREEK HIGHALNDS PHASE 5**

This Fourth Supplement to the Declaration of Protective Covenants for Dry Creek Highlands Phase 5 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 Dry Creek Highlands Phase 1 Subdivision was recorded in the Office of the County Recorder of Utah County, Utah on August 14, 2003 as Entry No. 130561:2003 at Pages 2-18 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 Utah County, Utah.

Whereas, the First Supplement to the Declaration of Protective Covenants for Dry Creek Highlands Phase 2 Subdivision was recorded in the Office of the County Recorder of Utah County, Utah on November 2, 2004 as Entry No. 3029:2005 at Pages 1-4 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 Utah County, Utah.

Whereas, the Second Supplement to the Declaration of Protective Covenants for Dry Creek Highlands Phase 3 Subdivision was recorded in the Office of the County Recorder of Utah County, Utah on January 20, 2005 as Entry No. 6709:2005 at Pages 1-4 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 Utah County, Utah.

Whereas, the Third Supplement to the Declaration of Protective Covenants for Dry Creek Highlands Phase 4 Subdivision was recorded in the Office of the County Recorder of Utah Parcel Nos. 37-303-0501 through 37-303-0510

County, Utah on January 27, 2006 as Entry No. 10702:2006 at Pages 1-9 of the Official Records (the "Second Supplement").

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

Whereas, under Section 3 of the Declaration, Declarant reserved the unilateral right to expand the subdivision by annexing additional land and expanding the application of the Declaration.

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-5" attached hereto and incorporated herein by this reference (the "Phase 5 Property").

Whereas, Declarant desires to expand the subdivision by creating on the Phase 5 Property additional Lots.

Whereas, Declarant now intends that the Phase 5 Property shall become subject to the Declaration, as amended.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this Fourth Supplement to the Declaration of Protective Covenants for Dry Creek Highlands Phase 5.

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

A. **Fourth Supplemental Declaration** shall mean and refer to this Fourth Supplement to the Declaration of Protective Covenants for Dry Creek Highlands Phase 5.

B. **Parcel A** is a City detention pond located in Phase 5.

C. **Phase 5 Map** shall mean and refer to the Plat Map of Phase 5 of the Project, prepared and certified to by Dennis P. Carlisle, a duly registered Utah Land Surveyor holding Certificate No. 172675, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this Fourth Supplemental Declaration.

D. **Subdivision** shall mean and refer to Dry Creek Highlands Phases 1, 2, 3, 4 and 5, as it may be amended or expanded from time to time.

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-5 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.

3. **Annexation.** Declarant hereby declares that the Phase 5 Property shall be annexed to and become subject to the Declaration and the Utah Community Association Act, Utah Code Ann., Sections 57-8a-101 et seq. (2004). The recordation of this Fourth Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-5 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the ARC.

4. **Total Number of Units Revised.** As shown on the Phase 5 Map, ten (10) new Lots, and Numbers 501- 510, inclusive, are or will be constructed and/or created in the Project on the Phase 5 Property. Upon the recordation of the Phase 5 Map and this Fourth Supplemental Declaration, the total number of Lots in the Project will be one hundred twenty (120). 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.

5. **Parcel A.** Parcel A has been or will be dedicated to the City. The City will be responsible to maintain Parcel A.

6. **Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Declaration which is 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 5 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

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

8. **Effective Date.** The effective date of this Fourth Supplemental Declaration and the Phase 5 Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

Dated the 24 day of February 24, 2015.

DEVELOPER:
IVORY HOMES DEVELOPMENT, LLC

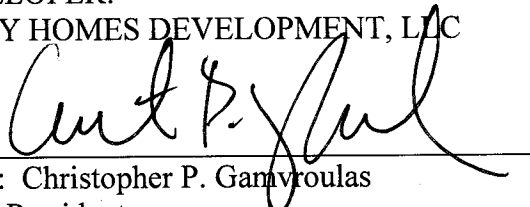
By: 
Name: Christopher P. Gamvroulas
Title: President

EXHIBIT "A-5"
LEGAL DESCRIPTION

The Property referred to in the foregoing document as the Dry Creek Highlands Phase 5 Property is located in Utah County, Utah and is described more particularly as follows:

A portion of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 27, Township 4 South, Range 1 East, Salt Lake Base and Meridian, located in Highland, Utah, more particularly described as follows:

Beginning at the northwest corner of Lot 414, Phase 4, Dry Creek Highlands Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder, said lot corner being located N.00°03'17"E. 50.82 feet along the $\frac{1}{4}$ Section line from the Center $\frac{1}{4}$ Corner of Section 27, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence N.00°03'17"E. 373.57 feet; Thence N.89°38'58"E. 435.19 feet; thence S.72°05'40"E. 131.98 feet; thence S. 40°07'54"E. 121.79 feet; thence Northeasterly along the arc of a 472.00 foot radius non-tangent curve (radius bears: N.40°09'30"W. 106.32 feet through a central angle of 12°54'24" (Chord: N43°23'16" E. 106.10 feet); thence N.36°56'04"E. 46.50 feet; thence S.67°25'59"E. 346.55 feet to the centerline of Highland Boulevard and the westerly line of Phase 3, Dry Creek Highlands Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder; thence along said centerline and plat the following 2 (two) courses and distances: S.22°17'00"W. 59.68 feet; thence along the arc of a 1,042.00 foot radius curve to the left 331.91 feet through a central angle of 18°15'02" (chord: S.13°09'38"W. 330.51 feet) to the northeast corner of Phase 4, Dry Creek Highland Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder; thence along the north line of said subdivision the following 10 courses and distances: thence N.63°55'19"W. 177.57 feet; thence N.64°44'19"W. 83.22 feet; thence S.89°22'24"W. 46.83 feet; thence S.51°42'46"W. 100.61 feet; thence S.41°52'29"W. 31.01 feet; thence S.34°25'47"W. 96.08 feet; thence N.65°12'08"W. 182.60 feet; thence Northwesterly along the arc of 622.00 foot radius non-tangent curve (radius bears: S.65°12'08"E) 5.41 feet through a central angle of 00°29'55" (chord:N.25°02'50"E. 5.41 feet); thence N.63°59'35"W. 288.71 feet; thence S.88°13'14"W. 104.12 feet to the point of beginning.