

12-407-0001 thru 0031  
12-426-0028 thru 0054  
12-490-0055 thru 0097

2129600  
BK 3929 PG 301

E 2129600 B 3929 P 301-311  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
12/12/2005 09:07 AM  
FEE \$201.00 Pgs: 11  
DEP RT REC'D FOR COTTONWOOD TITLE  
INS AGENCY

WHEN RECORDED RETURN TO:

Gary M. Wright  
IVORY HOMES  
1544 North Woodland Park Drive  
Suite 300  
Layton, Utah 84041  
(801) 775-8853

12-520-0098 thru

0108  
12-540-0107 thru 0167

12-551-0167, 0170, 0171  
12-610-0168 thru 0170

all, Chrissam Meadows ph I thru  
6 + 6Amd

**FIFTH SUPPLEMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS OF  
CHRISSAM MEADOWS NO. 6 SUBDIVISION**

This Fifth Supplement to the Declaration of Covenants, Conditions, & Restrictions for ChrisSam Meadows No. 6 Subdivision is made and executed by Ivory North, a Utah joint venture, of 1544 North Woodland Park Drive, Suite 300, Layton, Utah 84041 (the "Declarant").

**RECITALS**

Whereas, The Original Declaration Of Covenants, Conditions & Restrictions For ChrisSam Meadows No. 3 Subdivision was recorded in the office of the County Recorder of Davis County, Utah on the 8<sup>th</sup> day of September, 2000 as Entry No 1612348 in Book 2689 at Page 937 of the Official Records (the "Declaration").

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

Whereas, the First Supplement to the Declaration of Covenants, Conditions & Restrictions for ChrisSam Meadows No. 2 Subdivision was recorded in the office of the County Recorder of Davis County, Utah on the 12<sup>th</sup> day of December, 2001 as Entry No. 1711534 in Book 2943 at Page 594 of the Official Records (the "Declaration").

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

Whereas, the Second Supplement to the Declaration of Covenants, Conditions & Restrictions for ChrisSam Meadows No. 3 Subdivision was recorded in the office of the County Recorder of Davis County, Utah on the 14<sup>th</sup> day of March, 2003 as Entry No. 1842631 in Book 3247 at Page 573 of the Official Records (the "Declaration").

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

Whereas, the Third Supplement to the Declaration of Covenants, Conditions & Restrictions for ChrisSam Meadows No. 4 Subdivision was recorded in the office of the County

Recorder of Davis County, Utah on the 19<sup>th</sup> day of June, 2003 as Entry No. 1879932 in Book 3315 at Page 735 of the Official Records (the "Declaration").

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

Whereas, the Fourth Supplement to the Declaration of Covenants, Conditions & Restrictions for ChrisSam Meadows No. 5 Subdivision was recorded in the office of the County Recorder of Davis County, Utah on the 19<sup>th</sup> day of May, 2004 as Entry No. 1987676 in Book 3543 at Page 414 of the Official Records (the "Declaration").

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

Whereas, under Section 3 of the Declaration, Declarant reserved an option to expand the Project and annex additional real property.

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right to add to the Subdivision additional land at any time and in any order, without limitation.

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-6" attached hereto and incorporated herein by this reference (the "Phase VI Property").

Whereas, Declarant desires to expand the Project by creating on the Phase VI Property a new phase in the subdivision.

Whereas, Declarant now intends that the Phase VI Property shall become subject to the Declaration and the following protective covenants:

Whereas, this affects the real property located in Davis County, Utah described with particularity on Exhibit A-6 attached

## A G R E E M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Owners thereof, Declarant hereby executes this Fifth Supplement to the Declaration of Covenants, Conditions & Restrictions for ChrisSam Meadows No. 6 Subdivision.

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

a. Fifth Supplement to the Declaration shall mean and refer to this Fifth Supplement to the Declaration of Covenants, Conditions & Restrictions for ChrisSam Meadows No. 6 Subdivision .

b. Fifth Supplemental Map or Phase VI Map shall mean and refer to the Supplemental Plat Map of Phase VI of the Project, prepared and certified to by Gary L. Newman, a duly registered Utah Land Surveyor holding Certificate No. 4778, and filed for record in the Office of the County Recorder of Davis County, Utah prior to or concurrently with the filing of this Fifth Supplement to the Declaration.

c. Phase VI shall mean and refer to ChrisSam Meadows No. 6, as shown on the Fifth Supplemental Map.

