

AFTER RECORDING PLEASE RETURN TO:  
Declarant at address listed below

ENT 47567:2004 PG 1 of 4  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2004 Apr 26 3:25 pm FEE 16.00 BY SFS  
RECORDED FOR TITLE WEST TITLE CO

SUPPLEMENTAL DECLARATION  
(Including Bylaws)

OF

AVANYU ACRES  
An Expandable Planned Residential Development

Provo, Utah

THIS SUPPLEMENTAL DECLARATION is made as of this 22<sup>nd</sup> day of April, 2004, by Bald Mountain Development L.L.C., a Utah Limited Liability Company (the "Declarant") pursuant to the following:

RECITALS:

- A. Declarant is the developer of Avanyu Acres, Cedar Hills Utah (the "Project").
- B. On or about February 8, 2001, Declarant caused to be recorded as Entry No. 13733:2001, inclusive, in the office of the Recorder of Utah County, Utah, that certain **Declaration of Easements, Covenants, Conditions and Restrictions (Including Bylaws) Avanyu Acres (A Planned Residential Development) Cedar Hills, Utah County, Utah** (the "Declaration") relating to the project.
- C. Pursuant to Article 3.03 of the Declaration, Declarant is permitted to annex into the Project additional real property ("Additional Land") as set forth and described in the Declaration (including any Exhibit thereto) for purposes of development into additional Lots and Common Areas consistent with the existing Plat (Plat "A") of the Project and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Project for development as Plat "B" of the Project.

**NOW, THEREFORE,** Declarant hereby declares as follows:

- 1. All defined terms as used in the Supplemental Declaration shall have the same meanings as those set forth and defined in the Declaration.

2. The following described real property situated in the City of Cedar Hills, Utah County, Utah, is hereby submitted and annexed into the Project to be held, transferred, sold, conveyed and occupied as a part thereof:

**See attached Exhibit A for legal description**

**TOGETHER WITH** all easements, rights-of-way, and other appurtenances and right incident to, appurtenant to, or accompanying the above-described parcel of real property.

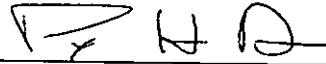
**RESERVING UNTO DECLARANT**, however such easements and rights of ingress and egress over, across, through, and under the above-described Tract and any improvements (other than Buildings) now or hereafter constructed thereon as may be reasonable necessary for Declarant: (i) to construct and complete each of the Buildings and all of the other improvements described in this First Supplement Declaration or in the Survey Map recorded concurrently herewith, and to do all things reasonable necessary or proper in connection therewith; (ii) to construct and complete on the Additional Land or any portion thereof such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Additional Land or any portion thereof has been or hereafter will be added to the Project); and (iii) to improve portions of the said property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners as Declarant may reasonable determine to be appropriate. With the exception of such perpetual easements the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire twenty (20) years after date on which the Declaration was filed for record in the office of the County Recorder of Utah County, Utah

**ALL OF THE FOREGOING IS SUBJECT TO** all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all Patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above described Tract or any portion thereof, including, any Mortgage (and nothing in this paragraph shall be deemed to modify or amend such Mortgage); all visible easements and rights-of-way; all easements and rights-of-way, encroachments, or discrepancies shown on or revealed by the Survey Map or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the above-described Tract at such time as construction of all Project improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement for all such pipes, lines, cables, wires, utility lines, and similar facilities; **AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS, AND RESTRICTONS CONTAINED IN THE DECLARATION.**

3. This Supplemental Declaration shall be recorded in the office of the Recorder of Utah County concurrently with the Map entitled **Plat "B" Avanyu Acres, a Planned Residential Development**, executed and acknowledged by Declarant, consisting of one (1) sheet prepared by Victor E. Hansen, a duly registered Utah Land Surveyor holding Certificate No. 176695, and shall be effective from the date of such recording.

IN WITNESS WHEREOF, the Declarant has executed this instrument as of the day and year first above set forth.

**Bald Mountain Development, L.L.C.,**  
a Utah limited liability company



By: **Rex H. Daley**, its Manager

STATE OF UTAH     )  
                              : ss  
COUNTY OF UTAH    )

On this 22<sup>nd</sup> day of April, 2004, personally appeared before me **Rex H. Daley**,  
**Manager of Bald Mountain Development, L.L.C., a Utah limited liability company**, the  
signer of the within instrument who duly acknowledged before me that he executed the same.



NOTARY PUBLIC

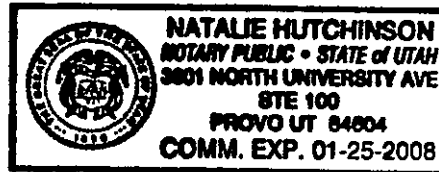


EXHIBIT "A"

ENT 47567:2004 PG 4 of 4 |||

ADDITIONAL LAND

The additional land mentioned in Section 2.01 of this Declaration shall mean all or part the

land described as: COM W 390 FT FR N 1/4 COR. SEC. 8, T5S, R2E, SLB&M.; S 80 FT; S 63 DEG  
26'5"E 134.16 FT; S 80 FT; S 64 DEG 36'24"W 143.9 FT; S 50 FT; W 427.35 FT; N  
31.9 FT; W 197.8 FT; S 38.81 FT; S 64 DEG 6'30"W 186.12 FT; N 16 DEG 50'2"W  
259.43 FT; E 256.15 FT; N 17 DEG 36'0"W 180 FT; E 676 FT TO BEG. AREA 6.127  
AC.

Also known as "Myron Clegg Property"