

E 2096923 B 3849 P 361-372  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
08/15/2005 11:31 AM  
FEE \$203.00 Pgs: 12  
DEP RTT REC'D FOR FARMINGTON LAND  
INVESTMENTS LC

12 =  
32.00  
+ 17.1

WHEN RECORDED RETURN TO:  
Farmington Land Investments, L.C.  
8438 South Gad Way  
Sandy, Utah 84093

Ph 1, 2 & 3

**FIRST SUPPLEMENT AND AMENDMENT TO DECLARATION  
OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
FARMINGTON CROSSING ON SPRING CREEK POND,  
An Expandable Utah Planned Unit Development**

THIS FIRST SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FARMINGTON CROSSING ON SPRING CREEK POND is made and executed by FARMINGTON LAND INVESTMENTS, L.C., a Utah limited liability company, whose principal address is 8438 South Gad Way, Sandy, Utah 84093 (hereinafter referred to as the "Declarant").

**RECITALS**

Whereas, the original Declaration of Covenants, Conditions, and Restrictions was recorded in the office of the County Recorder of Davis County, Utah on the 6<sup>th</sup> day of May, 2005 as Entry No. 2071653 in Book 3783 at Page 639 of the Official Records of the County Recorder of Davis County, Utah (the "Declaration"), for Phase I of the Project which is described as **"Farmington Crossing On Spring Creek Pond, Phase 1, a Planned Unit Development."**

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

Whereas, under Article III, Section 46 of the Declaration, Declarant reserved an option until seven (7) years from the date following the first conveyance of a Dwelling in Phase I to a Lot purchaser to expand the Project.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Davis County, Utah and described with particularity on Exhibit "A-2" attached hereto and incorporated herein by this reference (the "Phase II Property") and Exhibit "A-3" attached hereto and incorporated herein by this reference (the "Phase III Property").

Whereas, Declarant desires to expand the Project by creating on the Phase II and Phase III Property a planned residential development.

Whereas, Declarant now intends that the Phase II and Phase III Property shall become subject to the Declaration.

Ph-1 08-360 - 0001 thru 0045  
Ph-2 08-365 - 0001 thru 0070  
Ph-3 08-366 - 0001 thru 0056

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, Declarant hereby executes this First Supplement to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond.

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

A. First Supplemental Declarations shall mean and refer to this First Supplement to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond.

B. First Supplemental Phase II and Phase III Map shall mean and refer to the Plat Maps of Phase II and Phase III of the Project, prepared and certified to by David E. Hawkes, a duly registered Utah Land Surveyor holding Certificate No. 356548, and filed for record in the Office of the County Recorder of Davis County, Utah prior to the filing of this First Supplemental Declaration.

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 Exhibits A-2 and A-3 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 this Supplemental Declaration.

3. Annexation. Declarant hereby declares that the Phase II and Phase III Property shall be annexed to the Project and become subject to the Declaration, which upon recordation of the First Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibits A-2 and A-3 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Lots Revised. As shown on the Phase II Map, ten (10) Buildings and sixty-five (65) additional Lots are or will be constructed and/or created in the Project on the Phase II Property.

As shown on the Phase III Map, eight (8) Buildings and fifty-one (51) additional Lots are or will be constructed and/or created in the Project on the Phase III Property.

The additional Buildings and Lots are located within a portion of the Additional Land. The additional Buildings and Lots are substantially similar in construction, design and quality to the Buildings and Lots in the prior Phase. Upon the recordation of the Phase II and Phase III Maps and this First Supplemental Declaration, the total number of Lots in the Project will be one hundred fifty-six (156).

5. Percentages of Ownership Interest Revised. Pursuant to the Declaration, Declarant is required, with the additional Lots, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities (the "Percentage Interests"). The percentages of ownership

interest are uniform and equal. Exhibit "B" to the Declaration is deleted in its entirety and Revised Exhibit "B", attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

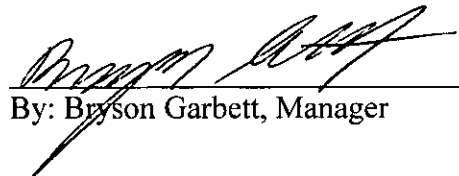
6. Additional Land Revised. Exhibits "D-1" and "D-2" to the Declaration are deleted in their entirety and Revised Exhibits "D-1" and "D-2", attached hereto and incorporated herein by this reference, are substituted in lieu thereof.

