

WHEN RECORDED RETURN TO:
IVORY HOMES
970 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 268-0700

ENT 62014:2003 PG 1 of 4
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2003 Apr 23 2:30 pm FEE 17.00 BY SFS
RECORDED FOR COTTONWOOD TITLE

**FIRST SUPPLEMENT TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR TUSCANY FARMS PHASE B**

This FIRST SUPPLEMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR TUSCANY FARMS PHASE B, is made and executed by IVORY HOMES, a Utah limited partnership, of 970 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

RECITALS

Whereas, the Declaration of Protective Covenants for TUSCANY FARMS Subdivision was recorded in the office of the County Recorder of Salt Lake County, Utah on March 21, 2002 as Entry 32573 in Book 2002 at Pages 1-17 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase I of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Section 3 of the Declaration, Declarant reserved an option to expand the subdivision in accordance with the Declaration.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-2" attached hereto and incorporated herein by this reference (the "Phase II Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right to expand the application of the Declaration to other real property.

Whereas, Declarant desires to expand the subdivision by creating on the Phase II Property additional Lots.

Whereas, Declarant now intends that the Phase II 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 FIRST SUPPLEMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR TUSCANY FARMS PHASE II.

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 PROTECTIVE COVENANTS FOR TUSCANY FARMS PHASE II.

B. **Phase II Map** shall mean and refer to the Plat Map of Phase II of the Project, prepared and certified to by Gary W. Wier, a duly registered Utah Land Surveyor holding Certificate No. 333098, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this First Supplemental Declaration.

C. **Subdivision** shall mean and refer to TUSCANY FARMS PHASE I and TUSCANY FARMS PHASE II.

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-2 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 Phase II Property shall be annexed to and become subject to the 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-2 subject to the functions, powers, rights, duties and jurisdiction of the ARC.

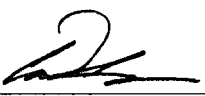
4. **Total Number of Units Revised.** As shown on the Phase II Map, forty (40) new Lots, Numbers 130-169, are or will be constructed and/or created in the Project on the Phase II Property. Upon the recordation of the Phase II Map and this First Supplemental Declaration, the total number of Lots in the Project will be sixty-nine (69). 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. **Mortgagee Protection.** Nothing herein contained, and no violation of these covenants, conditions, and restrictions, shall invalidate or impair the lien of any mortgage or deed of trust, given in good faith and for value.

6. **Effective Date.** The effective date of this First Supplemental Declaration and the Phase II Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

Dated the 22 day of January, 2003.

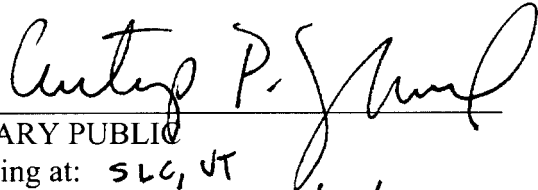
DEVELOPER:
IVORY HOMES, LTD.
By: VALUE, L.C.
Its: General Partner

By: 
Name: Clark Ivory
Title: Manager

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 22 day January, 2003 by Clark Ivory, the Manager of VALUE, L.C., the General Partner of IVORY HOMES, LTD., a Utah limited partnership, and said Clark Ivory duly acknowledged to me that said IVORY HOMES, LTD. executed the same.


NOTARY PUBLIC
Residing at: SLC, UT
My Commission Expires: 7/20/2003

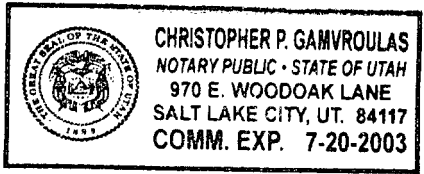


EXHIBIT "A"
LEGAL DESCRIPTION

The Property referred to in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

Tuscany Farms Plat B

A PARCEL OF LAND LYING WITHIN THE WEST ½ OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, S.L.B.& M., UTAH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE NORTH 1/4 CORNER OF SAID SECTION 17; THENCE S.89°39'25"W. ALONG THE SECTION LINE 1352.96 FEET AND SOUTH 1239.17 FEET TO THE REAL POINT OF BEGINNING;

