

3/26

After recordation, return to:

LeGrand Woolstenhulme  
2230 North University Parkway  
Building 2 F  
Provo, UT 84604

ENT 78258:2000 PG 1 of 3  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2000 Oct 04 9:11 am FEE 26.00 BY ML  
RECORDED FOR WOOLSTENHULME, LE GRAND

NINTH SUPPLEMENT TO

DECLARATIONS OF EASEMENTS, COVENANTS,  
CONDITIONS AND RESTRICTIONS  
OF  
DAVENCOURT AT PILGRIMS LANDING

A Planned Unit Development (Expandable)

Lehi, Utah County, Utah

THIS NINTH SUPPLEMENT TO DECLARATION is made as of this 3<sup>rd</sup> day of October, 2000 by  
DAVENCOURT AT PILGRIMS LANDING, LC., a Utah limited liability company (the "Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of Davencourt at Pilgrims Landing, an expandable Planned Unit Development in Lehi, Utah (the "Development").
- B. On or about December 3<sup>rd</sup>, 1998, Declarant caused to be recorded as Entry No.124918, Book 4882, Page 887, in the office of the Recorder of Utah County, Utah, that certain **Declaration of Easements, Covenants, Conditions and Restrictions of Davencourt at Pilgrims Landing, A Planned Unit Development (Expandable), Lehi, Utah County, Utah** (the "Declaration") relating to the Development.
- C. Pursuant to §3.03 of the Declaration, Declarant is permitted to annex into the Development 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, if any, consistent with the existing Phases of the Development and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Development for development as Phase "X" of the Development.

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

- 1. All defined terms as used in this Ninth Supplement to Declaration shall have the same meaning as those set forth and defined in the Declaration.
- 2. The following described real property situated in the city of Lehi, Utah County, and State of Utah, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed into the Development to be held, transferred, sold, conveyed and occupied as a part thereof:

**TOGETHER WITH** all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property, whether or not the same are reflected on the Plat.

**RESERVING UNTO DECLARANT**, however, such easements and rights of ingress and egress over, across, through, and under, the said property and any improvements (including buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in a manner which is reasonable and consistent with the provisions of the Declaration): (i) to construct and complete each of the buildings and Units and all of the other improvements described in the Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper on 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 Development); 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 reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the said property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless, sooner terminated in accordance with their terms, expire ten (10) years after the date on which the Declaration is filed for record in the office of the County Recorder of Utah County, Utah.

**ALL 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 real property or any portion thereof, including, without limitation, any Mortgage (and nothing in this paragraph shall be deemed to modify or amend such Mortgage); all visible easements and rights-of-way, encroachments, or discrepancies shown on or revealed by the Plat or otherwise existing; an existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the said property at such time as construction of all Development improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cable, wires, utility lines, and similar facilities; **AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THIS DECLARATION.**

3. Section 3.02 of the Declaration is amended in its entirety to read as follows:

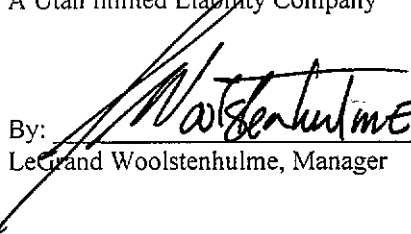
3.02 Subdivision into Lots. The Development is hereby subdivided into One Hundred Forty five (145) Lots, as set forth and described in the Plats, each with appurtenant and equal rights and easements of use and enjoyment in and to any Common Areas, as well as appurtenant obligations, all as set forth in this Declaration.

4. Except as amended by the provisions of this Ninth Supplement to Declaration, the Declaration shall remain unchanged and, together with this Ninth Supplement to Declaration shall constitute the Declaration of Easements, Covenants, Conditions and Restrictions for the Development as expanded by the annexation of the Additional Land described herein.

