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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
SUNCREST DEVELOPMENT CORP  
ATT: JEFF ANDERSON  
2021 E VILLAGE GREEN CIR  
DRAPER UT 84020  
BY: RDJ, DEPUTY - WI 8 P.

0/12  
AFTER RECORDING PLEASE RETURN TO:  
SunCrest Development, Corp.  
Attn: Jeff Anderson  
2021 East Village Green Circle  
Draper, Utah 84020

8383316

**SUPPLEMENTAL DECLARATION AND AMENDMENT TO ADD ADDITIONAL  
LAND TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
SUNCREST, A PLANNED COMMUNITY**

THIS SUPPLEMENTAL DECLARATION AND AMENDMENT TO ADD ADDITIONAL LAND TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUNCREST, A PLANNED COMMUNITY (this "Supplemental Declaration"), dated as of the 18<sup>th</sup> day of July, 2002, by DAE/Westbrook, L.L.C., a Delaware limited liability company (the "Declarant"), amends and supplements 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, and recorded December 22, 2000, in the real property records of the Recorder in and for Utah County, at Entry No. 101565:2000, as amended from time to time (the "Original Declaration"). The Original Declaration, as amended and supplemented pursuant to this Supplemental Declaration, and as amended and supplemented pursuant to certain other Supplemental Declarations that Declarant has or may in the future record against various projects, Lots, Parcels and Neighborhoods within SunCrest, 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:**

- A. The Declarant subjected certain real property located in Salt Lake County, Utah and Utah County, Utah to the Declaration. #34-16-101-0001
- B. 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.
- C. Article XVI of the Declaration provides that Declarant shall have the absolute right and option, from time to time and 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.
- D. Declarant desires to subject to the provisions of the Declaration and the jurisdiction of the Association, that certain portion of the Additional Land, situated in Salt Lake County, Utah, and Utah County, Utah consisting of all of the Lots located within DEER RIDGE NO. 2 AT SUNCREST as shown on the Official Plat recorded as Entry No. 8242797 in Book 2002P, Page 120 in the Official Records of Salt Lake County, Utah on May 24, 2002, and recorded as Entry No. 71094:2002 in the Official Records of Utah County, Utah on June 24, 2002 (hereinafter referred to as the "Annexation Property").
- E. Declarant is the fee and equitable owner of the Annexation Property.

JK 8664 PG 2321

F. Pursuant to Section 16.3, Declarant hereby exercises its unilateral right to execute and record this Supplemental Declaration for the purpose of subjecting the Annexation Property to the provisions of the Declaration and to the jurisdiction of the Association and for such other purposes set forth and described in this Supplemental Declaration.

NOW, THEREFORE, in consideration of the foregoing premises, the Declarant unilaterally exercises its right to subject the Annexation Property to the provisions of the Declaration and hereby declares and states as follows:

1. Annexation Property. The Annexation Property is hereby subjected to the Declaration, pursuant to the 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.

2. Land Use Classifications; Neighborhood. The Land Use Classifications, Neighborhood, and certain other restrictions affecting the Annexation Property are set forth on Exhibit A attached hereto and incorporated herein for all purposes.

3. Binding Provisions. The provisions of the Declaration shall run with the Annexation Property and 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. Effective Date. This Supplemental Declaration shall be effective as of the date of its recordation in the real property records of the Recorder in and for Salt Lake County, Utah and/or its recordation in the real property records of the Recorder in and for Utah County, Utah.

IN WITNESS WHEREOF, the Declarant has executed and delivered this Supplemental Declaration as of the date and year first above written.

DAE/WESTBROOK, L.L.C.,  
a Delaware limited liability company

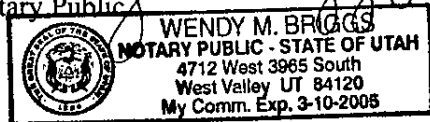
By: [Signature]  
Name: Edward L. Gramp, Jr.  
Title: Assistant Vice President

STATE OF UTAH                    )  
  ss.  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of July, 2002 by Edward L. Gramp, Jr. as Asst. V.P. of DAE/Westbrook, L.L.C., a Delaware limited liability company.

