

When Recorded, Mail To:

Ninigret Park North Committee  
Attn: Gary McEntee  
1700 South 4650 West  
Salt Lake City, Utah 84101

Tax Parcel Nos. 12-761-0005; 12-833-0001; 12-833-0002;  
12-833-0003; 12-833-0004; 12-761-0005; 12-026-0027;  
12-819-0002; 12-819-0003; 12-819-0004; 12-819-0005;  
12-026-0027; 12-025-0016; 12-025-0017

Cross Reference Entry Nos. 2683344, Book 5595, Pages 69-87  
2765650, Book 5850, Pages 715-724  
2838385, Book 6162, Page 121

NCS-723735

**THIRD AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS,  
AGREEMENTS, EASEMENTS CONDITIONS AND RESTRICTIONS FOR NINIGRET  
PARK NORTH**

THIS THIRD AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS, AGREEMENTS, EASEMENTS CONDITIONS AND RESTRICTIONS FOR NINIGRET PARK NORTH (this "Amendment") is made by the Committee formed pursuant to that certain Declaration of Protective Covenants, Agreements, easements Conditions and Restrictions for Ninigret Park North, Recorded August 29, 2012, Entry No. 2683344, in Book 5595, Pages 69-87, as amended by that certain Amendment of Declaration of Protective Covenants, Agreements, Easements Conditions and Restrictions for Ninigret Park North, Recorded September 11, 2013, as Entry No. 2765650, Book 5850, Pages 715-724, as further amended by that certain Second Amendment of Declaration of Protective Covenants, Agreements, Easements Conditions and Restrictions for Ninigret Park North, Recorded December 11, 2014, as Entry No. 2838385, Book 6162, Pages 121 (collectively, the "Declaration"). All capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Declaration.

**RECITALS**

A. The Declaration currently encumbers that certain real property located in Davis County, Utah, as such is more particularly on Exhibit A, attached hereto and incorporated herein by this reference (the "Current Covered Property").

B. Section 9.10 of the Declaration permits the Committee to execute and record an instrument amending the Declaration, upon approval by the Owners owning more than fifty percent (50%) of the total acreage of the Current Covered Property.

C. Ninigret Construction Company North L.C., a Utah limited liability company ("Ninigret Construction"): (i) owns more than fifty percent (50%) of the total acreage of the

Current Covered Property; and (ii) has approved and consented to the withdrawal of certain real property from the Declaration.

NOW, THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, the Committee hereby amends the Declaration as follows:

1. Amendment. The Declaration is hereby amended to provide that from and after the date of the recording of this Amendment in the official records of the Davis County Recorder, the Declaration will **ONLY** be applicable to the real property specifically described on Exhibit B, attached hereto and incorporated by referenced herein (the "Encumbered Property"). For clarification purposes, the Encumbered Property is already encumbered by the Declaration and will be the only real property encumbered by the Declaration.

All Property that is part of the Current Covered Property that is not part of the Encumbered Property (the "Withdrawn Parcel") is hereby released from the Declaration and the Declaration is hereby amended to provide that from and after the date of the recording of this Amendment in the official records of the Davis County Recorder, the Declaration will not be applicable to the Withdrawn Parcel.

2. Approval by Ninigret Construction. Ninigret Construction is the current fee owner of more than fifty percent (50%) of the Current Covered Property, which includes the Withdrawn Parcel. By signing below, Ninigret Construction approves and accepts that the Withdrawn Parcel will not be encumbered by the Declaration after the recordation of this Amendment.

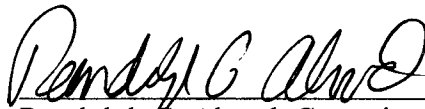
3. Effect of Amendment on Declaration. Except as explicitly amended hereby, the Declaration is hereby ratified and confirmed in all respects and shall remain in effect in accordance with their original terms.


4. Effective Date. This Amendment will take effect on the date it is recorded at the office of the Davis County Recorder.

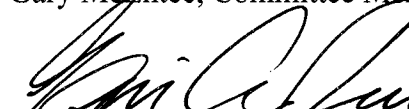
5. Counterparts. This Amendment may be executed in any number of counterparts, provided each counterpart is identical in its terms. Each such counterpart, when executed and delivered will be deemed to be an original, and all such counterparts shall be deemed to constitute one and the same instrument. For convenience in recording, signature pages from multiple counterparts may be detached from their counterparts and attached to a single counterpart to be recorded.

