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WHEN RECORDED RETURN TO:  
Farmington Development Corporation  
273 N. East Capitol Street  
Salt Lake City, Utah 84103

*08-433-0001  
draw 0146*

**FOURTH SUPPLEMENT AND AMENDMENT TO DECLARATION <sup>D</sup>  
OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
FARMINGTON CROSSING ON SPRING CREEK POND,  
An Expandable Utah Planned Unit Development**

THIS FOURTH SUPPLEMENT AND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FARMINGTON CROSSING ON SPRING CREEK POND is made and executed by FARMINGTON DEVELOPMENT CORPORATION, a Utah Corporation, whose principal address is 273 N. East Capitol Street, Salt Lake City, Utah 84103 (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 First Supplement and Amendment to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond was recorded in the office of the County Recorder of Davis County, Utah on the 15<sup>th</sup> day of August, 2005 as Entry No. 2096923 in Book 3849 at Page 361 of the Official Records of the County Recorder of Davis County, Utah (the "First Supplemental Declaration"), for Phase II and Phase III of the Project which is described as "Farmington Crossing On Spring Creek Pond, Phase 2, a Planned Unit Development" and "Farmington Crossing On Spring Creek Pond, Phase 3, a Planned Unit Development."

Whereas, the Second Supplement and Amendment to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond was recorded in the office of the County Recorder of Davis County, Utah on the 5<sup>th</sup> day of April, 2006 as Entry No. 2157971 in Book 4006 at Page 1132 of the Official Records of the County Recorder of Davis County, Utah (the "Second Supplemental Declaration"), for Phase IV of the Project which is described as "Farmington Crossing South, Phase 1, a Planned Unit Development".

Whereas, the Third Supplement and Amendment to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond was recorded in the

office of the County Recorder of Davis County, Utah on the 27<sup>th</sup> day of September, 2006 as Entry No. 2205234 in Book 4126 at Page 185 of the Official Records of the County Recorder of Davis County, Utah (the "Third Supplemental Declaration"), for restrictive covenants relating to lease restrictions and limitations of lot ownership in the Project.

Whereas, under Article III, Section 41 of the Declaration, while the Declarant is in control of the Association and prior to the termination of the Period of Declarant's Control, the Declarant may amend the Declaration or Plat Map without any additional consent or approval required.

Whereas, the related Plat Maps for Phase I, Phase II, Phase III, and Phase IV of the Project have 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-5" attached hereto and incorporated herein by this reference (the "Phase V Property").

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

Whereas, Declarant now intends that the Phase V Property shall become subject to the Declaration.

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

B. Fourth Supplemental Phase V Map shall mean and refer to the Plat Map of **Farmington Crossing North, Phase 1, a Planned Unit Development**, 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 or concurrent with the filing of this Fourth 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 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 this Fourth Supplemental Declaration.

3. Annexation. Declarant hereby declares that the Phase V Property shall be annexed to the Project and become subject to the Declaration, which upon recordation of the Fourth Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A-5" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Lots Revised. As shown on the Fourth Supplemental Phase V Map, seventeen (17) Buildings and one hundred forty-five (145) additional Lots are or will be constructed and/or created in the Project on the Phase V 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 Fourth Supplemental Phase V Map and this Fourth Supplemental Declaration, the total number of Lots in the Project will be three hundred ninety-four (394).

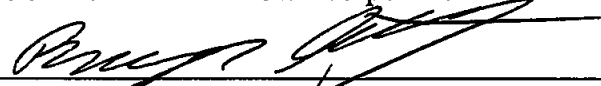
5. Percentages of Ownership Interest Revised. Pursuant to the Declaration, Declarant is required, with the additional Lots, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities (the "Percentage Interests"). The Percentage Interests are uniform and equal. Exhibit "B" to the Second Supplemental Declaration is deleted in its entirety, and the Percentage Interests for all Lots in the Project shall be a uniform and equal undivided interest.

6. Effective Date. The effective date of this Fourth Supplemental Declaration and the Fourth Supplemental Phase V Map 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 24<sup>th</sup> day of October, 2007.