7. Effective Date. The effective date of this First Supplemental Declaration and the Phase II and Phase III Maps shall be the date on which said instruments are filed for record in the Office of the County Recorder of Davis County, Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument the 11<sup>th</sup> day of August, 2005.

DECLARANT:

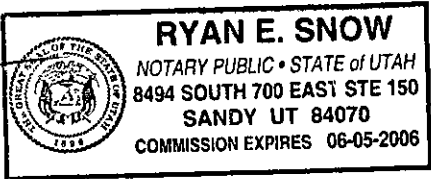
FARMINGTON LAND INVESTMENTS, L.C.  
a Utah limited liability company

  
By: Bryson Garbett, Manager

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

On the 11<sup>th</sup> day of August, 2005 personally appeared before me Bryson Garbett, who by me being duly sworn, did say that he is the Manager of FARMINGTON LAND INVESTMENTS, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its members or its Articles of Organization, and said Bryson Garbett, duly acknowledged to me that said Company executed the same.

  
NOTARY PUBLIC



**Exhibit "A-2"**  
**Farmington Crossing on Spring Creek Pond Phase II**  
**Legal Description**

Parcel B, FARMINGTON CROSSING ON SPRING CREEK POND, a Planned Unit Development, according to the official plat thereof as recorded in the Office of the Davis County Recorder, State of Utah (also known as "**Farmington Crossing On Spring Creek Pond, Phase 2**").

**Exhibit "A-3"**  
**Farmington Crossing on Spring Creek Pond Phase III**  
**Legal Description**

Parcel C, FARMINGTON CROSSING ON SPRING CREEK POND, a Planned Unit Development, according to the official plat thereof as recorded in the Office of the Davis County Recorder, State of Utah (also known as "**Farmington Crossing on Spring Creek Pond, Phase 3**").

**REVISED EXHIBIT "B"**  
**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

<u>Phase</u>	<u>Bldg. No.</u>	<u>Lot No.</u>	<u>Percentage of Interest</u>
1	1	1	0 64102%
1	1	2	0 64102%
1	1	3	0 64102%
1	1	4	0 64102%
1	2	1	0 64102%
1	2	2	0 64102%
1	2	3	0 64102%
1	2	4	0 64102%
1	2	5	0 64102%
1	3	1	0 64102%
1	3	2	0 64102%
1	3	3	0 64102%
1	4	1	0 64102%
1	4	2	0 64102%
1	4	3	0 64102%
1	4	4	0 64102%
1	4	5	0 64102%
1	4	6	0 64102%
1	4	7	0 64102%
1	5	1	0 64102%
1	5	2	0 64102%
1	5	3	0 64102%
1	5	4	0 64102%
1	5	5	0 64102%
1	5	6	0 64102%
1	5	7	0 64102%
1	6	1	0 64102%
1	6	2	0 64102%
1	6	3	0 64102%
1	6	4	0 64102%
1	7	1	0 64102%
1	7	2	0 64102%
1	7	3	0 64102%
1	7	4	0 64102%
1	8	1	0 64102%
1	8	2	0 64102%
1	8	3	0 64102%
1	8	4	0 64102%
1	8	5	0 64102%
1	8	6	0 64102%
2	9	1	0 64102%
2	9	2	0 64102%
2	9	3	0 64102%
2	9	4	0 64102%