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-6 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 said Declaration, as it may be supplemented from time to time.

3. Annexation. Declarant hereby declares that the Phase VI Property shall be annexed to and become subject to the Declaration, which upon recordation of this Fifth Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-6 subject to the functions, powers, rights, duties, and jurisdiction of the Association.

4. Total Number of Lots Revised. As shown on the Phase VI Map, five (5) additional Lots are or will be created in the Project on the Phase VI Property. The additional Lots are located within a portion of the additional land. Upon the recordation of the Phase VI Map and this Fifth Supplement to the Declaration, the total number of Lots in the Project will be one hundred seventy-four (174). The additional Lots are substantially similar in construction, design, and quality to the Lots in the prior Phases.

5. Percentage Interest Revised. Pursuant to the Declaration, Declarant is required with the addition of Lots to reallocate the undivided percentages of ownership interest in the Project. Fifth Revised Exhibit "C," which sets forth the percentages of undivided ownership interests, is attached hereto and incorporated herein by this reference.

6. Conflict. In the event of any conflict, inconsistency, or incongruity between the provisions of this Supplement to the Declaration and the provisions of the Declaration, the former shall in all instances control.

7. Severability. Any provision in this contract, or part thereof, prohibited by the laws of the State of Utah, shall be ineffective to the extent of such prohibition without invalidating the remaining provisions of this document.

8. Effective Date. The effective date of this Fifth Supplement to the Declaration and the Phase VI Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Davis County, Utah.

EXECUTED the 7<sup>th</sup> day of December, 2005.

DECLARANT:  
IVORY NORTH, a joint venture  
BY: GMW DEVELOPMENT, INC., Partner

By:   
Title: Gary M. Wright, President

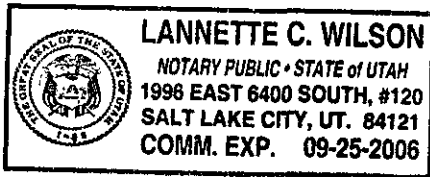
STATE OF UTAH            )  
                                  )ss.  
COUNTY OF DAVIS        )

On the 7 day of December, 2005, personally appeared before me Gary M. Wright, who by me being duly sworn, did say that he is the President of GMW DEVELOPMENT, INC., a Utah corporation, and that GMW DEVELOPMENT, INC. is a Partner of IVORY NORTH, a joint venture, and that the within and foregoing instrument was signed in behalf of said IVORY NORTH pursuant to the joint venture agreement and by authority of a resolution of the joint venturers, and said Gary W. Wright, duly acknowledged to me that IVORY NORTH executed the same.

*Lanette Wilson*

NOTARY PUBLIC

Residing At: *DRAPER UTAH*



**AMENDED EXHIBIT "C"**  
**PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST**

<u>Phase</u>	<u>Lot No.</u>	<u>Parcel No.</u>	<u>Percentage of Ownership Interest</u>
1	1	12-407-0001	0.5747%
1	2	12-407-0002	0.5747%
1	3	12-407-0003	0.5747%
1	4	12-407-0004	0.5747%
1	5	12-407-0005	0.5747%
1	6	12-407-0006	0.5747%
1	7	12-407-0007	0.5747%
1	8	12-407-0008	0.5747%
1	9	12-407-0009	0.5747%
1	10	12-407-0010	0.5747%
1	11	12-407-0011	0.5747%
1	12	12-407-0012	0.5747%
1	13	12-407-0013	0.5747%
1	14	12-407-0014	0.5747%
1	15	12-407-0015	0.5747%
1	16	12-407-0016	0.5747%
1	17	12-407-0017	0.5747%
1	18	12-407-0018	0.5747%
1	19	12-407-0019	0.5747%
1	20	12-407-0020	0.5747%
1	21	12-407-0021	0.5747%
1	22	12-407-0022	0.5747%
1	23	12-407-0023	0.5747%
1	24	12-407-0024	0.5747%
1	25	12-407-0025	0.5747%
1	26	12-407-0026	0.5747%
1	27	12-407-0027	0.5747%
2	28	12-426-0028	0.5747%
2	29	12-426-0029	0.5747%
2	30	12-426-0030	0.5747%
2	31	12-426-0031	0.5747%
2	32	12-426-0032	0.5747%
2	33	12-426-0033	0.5747%
2	34	12-426-0034	0.5747%
2	35	12-426-0035	0.5747%
2	36	12-426-0036	0.5747%
2	37	12-426-0037	0.5747%
2	38	12-426-0038	0.5747%
2	39	12-426-0039	0.5747%
2	40	12-426-0040	0.5747%

