

WHEN RECORDED RETURN TO:
IVORY DEVELOPMENT, LLC.
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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
10/08/2018 11:02 AM
FEE \$42.00 Pgs: 5
DEP RT REC'D FOR SYRACUSE CITY

**SIXTH SUPPLEMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MONTEREY ESTATES - PHASE 7** **D**

This Sixth Supplement to the Declaration of Covenants, Conditions and Restrictions for Monterey Estates - Phase 7 is made and executed by IVORY DEVELOPMENT, LLC., a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

12-927-0701 → 0724 **RECITALS**

Whereas, the Declaration of Covenants, Conditions and Restrictions for Monterey Estates - Phase 1 Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on April 17, 2015 as Entry No. 2860754 in Book 6248 at Pages 14-61 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 1 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 and Restrictions for Monterey Estates - Phase 2 Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on July 5, 2016 as Entry No. 2949610 in Book 6551 at Pages 81-84 of the Official Records (the "First Supplement").

Whereas, the related Plat Map for Phase 2 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 and Restrictions for Monterey Estates - Phase 3 Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on March 3, 2017 as Entry No. 3005790 in Book 6715 at Page 70 of the Official Records (the "Second Supplement").

Whereas, the related Plat Map for Phase 3 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 and Restrictions for Monterey Estates - Phase 5 Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on March 6, 2017 as Entry No. 3006161 in Book 6716 at Pages 174-178 of the Official Records (the "Third Supplement").

Whereas, the related Plat Map for Phase 5 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 and Restrictions for Monterey Estates - Phase 4 Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on October 24, 2017 as Entry No. 3053526 in Book 6877 at Pages 135-139 of the Official Records (the "Fourth Supplement").

Whereas, the related Plat Map for Phase 4 of the Project has also been recorded in the Office of the County Recorder of Davis County, Utah.

Whereas, the Fifth Supplement to the Declaration of Covenants, Conditions and Restrictions for Monterey Estates - Phase 6 Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on _____ as Entry No. _____ in Book _____ at Pages _____ of the Official Records (the "Fifth Supplement").

Whereas, the related Plat Map for Phase 6 of the Project has also been recorded in the Office of the County Recorder of Davis County, Utah.

Whereas, under Section 4 of the Declaration, Declarant reserved the unilateral right to expand the subdivision by annexing additional land and expanding the application of the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Davis County, Utah and described with particularity on Exhibits "A-4" (the "Phase 7 Property") attached hereto and incorporated herein by this reference.

Whereas, Declarant desires to expand the subdivision by creating on the Phase 7 Property twenty-four (24) additional Lots, numbered 701-724.

Whereas, Declarant now intends that the Phase 7 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 Sixth Supplement to the Declaration of Covenants, Conditions and Restrictions for Monterey Estates - Phase 7.

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 to the Declaration of Covenants, Conditions and Restrictions for Monterey Estates - Phase 7.

B. **Phase 7 Map** shall mean and refer to the Final Plat Map of Monterey Estates - Phase 7 prepared and certified to by Steven C. Earl, a duly registered Utah Land Surveyor holding Certificate No. 318575-2201, and filed for record in the Office of the County Recorder of Davis County, Utah concurrently with the filing of this Sixth Supplemental Declaration.

C. **Subdivision** shall mean and refer to Monterey Estates - Phases 1, 2, 3, 4, 5, 6 and 7, as it may be supplemented or expanded 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-4 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 from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 7 Property shall be annexed to and become subject to the Declaration and the Utah Community Association Act, Utah Code Ann., Sections 57-8a-101 et seq. (2004) as or supplemented (the "Act"). The recordation of this Sixth Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-4 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association/Board of Directors.

4. **Total Number of Units Revised.** As shown on the Phase 7 Map, twenty-eight (24) new Lots, Numbers 701- 724, inclusive, are or will be constructed and/or created in the Project on the Phase 7 Property. Upon the recordation of the Phase 7 Map and this Sixth Supplemental Declaration, the total number of Lots in the Project will be one hundred and ninety (190). 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.

5. **Incorporation of Original Declaration as Supplemented and.** It is expressly agreed by the parties that this document is supplemental to the Declaration which is by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Phase 7 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

6. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration and this Sixth Supplemental Declaration, the latter shall in all respects govern and control. If there is a conflict between a provision in the Declaration, as supplemented, and a provision in the Act, the Act shall in all respects govern and control.

EXHIBIT "A-4"
LEGAL DESCRIPTION

The real property referred to in the foregoing document as the Monterey Estates - Phase 7 Property is located in Davis County, Utah and is described more particularly as follows:

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

*COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 3;
THENCE N16°50'44"W 1529.93 FEET TO THE POINT OF BEGINNING AT THE NORTHWEST CORNER OF MONTEREY ESTATES PHASE 6;
THENCE N29°09'58"E 156.02 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 392.00 FEET AND A LONG CHORD OF 74.71 FEET BEARING N23°41'53"E;
THENCE NORTHEASTERLY 74.82 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°56'11";
THENCE S89°56'56"E 1024.57 FEET TO THE WEST LINE OF A PARCEL OWNED BY UTAH POWER AND LIGHT COMPANY, RECORDED IN BOOK 919 PAGE 699;
THENCE S13°11'42"E 232.24 FEET ALONG SAID WEST LINE TO THE NORTHEAST CORNER OF LOT 616 OF MONTEREY ESTATES PHASE 6;
THENCE ALONG THE NORTHERLY BOUNDARY OF SAID MONTEREY ESTATES PHASE 6 THE FOLLOWING FOUR COURSES:
1. S76°48'18"W 100.00 FEET;
2. S80°48'52"W 60.15 FEET;
3. N89°56'56"W 930.20 FEET;
4. N60°50'02"W 110.75 FEET TO THE POINT OF BEGINNING.*

CONTAINING 6.51 ACRES, MORE OR LESS.