

E 2516288 B 4980 P 57-61  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
03/12/2010 10:14 AM  
FEE \$55.00 Pgs: 5  
DEP RTT REC'D FOR FARMINGTON CITY

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

08-468-0001 thru 0039

**SIXTH 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 SIXTH 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, the Fourth 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 28<sup>th</sup> day of November, 2007 as Entry No. 2323640 in Book 4417 at Page 151 of the Official Records of the County Recorder of Davis County, Utah (the "Fourth Supplemental Declaration"), for Phase V of the Project which is described as **"Farmington Crossing North, Phase 1, a Planned Unit Development"**.

Whereas, the Fifth 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 January, 2010 as Entry No. 2505989 in Book #4942 at Page 231 of the Official Records of the County Recorder of Davis County, Utah (the "Fifth Supplemental Declaration"), for Phase VI of the Project which is described as **"Farmington Crossing South, Phase 2, a Planned Unit Development"**.

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, Phase IV, and Phase V 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 VII Property").

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

Whereas, Declarant now intends that the Phase VII 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 Sixth 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. Sixth Supplemental Declaration shall mean and refer to this Sixth Supplement and Amendment to Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond.

B. Sixth Supplemental Phase VII Map shall mean and refer to the Plat Map of **Farmington Crossing North, Phase 3, 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 Sixth 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 Sixth Supplemental Declaration.

3. Annexation. Declarant hereby declares that the Phase VII Property shall be annexed to the Project and become subject to the Declaration, which upon recordation of the Sixth 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 Sixth Supplemental Phase VI Map, four (4) Buildings and forty one (41) additional Lots are or will be constructed and/or created in the Project on the Phase VII 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 Sixth Supplemental Phase VII Map and this Sixth Supplemental Declaration, the total number of Lots in the Project will be four hundred and two (402).

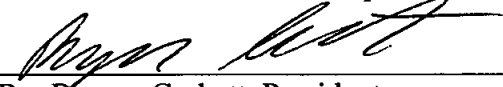
5. Percentages of Ownership Interest Revised. Pursuant to the Declaration, Declarant is required, with the additional Lots, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities (the "Percentage Interests"). The Percentage Interests are uniform and equal. Exhibit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

IN WITNESS WHEREOF, Declarant has executed this instrument the 11<sup>th</sup> day of March, 2010.

DECLARANT:

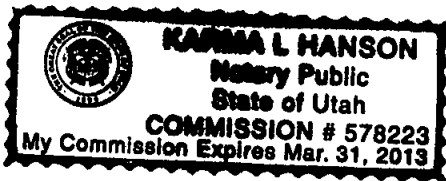
FARMINGTON DEVELOPMENT CORPORATION a Utah corporation

  
By: Bryson Garbett, President

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

On the 11<sup>th</sup> day of March, 2010 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 V1**  
**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 2.70 acres of Farmington Crossing North, Phase 1 Subdivision, a Planned Unit Development recorded November 28, 2007, as Entry 2323639, in Book 4417, at Page 150 of the Davis County Records. Basis of Bearing for subject parcel being South 00°12'06" East 2642.87 feet (measured) 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 723.92 feet coincident with the west line of the Northwest Quarter of said Section 13; thence North 89°47'54" East 171.44 feet to a point on the easterly right of way of Shepard Creek Parkway and the northwest corner of said Farmington Crossing North, Phase 1, said corner being a common corner with Parcel A and Lot 2, Farmington North Subdivision, recorded February 16, 2007, as Entry 2245192, in Book 4222, at Page 351 of said county records and the TRUE POINT OF BEGINNING;

Thence the following four (4) courses coincident with the boundary of said Farmington Crossing North, Phase 1 Subdivision,

- 1) South 89°43'17" East 541.30 feet;
- 2) South 00°16'43" West 186.82 feet to a point of curvature;
- 3) Southeasterly 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";
- 4) South 00°10'25" West 18.38 feet to a point on the centerline of Willow Wind Drive;

Thence coincident with said center line North 89°43'17" West 153.55 feet to the point of intersection with the centerline of a Motor Court; Thence South 01°06'53" West 174.92 feet to the point of intersection of a Motor Court;

Thence coincident with said center line and the prolongation thereof

North 88°52'43" West 135.03 feet to a point on the easterly right of way of said Shepard Creek Parkway and the west boundary of said Farmington Crossing North, Phase 1; Thence the following three (3) courses coincident with said west boundary, 1) North 01°07'17" East 54.54 feet to a point of curvature;

- 2) 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°59'06" to a point of tangency;
- 3) North 44°51'48" West 282.35 feet to the point of beginning.