THENCE S.89°08'20"E. 554.80 FEET; THENCE S.76°00'58"E. 56.00 FEET TO A POINT OF CURVATURE OF A 272.00-FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY 7.80 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 1°38'33" AND BEING SUBTENDED BY A CHORD THAT BEARS S.13°09'45"W. 7.80 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE S.88°35'07"E. 231.78 FEET; THENCE S.40°27'14"E. 77.54 FEET; THENCE S.56°52'47"E. 207.40 FEET; THENCE S.00°53'00"W. 124.10 FEET; THENCE S.61°55'13"W. 69.02 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 328.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 41.31 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 7°12'56" AND BEING SUBTENDED BY A CHORD THAT BEARS S.24°28'19"E. 41.28 FEET TO THE CURVES END; THENCE S.20°51'50"E. 225.03 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT 628.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 85.13 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 7°45'59" AND BEING SUBTENDED BY A CHORD THAT BEARS S.16°58'07"E. 85.06 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE S.89°46'22"E. 195.35 FEET; THENCE S.00°51'53"W. 579.27 FEET TO THE NORTH BOUNDARY LINE OF TUSCANY FARMS PLAT "A", AS SHOWN ON THE OFFICIAL PLAT THEREOF, ON FILE WITH THE UTAH COUNTY RECORDER; THENCE THE FOLLOWING 12 COURSES AND DISTANCES ALONG SAID BOUNDARY, 1) N.69°32'13"W. 93.99 FEET; 2) THENCE S.24°32'05"W. 88.41 FEET; 3) THENCE N.70°47'26"W. 80.15 FEET; 4) THENCE N.81°20'51"W. 148.04 FEET; 5) THENCE N.50°43'45"W. 56.24 FEET; 6) THENCE S.44°30'45"W. 82.38 FEET; 7) THENCE N.37°54'28"W. 119.34 FEET; 8) THENCE N.19°42'31"E. 223.19 FEET; 9) THENCE N.09°23'54"E. 27.47 FEET; 10) THENCE N.80°36'06"W. 183.75 FEET; 11) THENCE N.85°30'39"W. 57.04 FEET; 12) THENCE N.82°58'13"W. 201.53 FEET; THENCE N.00°00'05"W. MORE OR LESS ALONG A FENCE LINE, 220.18 FEET; THENCE N.89°09'05"W. MORE OR LESS ALONG A FENCE LINE, 171.98 FEET TO THE SOUTHEAST CORNER OF THE KOHLER PROPERTY AS DESCRIBED IN A WARRANTY DEED RECORDED AS ENTRY NO. 10126 IN 1989; THENCE N.00°40'25"E. MORE OR LESS ALONG A FENCE LINE, 135.03 FEET TO A POINT ON THE SOUTH LINE OF THE ANDERSON PROPERTY, AS DESCRIBED IN A WARRANTY DEED, RECORDED AS ENTRY NO. 25243 IN 2000; THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG SAID ANDERSON DEED, 1) S.89°17'00"E. 4.13 FEET; 2) THENCE N°00°32'30"E. 120.00 FEET; 3) THENCE N.89°17'00"W. 132.99 FEET TO A POINT ON THE EAST LINE OF THE MARTINEZ PROPERTY, AS DESCRIBED IN AN AFFIDAVIT OF CORRECTION TO A WARRANTY DEED, RECORDED AS ENTRY NO. 46603 IN 2000; THENCE N.00°32'30"E. 183.20 FEET; THENCE S.89°19'00"W. 135.01 FEET TO THE EAST LINE OF 600 WEST STREET; THENCE N.00°32'30"E. ALONG SAID EAST LINE, 243.91 FEET TO THE POINT OF BEGINNING. CONTAINS 22.48 ACRES OF LAND MORE OR LESS.