2	9	5	0 64102%
2	9	6	0 64102%
2	9	7	0 64102%
2	10	1	0 64102%
2	10	2	0 64102%
2	10	3	0 64102%
2	10	4	0 64102%
2	10	5	0 64102%
2	10	6	0 64102%
2	10	7	0 64102%
2	10	8	0 64102%
2	10	9	0 64102%
2	11	1	0 64102%
2	11	2	0 64102%
2	11	3	0 64102%
2	11	4	0 64102%
2	11	5	0 64102%
2	12	1	0 64102%
2	12	2	0 64102%
2	12	3	0 64102%
2	12	4	0 64102%
2	12	5	0 64102%
2	12	6	0 64102%
2	12	7	0 64102%
2	12	8	0 64102%
2	12	9	0 64102%
2	13	1	0.64102%
2	13	2	0 64102%
2	13	3	0 64102%
2	13	4	0 64102%
2	13	5	0 64102%
2	13	6	0 64102%
2	13	7	0 64102%
2	14	1	0 64102%
2	14	2	0 64102%
2	14	3	0 64102%
2	14	4	0 64102%
2	14	5	0 64102%
2	15	1	0 64102%
2	15	2	0 64102%
2	15	3	0 64102%
2	15	4	0 64102%
2	16	1	0.64102%
2	16	2	0 64102%
2	16	3	0 64102%
2	16	4	0 64102%
2	16	5	0 64102%
2	16	6	0 64102%
2	16	7	0 64102%
2	17	1	0 64102%

2	17	2	0 64102%
2	17	3	0 64102%
2	17	4	0 64102%
2	17	5	0 64102%
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3	19	2	0 64102%
3	19	3	0 64102%
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3	20	2	0 64102%
3	20	3	0 64102%
3	20	4	0 64102%
3	20	5	0 64102%
3	20	6	0 64102%
3	21	1	0 64102%
3	21	2	0 64102%
3	21	3	0 64102%
3	21	4	0 64102%
3	21	5	0.64102%
3	21	6	0 64102%
3	21	7	0 64102%
3	21	8	0 64102%
3	22	1	0 64102%
3	22	2	0 64102%
3	22	3	0 64102%
3	22	4	0 64102%
3	22	5	0 64102%
3	22	6	0 64102%
3	23	1	0 64102%
3	23	2	0 64102%
3	23	3	0 64102%
3	23	4	0 64102%
3	23	5	0 64102%
3	23	6	0 64102%
3	23	7	0 64102%
3	23	8	0 64102%
3	24	1	0 64102%



3	24	2	0.64102%
3	24	3	0.64102%
3	24	4	0.64102%
3	24	5	0.64102%
3	24	6	0.64102%
3	24	7	0.64102%
3	25	1	0.64102%
3	25	2	0.64102%
3	26	1	0.64102%
3	26	2	0.64102%
3	26	3	0.64102%
3	26	4	0.64102%
3	26	5	0.64102%

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**TOTAL:**

**100.00%**

**REVISED EXHIBIT "D-1"**  
LEGAL DESCRIPTION OF ADDITIONAL LAND

Parcel No. 1:

Parcel D, FARMINGTON CROSSING ON SPRING CREEK POND, a P.U.D., according to the official plat thereof as recorded in the Office of the Davis County Recorder, State of Utah.

Parcel No. 2:

Parcel E, FARMINGTON CROSSING ON SPRING CREEK POND, a P.U.D., according to the official plat thereof as recorded in the Office of the Davis County Recorder, State of Utah.

Parcel No. 3:

Parcel C, SHEPARD CREEK SOUTHWEST SUBDIVISION, A PLANNED UNIT DEVELOPMENT, according to the official plat thereof, Davis County, Utah.

*Exhibits Only  
Do Not Abstract  
to these Parcels*

**REVISED EXHIBIT "D-2"**  
LEGAL DESCRIPTION OF ADDITIONAL LAND

Parcel No. 1:

A parcel of land located in the Northwest Quarter of Section 13, Township 3 North, Range 1 West, Salt Lake Base and Meridian, Davis County, Utah described as follows:

