

WHEN RECORDED RETURN TO:
IVORY DEVELOPMENT, LLC
Brad Mackay
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 268-0700

ENT 40970:2012 PG 1 of 5
Jeffery Smith
Utah County Recorder
2012 May 17 08:46 AM FEE 51.00 BY EO
RECORDED FOR Cottonwood Title Insurance Ag
ELECTRONICALLY RECORDED

**FIRST SUPPLEMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE GARDENS AT IVORY RIDGE PLAT B**

This First Supplement to the Declaration of Covenants, Conditions and Restrictions for The Gardens at Ivory Ridge Plat B 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").

RECITALS

Whereas, the Master Declaration Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements of Ivory Ridge Properties for The Gardens at Ivory Ridge Plat A, a planned community development, was recorded in the office of the County Recorder of Utah County, Utah on November 14, 2006 as Entry No. 152736:2006 at Pages 1-73 of the Official Records (as amended and supplemented the "Master Declaration").

Whereas, the related Map for the Ivory Ridge Properties has been recorded in the office of the County Recorder of Utah County, Utah and may be amended or supplemented from time to time.

Whereas, the Declaration of Covenants, Conditions, Restrictions, and Easements for The Gardens at Ivory Ridge was recorded in the office of the County Recorder of Utah County, Utah on February 18, 2011 as Entry No. 14779:2011 at Pages 1-46 of the Official Records (the "Declaration").

Whereas, the related Map for The Gardens at Ivory Ridge Plat A has been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, under Section 15 of the Declaration, Declarant reserved the unilateral right to expand the Project to annex additional land and expand the application of the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference (the "The Gardens at Ivory Ridge Plat B Property").

Whereas, Declarant desires to expand the planned community development by creating on The Gardens at Ivory Ridge Plat B Property additional Lots, Common Area, and other improvements of a less significant nature.

Whereas, Declarant now intends that The Gardens at Ivory Ridge Plat B 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 First Supplement to the Declaration of Covenants, Conditions and Restrictions for The Gardens at Ivory Ridge Plat B.

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 for The Gardens at Ivory Ridge Plat B.
- D. **The Gardens at Ivory Ridge Plat B Map** shall mean and refer to the Map of The Gardens at Ivory Ridge Plat B of the Project, prepared and certified to by Brad A. Llewelyn, a duly registered Utah Land Surveyor holding Certificate No.4938735, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this First Supplemental Declaration.
- E. **Subdivision** shall mean and refer to the planned community development known as The Gardens at Ivory Ridge Plat B, as it may be amended or expanded from time to time, unless the context clearly requires the Ivory Ridge Properties or the Gardens at Ivory Ridge Neighborhood, including The Gardens at Ivory Ridge, in its entirety.

Except as otherwise herein provided, the definition of terms contained in the Master Declaration and this Declaration are incorporated herein by this reference.

2. **Legal Description.** The real property described in Exhibit A is hereby submitted to the provisions of the Master Declaration and this Declaration, and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions thereof as they may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that The Gardens at Ivory Ridge Plat B Property shall be annexed to and become subject to the Master Declaration and this 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 subject thereto and the functions, powers, rights, duties and jurisdiction of the Associations and the Architectural Review Committees.

4. Description of Property and Total Number of Lots Revised. The Gardens at Ivory Ridge Plat A consists of 22 Lots, numbers 101-122. The Gardens at Ivory Ridge Plat B consists or will consist of 31 Lots, Numbers 201-231. Upon the recordation of The Gardens at Ivory Ridge Plat B Map and this First Supplemental Declaration, the total number of Lots in the Project will be 53. 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. Severance. If any provision of this First Supplemental Declaration is held to be illegal, invalid, or unenforceable under any present or future law, then that provision will be fully severable. This First Supplemental Declaration will be construed and enforced as if the illegal, invalid, or unenforceable provision had never comprised a part hereof, and the remaining provisions of this First Supplemental Declaration will remain in full force and effect and will not be affected by the illegal, invalid, or unenforceable provision or by its severance from this First Supplemental Declaration. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there will be added automatically, as a part of this First Supplemental Declaration, a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid and enforceable.

6. Incorporation. This First Supplemental Declaration is supplemental to the Master Declaration and Declaration, which are by this reference made a part hereof, and all the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this First Supplemental Declaration and are made a part of this First Supplemental Declaration as though they were expressly rewritten, incorporated, and included herein.

7. Effective Date. The effective date of this First Supplemental Declaration and The Gardens at Ivory Ridge Plat B Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

Dated the 10th day of May, 2012.

DEVELOPER:
IVORY DEVELOPMENT, LLC.

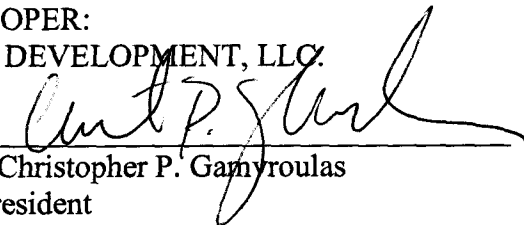
By: 
Name: Christopher P. Gamyroulas
Title: President

EXHIBIT "A"
LEGAL DESCRIPTION

The Property referred to in the foregoing document as The Gardens at Ivory Ridge Plat B Property is located in Utah County, Utah and is described more particularly as follows:

THE GARDENS AT IVORY RIDGE, PLAT "B"

05/02/12

BEGINNING AT A POINT LOCATED NORTH 89°57'55" WEST, 2700.77 FEET AND NORTH, 579.22 FEET FROM THE EAST QUARTER CORNER OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN THENCE RUNNING WEST, 409.53 FEET ALONG THE BOUNDARY OF THE RECORDED PLAT THE GARDENS OF IVORY RIDGE PLAT "A"; THENCE NORTH, 69.62 FEET; THENCE WEST, 9.00 FEET; THENCE NORTH, 351.76 FEET; THENCE NORTHWESTERLY 71.48 FEET ALONG THE ARC OF A 62.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 33°01'39" WEST, 67.59 FEET); THENCE NORTH, 117.99 FEET; THENCE SOUTH 86°33'18" EAST, 44.54 FEET; THENCE SOUTH 87°39'48" EAST, 303.78 FEET; THENCE SOUTHEASTERLY 50.33 FEET ALONG THE ARC OF 150.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 78°03'03" EAST, 50.10 FEET); THENCE SOUTH 68°26'18" EAST, 53.10 FEET; THENCE SOUTH 0°56'02" EAST, 551.15 FEET TO THE POINT OF BEGINNING.

CONTAINS: 5.14 ACRES