DECLARANT:

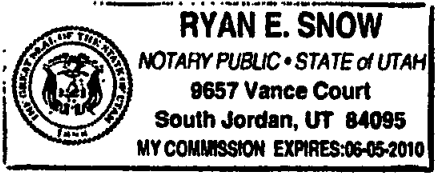
FARMINGTON DEVELOPMENT  
CORPORATION a Utah corporation

  
By: Bryson Garbett, President

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

On the 30<sup>th</sup> day of October, 2007 personally appeared before me Bryson Garbett, who by me being duly sworn, did say that he is the President of FARMINGTON DEVELOPMENT CORPORATION, a Utah corporation, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its board of directors or its Articles of Incorporation, and said Bryson Garbett, duly acknowledged to me that said Company executed the same.

  
NOTARY PUBLIC



**Exhibit "A-5"**  
**Phase V**  
**Legal Description**

LEGAL DESCRIPTION

A parcel of land lying and situate in the North West Quarter of Section 13, Township 3 North, Range 1 West, Salt Lake Base and Meridian, Farmington City, Davis County, Utah. Comprising 8.96 acres, of the 8.97 acres, of Parcel "A" of Farmington Crossing North Subdivision, according to the official plat thereof.

Basis of Bearing for Subject parcel being South 00°12'06" East 2642.87 feet (measured) 2642.96 (per Record of Survey) between the Davis County brass cap monument monumentalizing the Northwest corner of said Section 13 and the Davis County rebar and cap monumentalizing the West Quarter Corner of said Section 13. Subject Parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 13, thence South 00°12'06" East 2087.66 feet coincident with the West line of the Northwest Quarter of said Section 13; Thence EAST 835.24 feet to a point on the easterly right of way line of Shepard Creek Parkway; Thence northerly 120.89 feet along the arc of a 332.50 foot radius curve to the left (center bears South 85°46'25" West) through a central angle of 20°49'57" and the True Point of Beginning; Thence the following eight (8) courses coincident with said Shepard Creek Parkway

- 1) Northerly 80.18 feet along the arc of a 332.50 foot radius curve to the left (center bears South 64°56'29" West) through a central angle of 13°49'00" to a point of tangency;
- 2) North 38°52'31" West 463.64 feet to a point of curvature; 3) Northerly 185.34 feet along the arc of a 265.50 foot radius curve to the right (center bears North 51°07'29" East) through a central angle of 39°59'48" to a point of tangency; 4) North 01°07'17" East 315.00 feet to a point of curvature; 5) Northwesterly 146.47 feet along the arc of a 182.50 foot radius curve to the left (center bears North 88°52'43" West) through a central angle of 45°59'05" to a point of tangency; 6) North 44°51'48" West 282.35 feet; Thence South 89°43'17" East 541.30 feet; Thence South 00°16'43" West 186.82 feet to a point of curvature; Thence easterly 8.33 feet along the arc of a 11.50 foot radius curve to the left (center bears South 89°43'17" East) through a central angle of 41°30'10"; Thence South 00°10'25" West 32.88 feet to a point on the arc of a 24.00 foot radius curve; Thence southerly 37.35 feet along the arc of said 24.00 foot radius curve to the left (center bears South 00°16'43" West) through a central angle of 89°09'26" to a point of tangency; Thence South 01°07'17" West 374.58 feet to a point of curvature; Thence southeasterly 59.69 feet along the arc of a 85.50 foot radius curve to the left (center bears South 88°52'43" East) through a central angle of 39°59'48" to a point of tangency; Thence South 38°52'31" East 280.82 feet to a point of curvature; Thence southeasterly 70.30 feet along the arc of a 105.50 foot radius curve to the left (center bears North 51°07'29" East) through a central angle of 38°10'54" to a point of tangency; Thence South 77°03'25" East 10.04 feet to a point on the arc of a 109.50 foot radius curve; Thence southerly 87.58 feet along the arc of said 109.50 foot radius curve to the left (center bears South 69°26'51" East) through a central angle of 45°49'25" to a point of reverse curvature; Thence southerly 64.51 feet along the arc of a 480.50 foot radius curve to the right (center bears South 64°43'44" West) through a central angle of 07°41'34" to a point of tangency; Thence South 17°34'42" East 99.53 feet to a point of curvature; Thence westerly 80.94 feet along the arc of a 50.50 foot radius curve to the right (center bears South 72°25'18" West) through a central angle of 91°50'03" to a point of tangency; Thence South 74°15'21" West 104.29 feet to a point of curvature; Thence northwesterly 68.20 feet along the arc of a 48.50 foot radius curve to the right (center bears North 15°44'39" West) through a central angle of 80°34'28"; Thence South 64°56'29" west 2.40 feet to the point of beginning. (Contains 390,176 sq. ft. or 8.96 acres, and 145 Lots)