<u>Phase</u>	<u>Lot No.</u>	<u>Parcel No.</u>	<u>Percentage of Ownership Interest</u>
2	41	12-426-0041	0.5747%
2	42	12-426-0042	0.5747%
2	43	12-426-0043	0.5747%
2	44	12-426-0044	0.5747%
2	45	12-426-0045	0.5747%
2	46	12-426-0046	0.5747%
2	47	12-426-0047	0.5747%
2	48	12-426-0048	0.5747%
2	49	12-426-0049	0.5747%
2	50	12-426-0050	0.5747%
2	51	12-426-0051	0.5747%
2	52	12-426-0052	0.5747%
2	53	12-426-0053	0.5747%
2	54	12-426-0054	0.5747%
3	55	12-407-0055	0.5747%
3	56	12-407-0056	0.5747%
3	57	12-407-0057	0.5747%
3	58	12-407-0058	0.5747%
3	59	12-407-0059	0.5747%
3	60	12-407-0060	0.5747%
3	61	12-407-0061	0.5747%
3	62	12-407-0062	0.5747%
3	63	12-407-0063	0.5747%
3	64	12-407-0064	0.5747%
3	65	12-407-0065	0.5747%
3	66	12-407-0066	0.5747%
3	67	12-407-0067	0.5747%
3	68	12-407-0068	0.5747%
3	69	12-407-0069	0.5747%
3	70	12-407-0070	0.5747%
3	71	12-407-0071	0.5747%
3	72	12-407-0072	0.5747%
3	73	12-407-0073	0.5747%
3	74	12-407-0074	0.5747%
3	75	12-407-0075	0.5747%
3	76	12-407-0076	0.5747%
3	77	12-407-0077	0.5747%
3	78	12-426-0078	0.5747%
3	79	12-426-0079	0.5747%
3	80	12-426-0080	0.5747%
3	81	12-426-0081	0.5747%
3	82	12-426-0082	0.5747%
3	83	12-426-0083	0.5747%

<u>Phase</u>	<u>Lot No.</u>	<u>Parcel No.</u>	<u>Percentage of Ownership Interest</u>
3	84	12-426-0084	0.5747%
3	85	12-426-0085	0.5747%
3	86	12-426-0086	0.5747%
3	87	12-426-0087	0.5747%
3	88	12-426-0088	0.5747%
3	89	12-426-0089	0.5747%
3	90	12-426-0090	0.5747%
3	91	12-426-0091	0.5747%
3	92	12-426-0092	0.5747%
3	93	12-426-0093	0.5747%
3	94	12-426-0094	0.5747%
3	95	12-426-0095	0.5747%
3	96	12-426-0096	0.5747%
3	97	12-426-0097	0.5747%
4	98	12-426-0098	0.5747%
4	99	12-426-0099	0.5747%
4	100	12-426-0100	0.5747%
4	101	12-426-0101	0.5747%
4	102	12-426-0102	0.5747%
4	103	12-426-0103	0.5747%
4	104	12-426-0104	0.5747%
4	105	12-426-0105	0.5747%
5	107	12-426-0107	0.5747%
5	108	12-426-0108	0.5747%
5	109	12-426-0109	0.5747%
5	110	12-426-0110	0.5747%
5	111	12-426-0111	0.5747%
5	112	12-426-0112	0.5747%
5	113	12-426-0113	0.5747%
5	114	12-426-0114	0.5747%
5	115	12-426-0115	0.5747%
5	116	12-426-0116	0.5747%
5	117	12-426-0117	0.5747%
5	118	12-426-0118	0.5747%
5	119	12-426-0119	0.5747%
5	120	12-426-0120	0.5747%
5	121	12-426-0121	0.5747%
5	122	12-426-0122	0.5747%
5	123	12-426-0123	0.5747%
5	124	12-426-0124	0.5747%
5	125	12-426-0125	0.5747%
5	126	12-426-0126	0.5747%