My Commission expires:  
3-10-02

Witness my hand and official seal.

[Signature]  
Notary Public  


**EXHIBIT "A"**

**DEER RIDGE NO. 2**

1. Land Use Classifications —

(a) Single Family Residential Use. All sixty-five (65) Lots numbered 21-34, 35-82 and 83-85 in Deer Ridge No. 2 are designated for Single Family Residential Use as further described in the Original Declaration.

(b) Open Space. Lot A in Deer Ridge No. 2 is dedicated to Draper City as open space.

(c) Future Development. Lot 165 in Deer Ridge No. 2 is designated for future development.

(d) Limited Use Driveways. All seven (7) Lots lettered B-H in Deer Ridge No. 2 are designated as Limited Use Driveways as further described in the Original Declaration as amended by that certain First Amendment to the Original Declaration recorded or to be recorded in the real property records of the Recorder in and for Salt Lake County, Utah and/or the real property records of the Recorder in and for Utah County, Utah ("First Amendment").

(i) *Benefited Owners*. Such Limited Use Driveways constitute a portion of the Limited Community Areas, and are for the exclusive use, occupancy and benefit of the Owners of the Lots to which they are adjacent and to which they are required for access to such Lots. The benefited Owners include the specific sixteen (16) Owners of Lots 22, 23, 28, 29, 43, 44, 45, 51, 52, 57, 66, 67, 75, 76, 77 and 165 ("Benefited Owners"). The Association shall hold fee title to the Limited Use Driveways lettered B-G and such Limited Use Driveways shall constitute Master Association Land.

(ii) *Limited Use Driveway Designated as Lot H*. Notwithstanding that Lot H constitutes a Limited Use Driveway, Declarant specifically reserves the right, for itself and its successors and assigns, to retain title to Lot H until such time, if any, that Lot 165 is further developed and subdivided into smaller Lots, as Declarant, or its successors and assigns, shall determine in its sole and exclusive discretion. In the event that Lot 165 is not further developed and subdivided, then the Owner of Lot H shall be solely liable for the maintenance, repair, replacement and service costs associated with Lot H. The Association shall not have any duty or obligation to maintain, repair, replace or service Lot H until such time as it holds fee title to the Limited Use Driveway designated as Lot H. In the event Lot 165 is further developed and subdivided into smaller Lots, as Declarant, or its successors and assigns, shall determine in its sole and exclusive discretion, then the Association shall accept such conveyance and shall execute such further and additional instruments as may be requested by Declarant, or its successors and assigns, documenting the Declarant's right to transfer fee title to the Association, in form satisfactory to Declarant or its successors and assigns.

(iii) *Association's Duty to Maintain; Benefited Owners' Assessment Obligations.* The Association shall maintain, repair, replace and service such Limited Use Driveways in accordance with the provisions of the Original Declaration, as amended by the First Amendment, unless Declarant or the Board authorizes the delegation of such responsibility in the Original Declaration or by an amendment to this Supplemental Declaration. Each Benefited Owner, for each Lot that he or she owns, shall be liable for an equal share of the maintenance, repair, replacement and service costs associated with the Limited Use Driveways, and for all Assessments levied by the Association associated with the same, as further described in the Original Declaration, as amended by the First Amendment.

2. Neighborhood Designation — All seventy-four (74) Lots in Deer Ridge No. 2 comprise a Residential Neighborhood. The name of such Residential Neighborhood shall be "Deer Ridge No. 2."

3. 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 2,600 square feet for a single story dwelling; and no less than 3,500 square feet for a two story dwelling not including basement area.