BEGINNING at a point on the easterly right-of-way line of Shepard Creek Parkway as described on the Road Dedication Plat Shepard Creek Parkway as recorded in the Davis County records, said point being South 00°12'06" East 2087.66 feet along the section line, East 835.24 feet, and Northerly 140.13 feet along a 332.50 foot radius curve to the left through a central angle of 24°08'47" and a long chord of North 16°17'59" West 139.09 feet along said easterly right-of-way line from the Davis County brass cap marking the Northwest Corner of Section 13, Township 3 North, Range 1 West, Salt Lake Base and Meridian (Basis of Bearings being South 00°12'06" East 2642.96 feet from said Davis County brass cap marking the Northwest Corner of Section 13 to the Davis County rebar & cap marking the West Quarter Corner of said Section 13) and running thence along said easterly right-of-way line the following three courses: Northwesterly 60.95 feet along said 332.50 foot radius curve to the left through a central angle of 10°30'09" and a long chord of North 33°37'27" West 60.86 feet, North 38°52'31" West 463.63 feet, and Northwesterly 125.36 feet along a 265.50 foot radius curve to the right through a central angle of 27°03'12" and a long chord of North 25°20'55" West 124.20 feet; thence North 72°22'00" East 710.43 feet to the east line of the proposed swap parcel from Davis County; thence along said east line the following two courses: South 21°14'52" East 152.71 feet and South 26°03'47" West 51.04 feet; thence along the west line of the proposed swap parcel to Davis County South 18°59'18" East 479.94 feet to the northerly line of the access easement; thence along said northerly line the following two courses: South 74°15'21" West 447.49 feet and Northwesterly 67.52 feet along a 50.00 foot radius curve to the right through a central angle of 77°22'17" and a long chord of North 67°03'30" West 62.50 feet to the POINT OF BEGINNING.

Parcel No. 2:

A parcel of land located in the Northwest Quarter of Section 13, Township 3 North, Range 1 West, Salt Lake Base and Meridian, Davis County, Utah described as follows:

BEGINNING at a point on the southerly right-of-way line of Shepard Lane, said point being South 00°12'06" East 468.75 feet along the section line and South 89°41'42" East 572.38 feet along said southerly right-of-way line from the Northwest Quarter of Section 13, Township 3 North, Range 1 West, Salt Lake Base and Meridian (Basis of Bearings being South 00°12'06" East 2642.96 feet from said Davis County brass cap marking the Northwest Corner of Section 13 to the Davis County rebar & cap marking the West Quarter Corner of said Section 13) and running thence South 333.45 feet; thence South 89°43'17" East 370.07 feet to the west line of Parcel No. 0067-264:A as described in Exhibit "A" of that License Agreement recorded in Book 3208 at Page 501 of the Davis County records; thence along said west line South 21°14'52" East 85.31 feet (South 21°17'46" East 85.31 feet by record) to the east line of the proposed swap parcel from Davis County; thence along said east line continuing South 21°14'52" East 352.47 feet; thence South 72°22'00" West 710.43 feet to the easterly right-of-way line of Shepard Creek Parkway as described on the Road Dedication Plat Shepard Creek Parkway as recorded in said records; thence along said easterly right-of-way line the following six courses: Northerly 59.98 feet along a 265.50 foot radius non-tangent curve to the right through a central angle of 12°56'36" and a long chord of North 05°21'01" West 59.85 feet, North 01°07'17" East 315.01 feet, Northerly 146.47 feet along a 182.50 foot radius curve to the left through a central angle of 45°59'06" and a long chord of North 21°52'16" West

142.57 feet, North 44°51'48" West 295.21 feet, Northerly 92.28 feet along a 117.50 foot radius curve to the right through a central angle of 45°00'00" and a long chord of North 22°21'48" West 89.93 feet, and North 00°08'12" East 125.58 feet to the south line of Parcel No. 0067:264 as described in Exhibit "B" of said License Agreement; thence along said south line the following five courses: South 89°04'43" East 8.54 feet (South 89°07'37" East 8.53 feet by record), North 44°11'23" East 30.73 feet (North 44°08'29" East 30.73 feet by record), Easterly 117.59 feet along a 3,329.07 foot radius non-tangent curve to the left through a central angle of 02°01'26" and a long chord of North 88°11'47" East 117.59 feet (North 88°08'53" East 117.59 feet by record), North 87°11'04" East 90.29 feet (North 87°08'10" East 90.29 feet by record), and thence North 88°38'34" East 162.54 feet (North 88°35'40" East 162.54 feet by record) to said southerly right-of-way line; thence along said southerly right-of-way line South 89°41'42" East 42.87 feet to the POINT OF BEGINNING.