SUPPLEMENTAL DECLARATION AND AMENDMENT TO ADD ADDITIONAL LAND TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

AFTER RECORDING PLEASE SEND TO:

FOR SUNCREST, A PLANNED COMMUNITY

SUNCREST DEVELOPMENT 2021 EAST VILLAGE GREEN CIR. DRAPER, UTAH 84020

ADDITIONAL LAND TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUNCREST, A PLANNED COMMUNITY (this "Supplemental Declaration"), dated as of the day of October, 2001, by DAE/Westbrook, L.L.C., (the "Declarant"), amends that certain Declaration of Covenants, Conditions and Restrictions for SunCrest, a Planned Community, dated December 21, 1999, and recorded December 28, 1999, in the real property records of the Recorder in and for Salt Lake County, Utah, at Entry No. 7543075, Book 8332, Page 4708 (the "Original Declaration"). The Original Declaration, as amended and supplemented pursuant to this Supplemental Declaration, is collectively referred to as the "Declaration", which term, shall for all purposes thereof or of any related document, mean and refer to the Declaration as so amended, supplemented, or otherwise modified. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declaration.

WITNESSETH:

WHEREAS, the Declarant subjected certain real property located in Salt Lake County, Utah to the Declaration; and

WHEREAS, the Declaration established an association know as the SunCrest Owners Association, Inc., a Utah non-profit corporation (the "Association"), which is responsible for governing SunCrest on matters of common concern as more particularly described in the Declaration; and

WHEREAS, Article XVI of the Declaration provides that Declarant shall have the absolute right and option, from time to time at any time to subject to the provisions of the Declaration and the jurisdiction of the 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; and

WHEREAS, Declarant desires to subject to the provisions of the Declaration and the jurisdiction of the Association, that portion of the Additional Land, situate in Salt Lake County, Utah, consisting of all of the Lots located within OAK VISTA NO. 5 AT SUNCREST as shown on the Official Plat recorded as Entry No. 7900412 in Book 2001P, Page 119 in the Official Records of Salt Lake County, Utah on May 21, 2001 (hereinafter referred to as the "Annexation Property"); and

WHEREAS, Declarant owns all of the Annexation Property; and

WHEREAS, Declarant is executing and delivering this Supplemental Declaration for the purpose of subjecting the Annexation Property to the provisions of the Declaration and to the jurisdiction of the Association.

NOW, THEREFORE, in consideration of the foregoing premises, the Declarant hereby declares and states as follows:

- The Annexation Property is hereby subjected to the Declaration, pursuant to the 1. 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 Association.
- The Land Use Classification, Neighborhood, and certain other restrictions affecting the Annexation Property are set forth on Exhibit A attached hereto and incorporated herein for all purposes.
- The provisions of the Declaration shall run with the Annexation Property and 3. shall be binding upon all parties having any right, title, or interest in the Annexation Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each owner thereof.
- 4. in the real property records of the Recorder in and for Salt Lake County, Utah.

Declaration as of the date and year first above written.

This Supplemental Declaration shall be effective as of the date of its recordation IN WITNESS WHEREOF, the Declarant has executed and delivered this Supplemental DAE/WESTBROOK, L.L.C. STATE OF UTAH S COUNTY OF SALT LAKE § The foregoing instrument was acknowledged before me this day of O 465+. Vice Hes .of DAE/Westbrook, L.L.C. (SEAL) Witness my hand and official seal. My Commission expires: F:\chapman\suncrest\Supplemental Declaration 2 2

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EXHIBIT "A"

OAK VISTA No. 5

<u>Land Use Classifications</u> - All forty-four (44) Lots designated for Single Family Residential Use.

Neighborhood Designation - All forty-four (44) Lots in Oak Vista No. 5 comprise a Residential Neighborhood.

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 2,000 square feet or more than 2,700 square feet for a single story dwelling and no less than 2,500 square feet or more than 4,000 square feet for a two story dwelling not including basement area.

RXLP OAK VISTA	5 AT SUNCREST		BLK, LOT-QUAR	
B FLG BLK/B		LOT/QUAR	PARCEL NUMBER	OBSOLETE?
	L	403	34-16-201-005-0000	NO
	L	404	34-16-201-004-0000	NO
	_ L	405	34-16-201-003-0000	NO
	L	406	34-09-451-022-0000	NO
	L	407	34-09-451-021-0000	NO
	L	408	34-09-451-020-0000	NO
	L	409	34-09-451-019-0000	NO
	L	410	34-09-451-018-0000	NO
	L	411	34-09-451-017-0000	NO
	Ł	412	34-09-451-023-0000	NO
	L	413	34-09-451-024-0000	NO
	L	414	34-09-451-025-0000	NO
	L	415	34-09-451-026-0000	NO
	L	416	34-16-207-001-0000	NO
	L	417	34-09-451-029-0000	NO
	L	418	34-09-451-030-0000	NO
	L	419	34-09-451-028-0000	ИО
	L	420	34-09-451-027-0000	ИО
	L	421	34-09-451-035-0000	ИО
	L	422	34-09-451-034-0000	NO

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

RXLP OAK	VISTA 5 AT	SUNCREST		BLK, LOT-QUAR	
	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	OBSOLETE?
		L	423	34-09-451-033-0000	NO
		L	424	34-09-451-032-0000	NO
		L	425	34-09-451-031-0000	ИО
		L	426	34-09-451-016-0000	NO
		L	427	34-09-451-015-0000	NO
		L	428	34-09-451-014-0000	NO
		L	429	34-09-451-013-0000	NO
		L	430	34-09-451-036-0000	NO
		L	431	34-09-451-037-0000	NO
		L	432	34-09-451-038-0000	NO
		L	433	34-09-451-039-0000	ИО
		L	434	34-09-451-040-0000	NO
		L	435	34-09-451-041-0000	NO
		L	436	34-09-451-042-0000	NO
		L	437	34-09-451-043-0000	NO
		L	438	34-09-478-006-0000	NO
		L	439	34-09-478-007-0000	NO
		L	440	34-09-478-008-0000	NO
		L	441	34-09-478-009-0000	NO
		L	442	34-16-208-005-0000	NO

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

RXLP OAK VISTA 5 AT		SUNCREST	BLK, LOT-QUAR		
B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	OBSOLETE?
		L	443	34-16-208-004-0000	МО
		L	444	34-16-208-003-0000	NO
		L	445	34-16-208-002-0000	NO
		. т.	446	34-16-208-001-0000	NO

PF1=VTDI PF5=RXKP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTER=RXPN

8024622 10/09/2001 04:44 PM 63.00 Book - 8509 Ps - 4949-4954 GARY W. OTT RECORDER, SALI LAKE COUNTY, UTAN FIRST AMERICAN TITLE BY: RDJ, DEPUTY - WI 6 P.