

WHEN RECORDED RETURN TO:

Holmes-Hatton & Heppler, LLC
126 West Segoe Lily Dr. Ste 250
Sandy, Utah 84070

**SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS FOR MALLARD BAY
(Phase 2 Amended)**

This Supplement to the Declaration of Covenants, Conditions, and Restrictions for Mallard Bay ("**Supplemental Declaration**") is executed and adopted by Holmes-Hatton & Heppler, LLC, a Utah limited liability company ("**Declarant**").

RECITALS

A. This Supplemental Declaration shall modify and supplement the Declaration of Covenants, Conditions, and Restrictions for Mallard Bay ("**Declaration**") recorded with the Utah County Recorder's Office on April 1, 2016 as Entry No. 27906:2016, as amended.

B. Holmes-Hatton & Heppler, LLC is the Declarant as identified and set forth in the Declaration.

C. Arnie Kaio is the owner of the real property subject to this Supplemental Declaration and consent to its terms.

D. Under the terms of Section 2.2 of the Declaration, Declarant reserved the right to expand the Property by the annexation of Additional Land. Declarant now desires to add a portion of the Additional Land as hereinafter provided.

E. Unless otherwise defined herein, capitalized terms shall have the meanings set forth in the Declaration.

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 confirms that all of the real property identified on Exhibit A attached hereto, together with (i) all buildings, improvements, and structures situated on or comprising a part of the above-described real 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 real property; and (iii) all articles of personal property intended for use in connection therewith (collectively referred to herein as the "**Subject Property**") is submitted to and properly annexed into the Declaration.

2. Plat. 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 **MALLARD BAY PHASE 2 AMENDED** 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 within the Subject Property shall be a member of the Mallard Bay Homeowner's Association, Inc. Voting and the apportionment of Assessments for the Association's Common Expenses shall be as set forth in the Declaration.

5. Reservation of Declarant's Rights. Pursuant to the Declaration, all rights concerning the Project reserved to Declarant in the Declaration are hereby incorporated and reserved to Declarant with respect to the Subject Property. The exercise of Declarant's rights concerning such Subject Property shall be governed by the terms, provisions and limitations set forth 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 this 20 day of SEPTEMBER, 2021.

DECLARANT
HOLMES-HATTON & HEPPLER, LLC
a Utah limited liability company
~~BY ITS GENERAL MANAGER~~ HOLMES HOMES, INC.

By: [Signature]

Name: DARON SMITH

Title: Secretary

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

On the 20 day of SEPTEMBER, 2021, personally appeared before me DARON SMITH who by me being duly sworn, did say that she/he is an authorized representative of Holmes-Hatton & Heppler, LLC, and that the foregoing instrument is signed on behalf of said company and executed with all necessary authority.

Notary Public: [Signature]

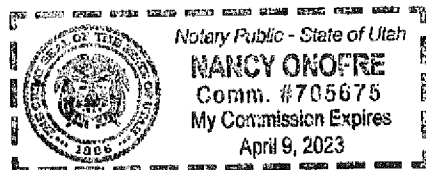


EXHIBIT A
SUBJECT PROPERTY
(Legal Description)

LOT 220, MALLARD BAY AMD, PHASE 2 SUB AREA 0.328 AC.

Parcel Number: 67:036:0220