

Ent: 357257 - Pg 1 of 5
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Jerry M. Houghton, Recorder
Tooele County Corporation
For: IVORY DEVELOPMENT LLC

WHEN RECORDED RETURN TO:
IVORY DEVELOPMENT, LLC
Christopher P. Gamvroulas
978 E. Woodoak Lane
Salt Lake City, Utah 84117
(801) 747-7440

NOTE TO RECORDER:
RECORD ONLY AGAINST THE PROPERTY
DESCRIBED IN EXHIBIT "A-4"

**SECOND SUPPLEMENT TO
NEIGHBORHOOD
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND RESERVATION OF EASEMENTS
FOR
BENSON MILL CROSSING, PHASE 4 PUD,
a part of the expandable Benson Mill Crossing planned unit development)**

This Second Supplement to Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing, Phase 4 PUD, a part of the Benson Mill Crossing expandable planned unit development (the "Second Supplemental Declaration") is executed by Ivory Development, LLC, of 978 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

RECITALS

- A. This Second Supplemental Declaration affects that certain real property located in the City of Stansbury Park in Tooele County, Utah described with particularity in Article II below (hereinafter referred to as the "Phase 4 PUD Property" or "Property").
- B. Declarant is the owner of the Phase 4 Property.
- C. The Phase 4 PUD Property is an area featuring unique and distinctive terrain.
- D. Benson Mills Crossing Phase 4 PUD is herein referred to as (the "Project").
- E. The Phase 4 PUD Property is subject to and bound by the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Benson Mill Crossing recorded in the official records of the County Recorder of Tooele County, Utah on September 18, 2007 as Entry No. 293692 (the "Master Declaration").

E. The Phase 4 Property is also subject to and bound by the Neighborhood Declaration of Covenants, Conditions, and Restrictions, and Reservation of Easements for Benson Mill Crossing Phase 2 PUD ("The Towns at Benson Mills Crossing") recorded in the official records of the County Recorder of Tooele County, Utah on August 21, 2007 as Entry No. 291805 (the "Neighborhood Declaration").

G. The related Final Plat for Phase 2 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele County, Utah.

H. The related final Plat for Phase 3 of The Towns at Benson Mills Crossing has also been recorded in the office of the County Recorder of Tooele County, Utah.

I. By subjecting the Phase 4 PUD Property to this Second Supplemental Declaration Declarant intends to annex additional real property and expand The Towns at Benson Mills Crossing.

L. This phase is to be known as "Benson Mill Crossing Phase 4 PUD" or "Phase 4 of The Towns at Benson Mill Crossing".

P. Pursuant to Article 2, Section 2.8 of the Master Declaration, Declarant reserved an option to unilaterally expand the Project and annex additional real property.

Q. Declarant desires to expand the planned unit development by creating on the Phase 4 PUD Property additional Lots and Town Homes.

R. Declarant now intends that the Phase 4 PUD Property shall become subject hereto as well as the Neighborhood Declaration and the Master Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Owners, Declarant hereby executes this Second Supplemental Declaration.

1. **Supplement to Definitions.** Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

a. **Second Supplemental Declaration** shall mean and refer to this Second Supplement to the Neighborhood Declaration.

b. **Phase 4 PUD Map** shall mean and refer to the Final Plat of Benson Mill Crossing Phase 4 PUD, prepared and certified to by Karen F. White, a duly registered Utah Land Surveyor holding Certificate No. 191326, and filed for record in the Office of the County Recorder of Tooele County, Utah concurrently with the filing of this Second Supplemental Declaration.

c. **Phase 4 PUD Property** or **Phase 4 of the Town at Benson Mills Crossing** or **Property** shall mean and refer to the land described on Exhibit "A-4."

d. **Planned Unit Development** shall mean and refer to the Benson Mills Crossing Project.

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-4" is hereby submitted to the provisions of the Second Supplemental Declaration and by reference the Neighborhood Declaration and Master Declaration, and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Second Supplemental Declaration and by reference the Neighborhood Declaration and Master Declaration, as they may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 4 PUD Property shall be annexed to and become subject to the Second Supplemental Declaration and by reference the Neighborhood Declaration, and Master Declaration which, upon recordation of this Second Supplemental Declaration, shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-4 subject to this Second Supplemental Declaration and by reference the Neighborhood Declaration and Master Declaration, and the functions, powers, rights, duties and jurisdiction of the Master Association and Neighborhood Association.

4. **Total Number of Units Revised.** As shown on the Phase 4 Map, nine (9) new Lots, Numbers 401-409, are or will be constructed and/or created in the Project on the Phase 3 Property. Upon the recordation of the Phase 4 Map and this Second Supplemental Declaration, the total number of Lots in the Project will be one hundred forty (140) and the total number of Lots in The Towns at Benson Mill Crossing will be eighty four (84). 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 1st Phase of The Towns.

5. **Percentage Interest Revised.** The percentages of ownership for the Lots in the Project and in the Neighborhood are uniform and equal.

6. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of this Second Supplemental Declaration and the Neighborhood Declaration or Master Declaration, as supplemented or amended, the provisions of the former shall in all respects govern and control.

7. **Severance.** If any provision of this Supplemental Declaration is held to be illegal, invalid, or unenforceable under any present or future law, then that provision will be fully severable. This Supplemental Declaration will be construed and enforced as if the illegal, invalid, or unenforceable provision had never comprised a part hereof, and the remaining provisions of this Supplemental Declaration will remain in full force and effect and will not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Supplemental Declaration. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there

EXHIBIT "A-4"
LEGAL DESCRIPTION

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

Benson Mill Phase 4 PUD - 9 Lots

(February 28, 2011)

Beginning at a point being North 89°57'10" East 153.36 feet along the Section Line and North 4.80 feet from the Southwest Corner of Section 10, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running

thence South 51°34'03" West 152.32 feet;
thence North 38°37'21" West 152.00 feet;
thence North 51°34'03" East 5.27 feet;
thence North 38°25'57" West 110.50 feet to the Southerly Right-of-Way of Brigham Road as defined on the Benson Mill Crossing Phase 1 PUD;
thence North 51°34'03" East 84.41 feet along said Southerly Right-of-Way Line to the Southwest Corner of Benson Mill Crossing Phase 2 PUD Amended;
thence South 38°25'57" East 107.44 feet along the Boundary of said Benson Mill Crossing Phase 2 PUD Amended;
thence Southwesterly 12.52 feet along the arc of a 25.00 foot radius curve to the right, chord bears South 37°13'29" West 12.39 feet along the Boundary of said Benson Mill Crossing Phase 2 PUD Amended;
thence South 38°25'57" East 47.00 feet along the Boundary of said Benson Mill Crossing Phase 2 PUD Amended;
thence North 51°34'03" East 75.19 feet along the Boundary of said Benson Mill Crossing Phase 2 PUD Amended;
thence South 38°24'35" East 105.00 feet to the point of beginning.

Contains 28,976 Square Feet or 0.665 Acres, 9 Numbered Lots and 2 Lettered Lots