IN WITNESS THEREOF, the parties have executed this Amendment to be effective as of the date and year this Amendment is recorded.

Committee:

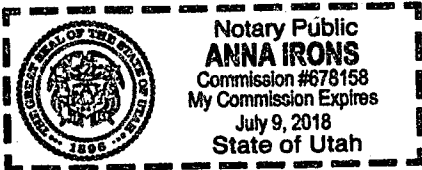
  
\_\_\_\_\_  
Randolph G. Abood, Committee Member

  
\_\_\_\_\_  
Gary McEntee, Committee Member

  
\_\_\_\_\_  
Eric Rice, Committee Member

State of Utah )  
 )ss.  
County of )

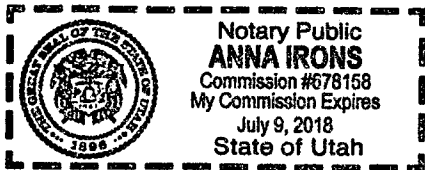
This instrument was acknowledged before me on this 10<sup>th</sup> day of September, 2015, by Randolph G. Abood, in the capacity indicated.



Anna Irons  
Notary Public for Salt Lake  
My commission expires: 7-9-2018

State of Utah )  
 )ss.  
County of )

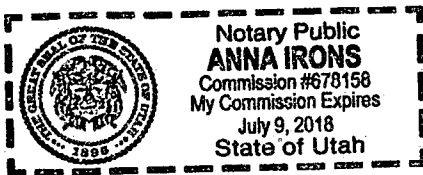
This instrument was acknowledged before me on this 10<sup>th</sup> day of September, 2015, by Gary McEntee, in the capacity indicated.



Anna Irons  
Notary Public for Salt Lake  
My commission expires: 7-9-2018

State of Utah )  
 )ss.  
County of )

This instrument was acknowledged before me on this 10<sup>th</sup> day of September, 2015, by Eric Rice, in the capacity indicated.



Anna Irons  
Notary Public for Salt Lake  
My commission expires: 7-9-2018

ACCEPTANCE BY NINIGRET CONSTRUCTION

Ninigret Construction hereby consents to, and approves, this Amendment removing the Withdrawn Parcel from the purview of the Declaration, as set forth herein.

Dated: 9-10, 2015.

Ninigret Construction Company North L.C.,  
a Utah limited liability company

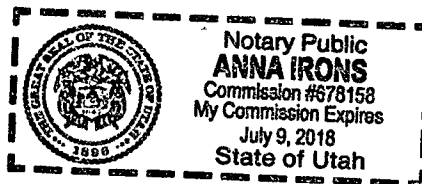
By: Gary McEntee  
Gary McEntee, Manager

STATE OF Utah)  
:ss.  
COUNTY OF Dalt Lake)

On this 10<sup>th</sup> day of September, 2015, personally appeared before me Gary McEntee, as Manager of Ninigret Construction Company North L.C., a Utah limited liability company, and acknowledged to me that said company executed the same.

Anne Irons

Notary Public for Dalt Lake  
My commission expires: 7-9-18



**EXHIBIT A**

**(Legal Description of the Current Covered Property)**

Real property located in Davis County, Utah, specifically described as follows:

Parcel 1:

ALL OF LOT 5 NINIGRET NORTH I SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED AUGUST 27, 2012 AS ENTRY NO. 2682688 IN BOOK 5593 AT PAGE 1027 OF OFFICIAL RECORDS, DAVIS COUNTY RECORDER.

(Tax Parcel No. 12-761-0005)

LOTS 1A, 2A, 3A, AND 4A NINIGRET NORTH 1 AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED AUGUST 18, 2015 IN BOOK 6332 AT PAGE 1361 OF OFFICIAL RECORDS.

