

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

**THIRD SUPPLEMENT
TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS,
AND EASEMENTS
FOR PARK ESTATES AT IVORY RIDGE PLAT D**

This Third Supplement to the Declaration of Covenants, Conditions and Restrictions, and Easements for Park Estates at Ivory Ridge Plat D 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 Declaration of Covenants, Conditions and Restrictions for Park Estates at Ivory Ridge Plat A, a planned community development, was recorded in the office of the County Recorder of Utah County, Utah on October 13, 2010 as Entry No. 88080:2010 at Pages 1-65 of the Official Records of the County Recorder of Utah County, Utah (the "Declaration").

Whereas, the First Supplement to the Declaration of Covenants, Conditions and Restrictions for Park Estates at Ivory Ridge for Plat A and Plat B, a planned community development, was recorded in the office of the County Recorder of Utah County, Utah on June 21, 2011 as Entry No. 45430:2011 at Pages 1-12 of the Official Records of the County Recorder of Utah County, Utah (the "First Supplement").

Whereas, the related Maps for Plats A and B of the Project have also been recorded in the office of the County Recorder of Utah County, Utah (the "Plat A Property" and the "Plat B Property").

Whereas, the Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Park Estates at Ivory Ridge for Plat C, a planned community development, was recorded in the office of the County Recorder of Utah County, Utah on July 26, 2012 as Entry No. 62046:2012 at Pages 1-5 of the Official Records of the County Recorder of Utah County, Utah (the "Second Supplement").

Whereas, the related Maps for Plats A and B of the Project have also been recorded in the office of the County Recorder of Utah County, Utah (the "Plat A Property" and the "Plat C Property").

Whereas, under Article III, Section 47 of the Declaration, Declarant reserved the unilateral right to expand the Project to annex additional land and expand the application of the Declaration.

Whereas, under Article III, Section 45 of the Declaration, Declarant reserved the unilateral right to amend 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 "Plat D Property").

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

Whereas, Declarant now intends that the Plat D Property shall become subject to the Declaration, as amended and supplemented.

Whereas, the Declarant now intends that the Plat D Property be subject to and bound by the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Ivory Ridge recorded in the office of the Utah County Recorder on November 14, 2006 as Entry No. 152736:2006 of the official records as amended and supplemented (the "Master Declaration").

Whereas, Declarant now intends that the Plat D Property shall also become subject to the Declaration, as amended and supplemented.

Whereas, this document affects the real property located in Utah County, Utah described with particularity on Exhibit A.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, Declarant hereby executes this Third Supplement to the Declaration of Covenants, Conditions and Restrictions, and Easements for Park Estates at Ivory Ridge Plat D.

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

- A. **Third Supplemental Declaration** shall mean and refer to this Third Supplement and Amendment to the Declaration of Covenants, Conditions and Restrictions, and Easements for Park Estates at Ivory Ridge Plat D.

- D. **Plat D Map** shall mean and refer to the Map of Plat D of the Project, prepared and certified to by Brad A. Llewelyn of Focus Engineering & Surveying, 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 Park Estates at Ivory Ridge Plats A, B, C and D, as it may be amended 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 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 Plat D Property shall be annexed to and become subject to the Master Declaration and this First Supplemental Declaration, which, upon recordation of this Third Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A subject to the Master Declaration and this Third Supplemental Declaration and the functions, powers, rights, duties and jurisdiction of the Master Association, this Association and the architectural review committees.

4. **Description of Property and Total Number of Lots Revised.** As shown on the Plat D Map, forty-eight (48) new Lots, Numbers 401- 448, Common Area and other improvements of a less significant nature are or will be constructed and/or created in the Project on the Plat D Property. Upon the recordation of the Plat D Map and this Third Supplemental Declaration, the total number of Lots in the Project will be One Hundred and Five (105). The additional Lots (and the homes to be constructed thereon) are or will be substantially similar in construction, design and quality to the Lots and homes in the prior Phase.

5. **Conflict.** In the event of a conflict between the provisions of the Master Declaration and this Third Supplemental Declaration the former shall in all respects govern and control.

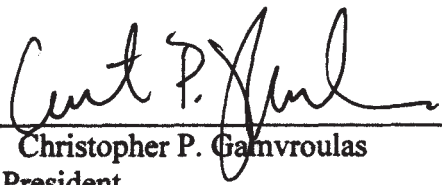
6. **Severance.** If any provision of this Third Supplemental Declaration is held to be illegal, invalid, or unenforceable under any present or future law, then that provision will be fully severable. This Third Supplemental Declaration will be construed and enforced as if the illegal, invalid, or unenforceable provision had never comprised a part hereof, and the remaining provisions of this Third 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 Third Supplemental Declaration. Furthermore, in

lieu of each such illegal, invalid, or unenforceable provision, there will be added automatically, as a part of this Third 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.

7. **Effective Date.** The effective date of this Third Supplemental Declaration and the Plat D Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Utah County, Utah.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand this ___ day of April, 2013.

DECLARANT:
IVORY DEVELOPMENT, LLC.

By: 
Name: Christopher P. Gamvroulas
Title: President

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 15 day of April, 2013 by Christopher P. Gamvroulas, the 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.


NOTARY PUBLIC



EXHIBIT "A"
LEGAL DESCRIPTION FOR PLAT D

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

BEGINNING THE SOUTHEAST CORNER OF LOT 220 OF PARK ESTATES PLAT "B", SAID POINT BEING N89°55'06"W, 24.72 FEET ALONG THE SECTION LINE AND N00°04'54"E, 432.34 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
 THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING (5) COURSES; 1) N00°03'39"E 115.31 FEET; 2) 39.25 FEET ALONG THE ARC OF A 656.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS N87°46'13"E 39.25 FEET); 3) N03°58'23"W 172.10 FEET; 4) S71°05'04"W 37.75 FEET; 5) WEST 731.17 FEET; THENCE N00°04'54"E 270.59 FEET; THENCE EAST 597.17 FEET; THENCE N 77°39'31"E 116.29 FEET; THENCE N57°45'06"E 118.91 FEET; THENCE N40°19'18"W 5.87 FEET; THENCE N49°40'32"E 56.00 FEET; THENCE N37°01'34"E 87.11 FEET; THENCE S40°21'49"E 116.81 FEET; THENCE S57°18'47"E 56.00; THENCE FEET ALONG THE ARC OF A 533.38 RADIUS CURVE TO THE RIGHT (CHORD BEARS S32°48'07"W 1.51 FEET; THENCE S40°19'28"E 111.19 FEET; THENCE N49°40'32"E 181.51 FEET; THENCE S88°33'49"E 264.69 FEET TO A POINT ON THE BOUNDARY OF EAGLE POINT ESTATES SUBDIVISION; THENCE S00°02'46"E 601.22 FEET ALONG SAID SUBDIVISION BOUNDARY TO A POINT AT THE NORTHEAST CORNER OF LOT 311 OF PARK ESTATES AT IVORY RIDGE PLAT "C"; THENCE ALONG SAID PARK ESTATES SUBDIVISION BOUNDARY THE FOLLOWING (3) COURSES 1) WEST 189.97 FEET; 2) SOUTH 49.76 FEET; 3) WEST 571.02 FEET TO THE POINT OF BEGINNING.