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09/09/2004 10:01 AM \$30.00
Book - 9035 Pg - 5089-5091
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
JEFFREY DUKE
6925 S UNION PARK AVE STE 355
SLC UT 84047
BY: SBM, DEPUTY - WI 3 P.

After recordation, return to:

Jeffrey Duke
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Salt Lake City, Utah 84047

**THIRD SUPPLEMENT TO
DECLARATIONS OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
WYNGATE TOWN HOMES**

A Planned Unit Development (Expandable)

South Jordan, Salt Lake County, Utah

THIS THIRD SUPPLEMENTAL TO DECLARATION is made as of this 20th day of August 2004, by WYNGATE TOWNHOMES, LLC., a Utah limited liability company (the "Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of Wyngate Town Homes, an expandable Planned Unit Development in South Jordan, Utah (The "Development").
- B. On Oct 23, 2002, Declarant caused to be recorded as Entry No. 8395491, Book 8670, Page 7408-7425, in the office of the Recorder of Salt Lake County, Utah, that certain **Declaration of Easements, Covenants, Conditions and Restrictions of Wyngate Town Homes, A Planned Unit Development (Expandable)**, South Jordan, Salt Lake 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 purpose 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 "IV" of the Development.

NOW, THEREFORE, Declarant hereby declares as follows:

- 1. All defined terms as used in this Third 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 South Jordan, Salt Lake County, 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 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

**EXHIBIT A
TO
THIRD SUPPLEMENT TO
DECLARATIONS OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
WYNGATE TOWNHOMES
A Planned Unit Development (Expandable)
South Jordan, Salt Lake County, Utah**

THIS DESCRIPTION OF THE ADDITIONAL LAND IS SET FORTH AND ATTACHED IN THIS EXHIBIT A TO THE DECLARATION SOLELY FOR PURPOSES OF IDENTIFICATION. THE DECLARATION NOT INTENDED AS AND SHOULD 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.

Phase IV

Part of Lot 4, South Jordan Business Center Subdivision, more particularly described as follows:

Beginning at a point on the south line of 10760 South Street, said point being North 00°03'10" East 1,588.85 feet along a quarter section line and East 897.40 feet from the South Quarter Corner of Section 15, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running:

*thence South 89°57'21" East 102.42 feet along south line of 10760 South Street;
thence Easterly 217.21 feet along an arc of a 467.00 foot radius curve to the right (center bears South 00°02'39" West long chord bears South 76°37'53" East 215.25 feet with a central angle of 26°38'56") along south line of 10760 South Street;
thence South 63°18'25" East 73.36 feet along south line of 10760 South Street;
thence Southwesterly 1.49 feet along an arc of a 10.00 foot radius curve to the left (center bears South 50°46'03" East long chord bears South 30°57'46" West 1.49 feet with a central angle of 08°32'22");
thence South 26°41'35" West 135.32 feet;
thence Southwesterly 41.76 feet along an arc of a 486.00 foot radius curve to the left (center bears South 63°18'25" East long chord bears South 24°13'53" West 41.75 feet with a central angle of 04°55'25");
thence South 21°46'10" West 49.35 feet;
thence North 68°13'50" West 28.00 feet;
thence Northwesterly 23.56 feet along an arc of a 15.00 foot radius curve to the left (center bears North 68°13'50" West long chord bears North 23°13'50" West 21.21 feet with a central angle of 90°00'00");
thence North 68°13'50" West 212.13 feet;
thence North 21°46'10" East 28.00 feet;
thence Northwesterly 56.91 feet along an arc of a 314.00 foot radius curve to the left (center bears South 21°46'10" West long chord bears North 73°25'21" West 56.83 feet with a central angle of 10°23'03");
thence North 02°52'21" East 61.19 feet;
thence West 8.00 feet;
thence North 77.00 feet to the point of beginning.*

Containing 69,074 square feet; 1.59 acres.