

AFTER RECORDING PLEASE RETURN TO:
SunCrest, L.L.C.
Attn: Ed Grampp
2021 East Village Green Circle
Draper, Utah 84020

ENT 4370:2005 PG 1 of 6
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2005 Jan 13 12:31 pm FEE 90.00 BY SS
RECORDED FOR FIRST AMERICAN TITLE CO

**SUPPLEMENTAL DECLARATION
TO
THE DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR
SUNCREST, A PLANNED COMMUNITY**

(TO ANNEX ADDITIONAL LAND AND DESIGNATE
A LIMITED USE DRIVEWAY IN EAGLE CREST NO. 4 AT SUNCREST)

99/8/1 W
THIS SUPPLEMENTAL DECLARATION TO THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SUNCREST, A PLANNED COMMUNITY (this "Supplemental Declaration"), is executed pursuant to the provisions of the Declaration described in Recital "B" below by SunCrest, L.L.C., a Delaware limited liability company ("Declarant") (f/k/a DAE/Westbrook, L.L.C., a Delaware limited liability company ("DAE/Westbrook")).

WITNESSETH:

A. Declarant was formerly known as DAE/Westbrook and it properly changed its name to SunCrest, L.L.C. Declarant has the power to execute this Supplemental Declaration pursuant to the provisions of the Declaration described in Recital "B" below.

B. On December 28, 1999, Declarant recorded with the Recorder of Salt Lake County, Utah, that certain Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 7543075 at Book 8332, Page 4708, which Declaration Declarant also recorded with the Recorder of Utah County, Utah on December 22, 2000, as Entry No. 101565:2000 ("Original Declaration"), covering the initial real property and improvements situated in Salt Lake County, Utah, more particularly described in Exhibit "A" attached thereto ("SunCrest").

C. On October 11, 2002, Declarant recorded with the Recorder of Salt Lake County, Utah, a First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, a Planned Community as Entry No. 8383413 at Book 8664, Page 2560, which First Amendment Declarant also recorded with the Recorder of Utah County, Utah on August 14, 2002 as Entry No. 93174:2002 ("First Amendment").

D. On October 4, 2004, Declarant recorded with the Recorder of Utah County, Utah, an Official Plat of EAGLE CREST NO. 4 AT SUNCREST as Entry No. 112994:2004 ("Eagle Crest No. 4 Plat").

E. The Original Declaration, as amended and supplemented pursuant to the First Amendment, this Supplemental Declaration and as amended and supplemented pursuant to certain other Supplemental Declarations that Declarant has or may in the future record against various projects, Lots, Parcels and Neighborhoods within SunCrest, is collectively referred to as the "Declaration," which term shall, for all purposes thereof or of any related document, mean and refer to the Original Declaration as so amended, supplemented, or otherwise modified.

F. The Declaration established an association known as the SunCrest Owners Association, Inc., a Utah nonprofit corporation (the "Master Association"), which is responsible for governing SunCrest on matters of common concern as more particularly described in the Declaration.

G. Article XVI of the Declaration provides that Declarant shall have the absolute right and option, from time to time and at any time to subject to the provisions of the Declaration and the jurisdiction of the Master Association, the Additional Land or portions thereof by the recordation of a Supplemental Declaration annexing such Additional Land which shall be effective upon filing for recordation, unless otherwise provided therein.

H. Declarant desires to subject to the provisions of the Declaration and the jurisdiction of the Master Association, that certain portion of the Additional Land, situated in Utah County, Utah consisting of all of the Lots and other real property located within EAGLE CREST NO. 4 AT SUNCREST as shown on the Eagle Crest No. 4 Plat ("Annexation Property") and as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

I. Declarant is the fee and equitable owner of the Annexation Property.

J. Accordingly, pursuant to Section 16.3 of the Declaration, Declarant hereby exercises its unilateral right to execute and record this Supplemental Declaration for the purpose of subjecting the Annexation Property to the provisions of the Declaration and to the jurisdiction of the Master Association and for such other purposes set forth and described in this Supplemental Declaration.

NOW, THEREFORE, Declarant hereby unilaterally exercises its right to record this Supplemental Declaration and hereby declares and states as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Supplemental Declaration shall have the meaning or meanings given to them in the Declaration. The Recitals set forth above shall constitute a portion of the terms of this Supplemental Declaration.

2. Annexation Property. The Annexation Property is hereby subjected to the Declaration, pursuant to the provisions of Article XVI of the Declaration and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens of the Declaration, which provisions are hereby ratified, approved and confirmed, with the same force and effect as if fully set forth herein and made again as of the date hereof and subject to the jurisdiction of the Master Association.

3. Land Use Classifications; Neighborhood. The Land Use Classifications, Neighborhood, and certain other restrictions affecting the Annexation Property are set forth in Exhibit "B" attached hereto and incorporated herein for all purposes.

4. Binding Provisions. The provisions of this Supplemental Declaration shall run with the Annexation Property and shall be binding upon all parties having any right, title, or interest in the real property covered by the Eagle Crest No. 4 Plat, or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

5. Effective Date. This Supplemental Declaration shall be effective as of the date of its recordation in the real property records of the Recorder for Utah County, Utah.