RXLP	DEER RIDGE 2	AT	SUNCREST		BLK, LOT-QUAR		
B FLG	BLK/BLDG	IND	FLG	LOT/QUAR	PARCEL	NUMBER	OBSOLET
		L		A	34-09-351-002-0000		NO
		L		B	34-08-476-004-0000		NO
		L		C	34-16-103-003-0000		NO
		L		D	34-16-104-008-0000		NO
		L		E	34-16-105-008-0000		NO
		L		F	34-16-102-007-0000		NO
		L		G	34-16-126-010-0000		NO
		L		21	34-16-103-004-0000		NO
		L		22	34-16-103-002-0000		NO
		L		23	34-16-103-001-0000		NO
		L		24	34-17-226-003-0000		NO
		L		25	34-17-226-002-0000		NO
		L		26	34-17-226-001-0000		NO
		L		27	34-08-476-001-0000		NO
		L		28	34-08-476-002-0000		NO
		L		29	34-08-476-003-0000		NO
		L		30	34-09-351-001-0000		NO
		L		31	34-16-101-005-0000		NO
		L		32	34-16-101-006-0000		NO
		L		33	34-16-101-007-0000		NO

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

RXLP DEER RIDGE 2 AT SUNCREST				BLK, LOT-QUAR	
B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	OBSOLET
		L	34	34-16-101-008-0000	NO
		L	35	34-09-376-001-0000	NO
		L	36	34-09-376-002-0000	NO
		L	37	34-09-376-003-0000	NO
		L	38	34-09-376-004-0000	NO
		L	39	34-16-126-015-0000	NO
		L	40	34-16-126-016-0000	NO
		L	41	34-16-126-017-0000	NO
		L	42	34-16-126-009-0000	NO
		L	43	34-16-126-008-0000	NO
		L	44	34-16-126-014-0000	NO
		L	45	34-16-126-013-0000	NO
		L	46	34-16-126-012-0000	NO
		L	47	34-16-126-011-0000	NO
		L	48	34-16-102-005-0000	NO
		L	49	34-16-102-004-0000	NO
		L	50	34-16-102-006-0000	NO
		L	51	34-16-102-008-0000	NO
		L	52	34-16-102-009-0000	NO
		L	53	34-16-102-013-0000	NO

PF1=VTDI PF5=RXXP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTE

RXLP DEER RIDGE 2 AT SUNCREST				BLK, LOT-QUAR	
B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	OBSOLET
		L	54	34-16-015-014-0000	NO
		L	55	34-16-105-013-0000	NO
		L	56	34-16-105-012-0000	NO
		L	57	34-16-105-007-0000	NO
		L	58	34-16-105-009-0000	NO
		L	59	34-16-105-010-0000	NO
		L	60	34-16-105-011-0000	NO
		L	61	34-16-129-003-0000	NO
		L	62	34-16-129-002-0000	NO
		L	63	34-16-129-001-0000	NO
		L	64	34-16-105-006-0000	NO
		L	65	34-16-105-005-0000	NO
		L	66	34-16-105-004-0000	NO
		L	67	34-16-104-003-0000	NO
		L	68	34-16-105-002-0000	NO
		L	69	34-16-105-001-0000	NO
		L	70	34-16-104-005-0000	NO
		L	71	34-16-104-004-0000	NO
		L	72	34-16-104-001-0000	NO
		L	73	34-16-104-002-0000	NO

PF1=VTDI PF5=RXXP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTE

RXLP DEER RIDGE 2 AT SUNCREST				BLK, LOT-QUAR	
B FLG	BLK/BLDG	IND FLG	LOT/QUAR	PARCEL NUMBER	OBSOLET
		L	74	34-16-104-003-0000	NO
		L	75	34-16-104-006-0000	NO
		L	76	34-16-104-007-0000	NO
		L	77	34-16-104-012-0000	NO
		L	78	34-16-104-009-0000	NO
		L	79	34-16-104-010-0000	NO
		L	80	34-16-104-011-0000	NO
		L	81	34-16-104-013-0000	NO
		L	82	34-16-104-014-0000	NO
		L	83	34-16-102-014-0000	NO
		L	84	34-16-126-009-0000	NO
		L	165	34-16-101-009-0000	NO

PF1=VTDI PF5=RXXP PF7=RXAB LIST PF12=PREV ENTER=NEXT CURSOR DOWN AND ENTE