(Tax Parcel No. 12-833-0001, 12-833-0002, 12-833-0003, 12-833-0004)

PARCEL 2:

A PART OF THE SOUTH ONE HALF OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY:

BEGINNING AT THE CENTER OF SAID SECTION 3, RUNNING THENCE SOUTH 89° 56' 57" EAST 441.57 FEET TO THE WEST LINE OF THE UTAH POWER AND LIGHT COMPANY PROPERTY; AS SET FORTH IN WARRANTY DEED RECORDED NOVEMBER 03, 1982 ENTRY NO. 626040 IN BOOK 919 AT PAGE 699; THENCE TWO COURSES ALONG SAID WEST LINE AS FOLLOWS, SOUTH 13° 29' EAST 2262.75 FEET AND SOUTH 27° 09' EAST 251.94 FEET; THENCE SOUTH 72° 03' WEST 590.74 FEET TO THE NORTH LINE OF 700 SOUTH STREET, THENCE NORTH 89° 56' 33" WEST 1337.63 FEET ALONG SAID NORTH LINE, THENCE NORTH 0° 08' 15" EAST 2606.40 FEET TO THE QUARTER SECTION LINE, THENCE SOUTH 89° 56' 57" EAST 809.44 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING. *Ck by JJB 22 August 2012*

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY;

BEGINNING ON THE NORTH LINE OF A STREET AT A POINT SOUTH 89° 56' 33" EAST 33.0 FEET ALONG THE SECTION LINE AND NORTH 0° 09' 35" EAST 33.0 FEET PARALLEL TO THE SECTION LINE FROM THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, IN THE CITY OF SYRACUSE, AND RUNNING THENCE NORTH 0° 09' 35" EAST 1120.0 FEET ALONG THE EAST LINE OF A STREET; THENCE SOUTH 89° 56' 33" EAST 1980.0 FEET; THENCE SOUTH 0° 09' 35" WEST 1120.0 FEET TO THE NORTH LINE OF A STREET THENCE NORTH 89° 56' 33" WEST 1980.0 FEET ALONG SAID STREET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 2000 WEST STREET, IN THE CITY OF SYRACUSE, WHICH POINT IS SOUTH 89° 56' 57" EAST, A DISTANCE OF 33.00 FEET ALONG THE 1/4 SECTION LINE FROM THE WEST 1/4 CORNER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89° 56' 57" EAST, A DISTANCE OF 1954.51 FEET ALONG THE SAID 1/4 SECTION LINE; THENCE SOUTH 00° 00' 15" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 89° 56' 57" WEST, A DISTANCE OF 1954.70 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 2000 WEST STREET; THENCE NORTH 00° 09' 35" EAST, A DISTANCE OF 75.00 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. *Ck by JJB 22 August 2012*

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN THE N1/2S1/2 SECTION 3, IN T.4N., R.2W., S.L.B.&M. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY BOUNDARY LINE OF SAID ENTIRE TRACT AND THE EASTERLY HIGHWAY RIGHT OF WAY LINE OF SR-108 KNOWN AS PROJECT NO. S-0108(23)5, SAID POINT BEING 37.86 FEET S.89° 57' 08" E. (S.89° 56' 57"E. OF RECORD) ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION AND 75.00 FEET S.0° 02' 52" W. FROM THE WEST QUARTER CORNER OF SAID SECTION 3; AND RUNNING THENCE ALONG SAID NORTHERLY BOUNDARY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) S.89° 57' 08" E. (S.89° 56' 57"E. OF RECORD) 1949.51 FEET; (2) N.0° 09' 17" E. (N.0° 00' 15" W. OF RECORD) 75.00 FEET TO SAID EAST-WEST QUARTER SECTION LINE; (3) S.89° 57' 08" E. (S.89° 56' 57"E. OF RECORD) 1095.49 FEET ALONG SAID QUARTER SECTION LINE TO A BOUNDARY LINE OF SAID ENTIRE TRACT; THENCE S.13° 32' 31"E. (S.13° 39' 00" E. OF RECORD) 172.86 FEET ALONG SAID BOUNDARY LINE TO THE SOUTHERLY HIGHWAY RIGHT OF WAY LINE OF THE PROPOSED SR-193 EXTENSION HIGHWAY; THENCE ALONG SAID SOUTHERLY HIGHWAY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) WESTERLY 169.40 FEET ALONG THE ARC OF A 7957.50-FOOT RADIUS CURVE TO THE RIGHT (NOTE: CHORD TO SAID CURVE BEARS S.89° 22' 26" W. FOR A DISTANCE OF 169.40 FEET); (2) S.89° 59' 02" W. 2878.67 FEET TO A POINT OF TANGENCY WITH A 38.00-FOOT RADIUS CURVE TO THE LEFT; (3) SOUTHWESTERLY 59.58 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S.45° 04' 09" W. FOR A DISTANCE OF 53.66 FEET) TO SAID EASTERLY HIGHWAY RIGHT OF WAY LINE OF SR-108; THENCE N.0° 09' 17" E. 136.17 FEET ALONG SAID EASTERLY HIGHWAY RIGHT OF WAY LINE TO THE POINT OF BEGINNING. *Ck by JJB 22 August 2012*