6. Declaration Remains in Effect. The Eagle Crest No. 4 Plat and this Supplemental Declaration shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration shall remain in full force and effect and shall not be cancelled, suspended or otherwise abrogated by the recording of this Supplemental Declaration.

7. Authority. Declarant hereby certifies that Declarant may execute this Supplemental Declaration without the consent or signature of any other party or Owner as provided in Sections 16.3 and 4.1 of the Declaration.

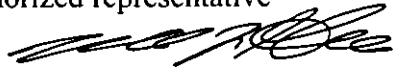
IN WITNESS WHEREOF, this Supplemental Declaration is hereby executed this 17TH day of JANUARY, 2005.

[Signature on the following page]

DECLARANT:

SUNCREST, L.L.C.,
a Delaware limited liability company
(f/k/a DAE/Westbrook, L.L.C., a Delaware
limited liability company)


By: Westerra Management, L.L.C.,
a Delaware limited liability company
authorized representative

By: 
Name: Edward L. Grampp, Jr.
Its: Assistant Vice President

Utah
STATE OF ~~TEXAS~~)
Salt Lake ss.
COUNTY OF ~~DALLAS~~)

The foregoing instrument was acknowledged before me this 11th day of January, 2005 by Edward L. Grampp, Jr., as Assistant Vice President of Westerra Management L.L.C., a Delaware limited liability company (f/k/a DAE/Westbrook, L.L.C., a Delaware limited liability company), authorized representative.

Witness my hand and official seal.


Notary Public
My Commission expires: 3-10-05

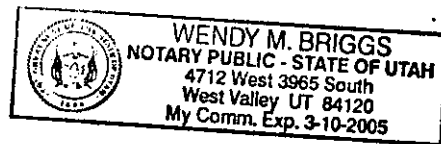


EXHIBIT A**EAGLE CREST NO. 4 AT SUNCREST**

All real property located within EAGLE CREST NO. 4 AT SUNCREST as shown on the Official Plat recorded in the Official Records of Utah County, Utah on October 4, 2004, as Entry No. 112994:2004

More particularly described as follows:

Lots 601 through 671, and Lots N, O, P, and Q, and all private roads contained within EAGLE CREST NO. 4 at SUNCREST, according to the Official Plat thereof as recorded October 4, 2004, as Entry No. 112994:2004 thereof, on file and on record in the Office of the Utah County Recorder.

Tax Parcel #'s	38-352-0001	38-352-0025	38-352-0049
	38-352-0002	38-352-0026	38-352-0050
	38-352-0003	38-352-0027	38-352-0051
	38-352-0004	38-352-0028	38-352-0052
	38-352-0005	38-352-0029	38-352-0053
	38-352-0006	38-352-0030	38-352-0054
	38-352-0007	38-352-0031	38-352-0055
	38-352-0008	38-352-0032	38-352-0056
	38-352-0009	38-352-0033	38-352-0057
	38-352-0010	38-352-0034	38-352-0058
	38-352-0011	38-352-0035	38-352-0059
	38-352-0012	38-352-0036	38-352-0060
	38-352-0013	38-352-0037	38-352-0061
	38-352-0014	38-352-0038	38-352-0062
	38-352-0015	38-352-0039	38-352-0063
	38-352-0016	38-352-0040	38-352-0064
	38-352-0017	38-352-0041	38-352-0065
	38-352-0018	38-352-0042	38-352-0066
	38-352-0019	38-352-0043	38-352-0067
	38-352-0020	38-352-0044	38-352-0068
	38-352-0021	38-352-0045	38-352-0069
	38-352-0022	38-352-0046	38-352-0070
	38-352-0023	38-352-0047	38-352-0071
	38-352-0024	38-352-0048	

EXHIBIT "B"

EAGLE CREST NO. 4 AT SUNCREST

1. Land Use Classifications —

(a) Single Family Residential Use. All one seventy-one (71) Lots numbered 601 - 671 are designated for Single Family Residential Use as further described in the Declaration.

(b) Municipal Authority Property. Lot Q Eagle Crest No. 4 at SunCrest is dedicated to Draper City as Municipal Authority Property to be used as open space for General Public Use as further described in the Master Land Use Plan. .

(c) Private Roads The private roads named Wing Stone Way, Viscaya Drive, Nested Cove, Rolling Bluff Drive, Fair Winns Court, Fair Winns Lane in Eagle Crest No. 4 at SunCrest is designated as a Limited Use Driveway for the use and benefit of the Benefited Owners thereof and shall constitute Master Association Land as further described in the foregoing Supplemental Declaration.

(d) Master Association Land. The Master Association shall hold fee title to the Lots lettered N, O and P and such Lots shall constitute Master Association Land.

2. Neighborhood Designation. All of the Lots in Eagle Crest No. 4 at SunCrest as depicted on the Eagle Crest No. 4 Plat comprise a Residential Neighborhood. The name of such Residential Neighborhood shall be "Eagle Crest No. 4 at SunCrest."

3. Size Restrictions. No residence shall be constructed wherein the floor area of the main structure of the dwelling, exclusive of garages and open porches, is less than 1,200 square feet for a single story dwelling; and no less than 1,000 square feet for a two story dwelling not including basement area.