After recordation, return to:

LeGrand Woolstenhulme 2230 N University Pkwy Ste 2F Provo, UT 84604 9501345
09/26/2005 09:35 AM \$26-00
Book - 9192 Pa - 9597-9599
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
LEGRAND WOOLSTENHULME
2230 N UNIVERSITY PKWY STE 2F
PROVO UT 84604
BY: SBM, DEPUTY - WI 3 P.

FIRST SUPPLEMENT TO

DECLARATIONS OF EASMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF WYNGATE COMMONS TOWN HOMES

A Planned Unit Development (Expandable)

Draper, Salt Lake County, Utah

THIS FIRST SUPPLEMENTAL TO DECLARATION is made as of this 7th day of September 2005, by WYNGATE COMMONS LLC., a Utah limited liability company (the "Declarant"), pursuant to the following:

RECITALS:

- A. Declarant is the developer of Wyngate Commons Town Homes, an expandable Planned Unit Development in Draper, Utah (The "Development").
- B. On June 1, 2005, Declarant caused to be recorded as Entry No. 9391609, Book 9138, Page 5590-6008, in the office of the Recorder of Salt Lake County, Utah, that certain Declaration of Easements, Covenants, Conditions and Restrictions of Wyngate Commons Town Homes, A Planned Unit Development (Expandable), Draper, 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 Plat A of the Development and with the Declaration.
- D. Declarant desires to annex a portion of the Additional Land into the Development for development as Plat B of the Development.

NOW, THEREFORE, Declarant hereby declares as follows:

- 1. All defined terms as used in this First 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 Draper, 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 improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners and Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the said property of 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 of record in the office of the County Recorder of Salt Lake 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 the 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 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, cables, 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 Eighty (80) 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 First Supplement to Declarations, the Declaration shall remain unchanged and, together with this First Supplement to Declaration shall constitute the Declarations of Easements, Covenants, Conditions and Restrictions for the Development as expanded by the annexation of the Additional Land described herein.
- 5. This First Supplement to Declaration shall be recorded concurrently with the Plat entitled Plat B, Wyngate Commons Town Homes, A Planned Unit Development (Expandable), City of Draper, Salt Lake County, Utah, prepared and certified to by Dennis P Carlisle (a duly registered Utah Land Surveyor holding Certificate No. 172675), executed and acknowledged by Declarant, accepted by Draper City, and filed for record in the office of the County Recorder of Salt Lake County.

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

DECLARANT:

Wyngate Commons, LLC

A Utah limited Liability Company

LeOrand Woolstenhulme, Manager

NOTARY PUBL

State of Utah

; ss.

County of Utah

On this 1 day of 50pt, personally appeared before me LeGrand Woolstenhulme, who being by me duly sworn, did say that he is the Manager of Wyngate Commons, LLC., 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.

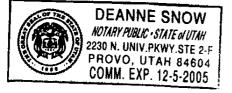


EXHIBIT A TO FIRST SUPPLEMENT TO

DECLARATIONS OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF

WYNGATE COMMONS TOWNHOMES A Planned Unit Development (Expandable) Draper, Salt Lake County, Utah

THIS DESCRIPTION OF THE ADDITIONAL LAND IS SET FORTH AND ATTACHED IN THIS EXHIBIT A TO THE DECLARATION SOLEY 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.

PLAT B

LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DRAPER, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED SOUTH 0 DEG. 06'05" WEST ALONG THE SECTION LINE 1201.04 FEET AND WEST 543.60 FEET FROM THE EAST QUARTER CORNER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 160.18 FEET; THENCE WEST 331.17 FEET; THENCE SOUTH 74.45 FEET; THENCE WEST 18.00 FEET; THENCE SOUTH 13.15 FEET; THENCE ALONG THE ARC OF A 31.00 FOOT RADIUS CURVE TO THE LEFT 48.64 FEET THROUGH A CENTRAL ANGLE OF 89 DEG. 54'16" (CHORD BEARS SOUTH 44 DEG. 57'08" EAST 43.80 FEET); THENCE SOUTH 89 DEG. 54'16" EAST 43.58 FEET; THENCE SOUTH 150.78 FEET; THENCE SOUTH 89 DEG. 58'00" WEST 26.29 FEET; THENCE NORTH 34 DEG. 26'00" WEST 230.57 FEET; THENCE ALONG THE ARC OF A 4967.00 FOOT RADIUS CURVE TO THE RIGHT 289.72 FEET THROUGH A CENTRAL ANGLE OF 3 DEG. 20'31" (CHORD BEARS NORTH 32 DEG. 45'44" WEST 289.67 FEET); THENCE SOUTH 89 DEG. 35'55" EAST 588.08 FEET TO THE POINT OF BEGINNING.

(PROPOSED LOTS 21-32, PLAT "B", WYNGATE COMMONS SUBDIVISION)