<u>Phase</u>	<u>Lot No.</u>	<u>Parcel No.</u>	<u>Percentage of Ownership Interest</u>
5	127	12-426-0127	0.5747%
5	128	12-426-0128	0.5747%
5	129	12-426-0129	0.5747%
5	130	12-426-0130	0.5747%
5	131	12-426-0131	0.5747%
5	132	12-426-0132	0.5747%
5	133	12-426-0133	0.5747%
5	134	12-426-0134	0.5747%
5	135	12-426-0135	0.5747%
5	136	12-426-0136	0.5747%
5	137	12-426-0137	0.5747%
5	138	12-426-0138	0.5747%
5	139	12-426-0139	0.5747%
5	140	12-426-0140	0.5747%
5	141	12-426-0141	0.5747%
5	142	12-426-0142	0.5747%
5	143	12-426-0143	0.5747%
5	144	12-426-0144	0.5747%
5	145	12-426-0145	0.5747%
5	146	12-426-0146	0.5747%
5	147	12-426-0147	0.5747%
5	148	12-426-0148	0.5747%
5	149	12-426-0149	0.5747%
5	150	12-426-0150	0.5747%
5	151	12-426-0151	0.5747%
5	152	12-426-0152	0.5747%
5	153	12-426-0153	0.5747%
5	154	12-426-0154	0.5747%
5	155	12-426-0155	0.5747%
5	156	12-426-0156	0.5747%
5	157	12-426-0157	0.5747%
5	158	12-426-0158	0.5747%
5	159	12-426-0159	0.5747%
5	160	12-426-0160	0.5747%
5	161	12-426-0161	0.5747%
5	162	12-426-0162	0.5747%
5	163	12-426-0163	0.5747%
5	164	12-426-0164	0.5747%
5	165	12-426-0165	0.5747%
5	166	12-426-0166	0.5747%
5	167	12-426-0167	0.5747%
5	168	12-426-0168	0.5747%
5	169	12-426-0169	0.5747%
5	170	12-426-0170	0.5747%

<u>Phase</u>	<u>Lot No.</u>	<u>Parcel No.</u>	<u>Percentage of Ownership Interest</u>
5	171	12-426-0171	0.5747%
5	172	12-426-0172	0.5747%
5	173	12-426-0173	0.5747%
5	174	12-426-0174	0.5747%
5	175	12-426-0175	0.5747%
6	168	12-426-0168	0.5747%
6	169	12-426-0169	0.5747%
6	170	12-426-0170	0.5747%
6	171	12-426-0171	0.5747%
6	172	12-426-0172	0.5747%

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Exhibit "A-6"

PHASE VI  
CHRISAM MEADOWS NO. 6  
LEGAL DESCRIPTION

The land described in the foregoing document on the Phase VI Property is located in Davis County, Utah and is described more particularly as follows:

*BOUNDARY DESCRIPTION*

*A part of the Northwest Quarter of Section 13, Township 4 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey:*

*Beginning at the Northwest Corner of Lot 151, ChrisSam Meadows No 5, a subdivision in Clearfield City, Davis County, Utah; said point being 1334.05 feet North 89°49'48" West along the Quarter Section line and 1744.81 feet North 0°14'41" East along the West line of said ChrisSam Meadows No. 5 and running thence North 0°14'41" East 24.79 feet along the East line of Julie Estates Subdivision, a subdivision in Clearfield City, Davis County, Utah; thence North 84°00'46" East 3.36 feet; thence North 0°12'00" East 112.63 feet to the Southwest corner of Lot 8, Lakeview Height Apartments in Clearfield City, Davis County, Utah; thence North 0°06'34" East 87.30 feet along said East line of said Lakeview Heights Apartments; thence South 89°52'40" East 337.55 feet to the West boundary line of said ChrisSam Meadows No. 5 said point also being the Northeast corner of lot 168; thence four (4) courses along the Westerly and Northerly lines of said ChrisSam Meadows No 5 as follows: South 0°13'00" West 196.08 feet; North 89°52'40" West 223.02 feet; South 0°13'00" West 29.00 feet and North 89°52'40" West 117.68 feet to the point of beginning.  
Contains 1.60 Acres*