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION IVORY PARCEL 1

PART OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, LOCATED IN THE CITIES OF SYRACUSE AND CLEARFIELD, COUNTY OF DAVIS, STATE OF UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 3;  
THENCE N89°56'55"W 642.24 FEET ALONG THE SOUTH LINE OF SAID SECTION;  
THENCE N00°03'05"E 33.00 FEET TO THE POINT OF BEGINNING;  
THENCE N00°10'03"E 661.18 FEET ALONG THE EAST LINE OF PROPERTY DESCRIBED IN THE DEED RECORDED IN ENTRY 1021678, BOOK 1588, PAGE 130;  
THENCE S89°56'56"E 1556.06 FEET;  
THENCE S13°11'42"E 250.46 FEET ALONG THE WEST LINE OF THE PROPERTY DESCRIBED IN THE DEED RECORDED IN ENTRY 626040, BOOK 919, PAGE 699;  
THENCE S26°52'08"E 364.48 FEET ALONG SAID WEST LINE;  
THENCE S72°12'57"W 302.21 FEET ALONG THE SOUTH LINE OF LOT 2, NINIGRET FIELD, TO THE NORTH LINE OF 700 SOUTH STREET;  
THENCE N89°56'17"W 849.87 FEET ALONG SAID NORTH LINE;  
THENCE N89°56'55"W 642.24 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

CONTAINING 25.00 ACRES, MORE OR LESS.

LEGAL DESCRIPTION IVORY OPTION PARCEL 2

PART OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, LOCATED IN THE CITIES OF SYRACUSE AND CLEARFIELD, COUNTY OF DAVIS, STATE OF UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 3;  
THENCE N89°56'55"W 642.24 FEET ALONG THE SOUTH LINE OF SAID SECTION;  
THENCE N00°03'05"E 33.00 FEET;  
THENCE N00°10'03"E 661.18 FEET ALONG THE EAST LINE OF PROPERTY DESCRIBED IN THE DEED RECORDED IN ENTRY 1021678, BOOK 1588, PAGE 130 TO THE POINT OF BEGINNING;  
THENCE N00°10'03"E 458.82 FEET ALONG SAID EAST LINE;  
THENCE S89°56'56"E 1447.12 FEET;  
THENCE S13°11'42"E 471.36 FEET ALONG THE WEST LINE OF THE PROPERTY DESCRIBED IN THE DEED RECORDED IN ENTRY 626040, BOOK 919, PAGE 699;  
THENCE N89°56'56"W 1556.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.82 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY (LEGAL DESCRIPTION OF THE CHARTER SCHOOL PROPERTY):

A PART OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, SYRACUSE CITY, DAVIS COUNTY, UTAH

BEGINNING AT A POINT WHICH IS 1576.79 FEET NORTH 89°56'33" WEST ALONG THE SECTION LINE, 1714.45 FEET NORTH 13°11'47" WEST AND 102.73 FEET NORTH 89°57'12" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 3, AND RUNNING THENCE NORTH 89°57'12" WEST 852.95 FEET TO A POINT ON THE ARC OF A CURVE; THENCE NORTHERLY ALONG THE ARC OF A 458.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 122.96 FEET (DELTA ANGLE EQUALS 15°22'56, CENTER BEARS NORTH 74°27'58" WEST, AND LONG CHORD BEARS NORTH 7°50'34" EAST 122.59 FEET); THENCE NORTH 0°09'06" EAST 327.59 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 39.20 FEET (DELTA ANGLE EQUALS 89°50'55" AND LONG CHORD BEARS NORTH 45°04'34" EAST 35.31 FEET); THENCE SOUTH 89°56'39" EAST 699.22 FEET; THENCE SOUTH 13°11'47" EAST 486.83 FEET TO THE POINT OF BEGINNING.

