

E 2164683 B 4024 P 567-570
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
05/01/2006 12:48 PM
FEE \$20.00 Pgs: 4
DEP RT REC'D FOR BACKMAN TITLE SER
VICES

When recorded mail to
the Adams Company
475 North 300 West Suite 204
Kaysville, Utah 84037

all, Clearwater Cove
23

▽ 11-608-0231 thru 0235

**SUPPLEMENTAL DECLARATION OF PHASE 23 TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF CLEARWATER COVE
A PLANNED RESIDENTIAL UNIT DEVELOPMENT**

This Supplemental Declaration of Phase 23 to the Declaration of Covenants, Conditions and Restrictions of Clearwater Cove, a Planned Residential Unit Development (the "Supplemental Declaration") is executed this 20th day of April, 2006, by TERRAVENTURE DEVELOPMENT, LTD. (the "Declarant"), the current owner of all Lots in Clearwater Cove, Phase 23 (the "Lots"), for the purpose of annexing to the Property, as described in the Declaration of Covenants, Conditions and Restrictions of Clearwater Cove, a Planned Residential Unit Development (the "Declaration") referred to and described below, the Lots, consisting of fully improved building lots.

RECITALS:

1. Declarant is the record owner of the Property consisting of Lots 231 through 234, inclusive, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof, and in that certain subdivision plat filed for record and recorded on _____, 2006 as Entry No. _____, in Book _____, at Page _____, in the official records of the Recorder's Office of Davis County, Utah.
2. Declarant desires to subject the Lots to the covenants, conditions, restrictions, easements, charges and liens, with certain exceptions contained herein, created by that certain Declaration recorded on May 21st, 2002 as Entry No. 1755341, in Book 3048, at Page 694, in the office of the County Recorder of Davis County, Utah.
3. Article II of the Declaration provides for the annexation of property by Declarant, effective upon the recordation in the office of the County Recorder of Davis County, Utah, of this Supplemental Declaration.

NOW, THEREFORE, BE IT DECLARED.

1. Title. This instrument is titled and shall hereinafter be referred to as the "Supplemental Declaration of Phase 23 to the Declaration of Covenants, Conditions and Restrictions of Clearwater Cove, a Planned Residential Unit Development" or simply as the "Phase 23 Supplemental Declaration".

2. