

WHEN RECORDED RETURN TO:

Ivory Development, LLC  
Christopher P. Gamvroulas  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
(801) 747-7440



\*W2871283\*

EH 2871283 PG 1 OF 5  
LEANN H KILTS, WEBER COUNTY RECORDER  
03-AUG-17 1008 AM FEE \$18.00 DEP DC  
REC FOR: IVORY DEVELOP

11-421-0001-0016 ✓  
(11-003-0089) 82

**FIRST SUPPLEMENT  
TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, AND  
RESERVATION OF EASEMENTS  
FOR  
WARD FARMS PHASE 2**

DB

This First Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Ward Farms Phase 2 is made and executed by Ivory Development, LLC., a Utah limited liability company, of 978 East Woodoak Lane, Salt Lake City, UT 84117 (the "Declarant").

**RECITALS**

A. Whereas, the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Ward Farms Phase 1 was recorded in the office of the County Recorder of Weber County, Utah on September 26, 2016 as Entry No. 2816727 at Pages 1-18 of the official records (the "Declaration").

B. Whereas the related Plat Map for Phase 1 has also been recorded in the office of the County Recorder of Weber County, Utah (the "Phase 1 Final Plat").

C. Whereas, under Article 4 of the Declaration of Covenants, Declarant reserved an option to unilaterally expand the subdivision in accordance with the Declaration.

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

E. Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right to expand the application of the Declaration to other real property.

F. Whereas, Declarant desires to expand the subdivision by creating on the Phase 2 Property additional Lots.

G. Whereas, Declarant now intends that the Phase 2 Property shall become subject to the Declaration.

**NOW, THEREFORE**, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this First Supplement to the Declaration.

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

a. **First Supplemental Declaration** shall mean and refer to this First Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Ward Farms Phase 2.

b. **Phase 2 Map** shall mean and refer to the Plat Map of Phase 2 of the Project, prepared and certified to by Dennis P. Carlisle, a duly registered Utah Land Surveyor holding Certificate No.172675, and filed for record in the Office of the County Recorder of Weber County, Utah concurrently with the filing of this First Supplemental Declaration.

c. **Subdivision** shall mean and refer to Ward Farms Phases 1 and 2, as it may be supplemented from time to time.

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-2 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 the Declaration as it may be supplemented or amended from time to time.

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

4. **Total Number of Units Revised.** As shown on the Phase 2 Map, fifteen (15) new Lots, Numbers 201-215, are or will be constructed and/or created in the Project on the Phase 2 Property. Upon the recordation of the Phase 2 Map and this First Supplemental Declaration, the total number of Lots in the Project will be thirty-five (35) The additional Lots (and the homes to be constructed therein) are or will be substantially similar in construction, design and quality to the Lots and homes in the prior Phase. Parcel A will be dedicated to North Ogden City.

5. **Private Storm Drain System and Easement.** Lots 202-207, inclusive, are subject to a private storm drain system consisting of drain boxes and piping, among other things (collectively "private storm drain system"). As shown on the recorded plat, which is incorporated herein by this reference, the private storm drain system is contained within the "10' private storm drain easement" along the rear portions of said Lots. This private storm drain system is designed to carry any excess surface water off the property and out to the city storm drain system. The easement area is ten feet (10') wide and within this easement area, no structure, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation, maintenance and operation of the private storm drain system or which may change the direction of flow of water and drainage channels in, on or about the easement area, or which may obstruct or retard the flow of water through the established drainage channels. The easement area of each Lot and all improvements within said area shall be maintained in good condition and preserved continuously by each said Lot Owner, excepting those improvements for which a public authority or utility company is expressly responsible. For purposes of this subsection, the term "established drainage pattern" shall mean the drainage pattern, facilities, and improvements in existence at the time a Lot is first conveyed to the initial Lot purchaser by the Declarant or its successors or assigns.

6. **Severability.** If any provision, paragraph, sentence, clause, phrase, or word of this First Supplement should under any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the First Supplement, and the application of any such provision, paragraph, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby.

7. **Topical Headings and Conflict.** The headings appearing at the beginning of the paragraphs of this First Supplement are only for convenience of reference and are not intended to describe, interpret, define or otherwise affect the content, meaning or intent of this First Supplement of any paragraph or provision hereof. In case any provisions hereof shall conflict with Utah law, Utah law shall be deemed to control.

8. **Effective Date.** This annexation shall take effect upon the recording of this instrument and the Final Plat in the office of the County Recorder of Weber County, Utah.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand this 2nd day of August, 2017.

DECLARANT:  
IVORY DEVELOPMENT, LLC

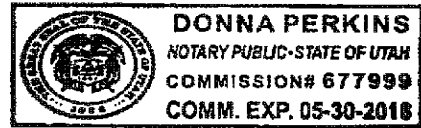
By: *Christopher P. Gamvroulas*  
Name: Christopher P. Gamvroulas  
Title: President

ACKNOWLEDGMENT

STATE OF UTAH                    )  
  ss:  
COUNTY OF SALT LAKE    )

The foregoing instrument was acknowledged before me this 2 day of August, 2017 by Christopher P. Gamvroulas, as President of IVORY DEVELOPMENT, LLC, a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY DEVELOPMENT, LLC executed the same.

*Donna Perkins*  
NOTARY PUBLIC



## EXHIBIT "A-2"

LEGAL DESCRIPTION  
BOUNDARY - WARD FARMS PHASE 2

The Property referred to in the foregoing document as the Ward Farms Phase 2 or the Phase 2 Property is located in Weber County, Utah and is described more particularly as follows:

A portion of the SE14 of Section 33, Township 7 North, Range 1 West, Salt Lake Base & Meridian, located in North Ogden, Utah, more particularly described as follows:

Beginning at a point located S89°58'49"W along the Section line 790.75 feet and North 272.82 feet from the Southeast Corner of Section 33, T7N, R1W, S.L.B.& M.; (Basis of Bearing: N0°05'47"W along the Section line between the Southeast Corner and the East ¼ Corner of said Section 33 based on internal subdivision monuments within GREENFIELD Subdivision); thence N89°30'35"W 90.00 feet; thence N80°19'26"W 60.69 feet; thence N88°57'45"W 199.99 feet; thence N88°00'28"W 60.01 feet; thence N88°57'45"W 100.00 feet; thence S1°02'15"W 10.00 feet; thence N88°57'45"W 167.59 feet; thence S52°16'16"W 47.79 feet to the southeasterly corner of Lot 139, GREENFIELD Subdivision Phase 14 as constructed; thence along said plat the following 3 (three) courses and distances: N37°43'44"W 120.00 feet; thence Northeasterly along the arc of a 165.00 foot radius non-tangent curve (radius bears: S37°43'45"E) to the right 30.00 feet through a central angle of 10°25'04" (chord: N57°28'47"E 29.96 feet); thence N27°18'42"W 204.66 feet to the south line of that Real Property described as Entry No. 2647556 of the Official Records of Weber County; thence S89°01'45"E along said deed and an existing fence line 866.16 feet; thence S1°02'15"W 99.66 feet; thence S4°49'03"W 60.19 feet; thence S1°02'15"W 100.87 feet to the point of beginning.

Contains: 4.74+/- acres