CONTAINS: 8.502 ACRES

(12-025-0016; 12-025-0017)

Parcel 3: Intentionally Omitted.

PARCEL 4:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 3 AND THE NORTH HALF OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN IN CLEARFIELD CITY, DAVIS COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 3, WHICH IS 614.47 FEET NORTH 0°07'09" EAST ALONG THE EAST LINE OF SAID SECTION 3 FROM THE SOUTHEAST CORNER OF SAID SECTION 3; RUNNING THENCE SOUTH 72°13'11" WEST 2159.77 FEET AND SOUTH 72°12'15" WEST 1,324.65 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY; THENCE NORTH 0°09'27" EAST 104.07 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID UNION PACIFIC RAILROAD COMPANY; THENCE NORTH 72°12'15" EAST 1292.58 FEET AND NORTH 72°13'11" EAST 2191.76 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE EAST LINE OF SAID SECTION 3; THENCE SOUTH 0°07'00" WEST 104.03 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.



EXCEPTING THAT PORTION LYING WITHIN 700 SOUTH AND 1000 WEST STREETS.

Less and Excepting the Legal description of the Ivory Option Parcel 1 and Ivory Option Parcel 2 described above.

(Tax Parcel No. 12-026-0027)

**EXHIBIT B**

**(Legal Description of the Encumbered Property)**

Real property located in Davis County, Utah, specifically described as follows:

Parcel 1

ALL OF LOT 5 NINIGRET NORTH I SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED AUGUST 27, 2012 AS ENTRY NO. 2682688 IN BOOK 5593 AT PAGE 1027 OF OFFICIAL RECORDS, DAVIS COUNTY RECORDER.

(Tax Parcel No. 12-761-0005)

LOTS 1A, 2A, 3A, AND 4A NINIGRET NORTH 1 AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED AUGUST 18, 2015 IN BOOK 6332 AT PAGE 1361 OF OFFICIAL RECORDS.

(Tax Parcel Nos. 12-833-0001, 12-833-0002, 12-833-0003, 12-833-0004)

PARCEL 2:

LOTS 2, 3, 4, AND 5, NINIGRET NORTH II - SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD, IN THE DAVIS COUNTY RECORDER'S OFFICE.

(Tax Parcel Nos. 12-819-0002, 12-819-0003, 12-819-0004, 12-819-0005)

Parcel 4A (for internal numbering purposes)

**A parcel of land located in the Southeast Quarter of Section 3, Township 4 North, Range 2 West, Salt Lake Base and Meridian, Clearfield City, Davis County, Utah described as follows:**

**BEGINNING at a point on the North line of Madaline Subdivision, recorded June 25, 2010 as Entry No. 2536113 in Book 5054 at Page 45 of the Davis County records, said point being North 00°06'46" East 614.12 feet along the East line of the Southeast Quarter of Section 3, Township 4 North, Range 2 West, Salt Lake Base and Meridian and South 72°21'46" West 37.80 feet from the Southeast Corner of said Section 3, and thence along said line South 72°21'46" West 1,156.56 feet to the South line of said subdivision; thence along said line South 89°53'14" East 8.88 feet to the South line of property described in that certain Correction Quit Claim Deed recorded October 29, 2001 as Entry No. 1699015 in Book 2914 at Page 910 of the said records; thence along said line South 72°12'57" West 95.33 feet to the Southerly extension of the East line of property described in that certain Warranty Deed recorded November 03, 1982 as Entry No. 626040 in Book 919 at Page 699 of said records; thence along said extension North 26°51'31" West 100.25 feet to the North line of said property described in Book 2914 at Page 910; thence along said line North 72°12'57" East 1,291.30 feet to a point 36.00 feet perpendicularly distant Westerly of said East line of Section 3; thence South 00°06'46" West 104.28 feet to the POINT OF BEGINNING.**

(Tax Parcel No. 12-026-0027)