5. This Ninth Supplement to Declaration shall be recorded concurrently with the Plat entitled **Phase X, Davencourt at Pilgrims Landing, A Planned Unit Development (Expandable), City of Lehi, Utah County, Utah**, prepared and certified to by Berry Andreason (a duly registered Utah Land Surveyor holding Certificate No. 166572), executed and acknowledged by Declarant, accepted by Lehi City, and filed for record in the office of the County Recorder of Utah County.

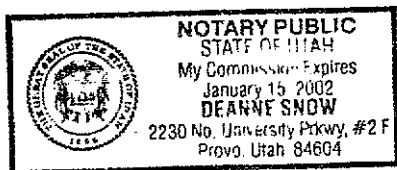
IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above set forth.

DECLARANT:  
DAVENCOURT at PILGRIMS LANDING, LC.,  
A Utah limited Liability Company

By:   
LeGrand Woolstenhulme, Manager

State of Utah )  
: ss. )  
County of Utah )

On this 3 day of October, 2000, personally appeared before me LeGrand Woolstenhulme, who being by me duly sworn, did say that he is the Manager of Davencourt at Pilgrims Landing, LC., a Utah limited liability company; that said instrument was signed by him in behalf of said company pursuant to authority; and that said company executed the same.



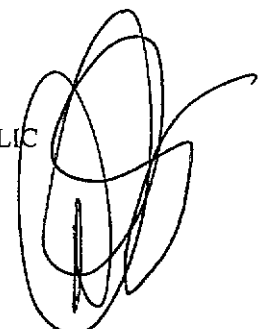
NOTARY PUBLIC 

EXHIBIT A  
TO  
NINTH SUPPLEMENT TO  
DECLARATION OF EASEMENTS, COVENANTS,  
CONDITIONS AND RESTRICTIONS

Of  
DAVENCOURT AT PILGRIMS LANDING  
A Planned Unit Development (Expandable)

Lehi, Utah County, Utah

THIS DESCRIPTION OF THE ADDITIONAL ALAND IS SET FORTH AND ATACHED IN THIS EXHIBIT A TO THE DECLARATION SOLEY FOR PURPOSES OF IDENTIFICATION. THE DECLARATION NOT INTENDED AS ANDSHOULD NOT BE DEEMED TO CONSTITUTE ANY LIEN, ENCUMBRANCE, RESTRICTION, OR LIMITATION UPON ANY PORTION OF THE EXPANSION LAND UNLESS AND UNTIL SUCH PORTION IS ADDED TO THE DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF THE DECLARATION.

Located in Lehi City, Utah County Utah:

PLAT 10  
DAVENCOURT @  
PILGRIM'S LANDING

Commencing at a point which is N 89°51'26" W 719.01 feet, and North 331.08 feet, From the South Quarter Corner of Section 25, Township 4 South, Range 1 West, Salt Lake Base & Meridian, said point being the POINT OF BEGINNING;  
thence S 90°00'00" W 198.59 feet,  
thence S 72°54'30" W 20.27 feet,  
thence N 20°44'40" W 150.41 feet,  
thence N 2°38'16" E 146.34 feet,  
to a point on a curve,  
having a radius of 15.00 feet and a central angle of 87°18'19",  
thence along the arc of said curve a distance of 22.86 feet, said arc subtended by a chord bearing N 46°17'25" E, a distance of 20.71 feet,  
thence S 0°03'26" E 3.00 feet, to a point on a curve, having a radius of 331.00 feet and a central angle of 15°51'58", thence along the arc of said curve a distance of 91.66 feet, said arc subtended by a chord bearing N 82°00'36" E, a distance of 91.37 feet,  
thence S 36°06'14" E 108.08 feet,  
thence S 42°12'10" W 35.10 feet,  
thence S 48°53'01" E 70.64 feet,  
thence S 40°33'02" E 73.56 feet,  
thence S 22°42'00" E 81.13 feet,  
thence S 42°59'21" W 19.66 feet,  
to the POINT OF BEGINNING;  
Containing 1.3113 acres, more or less.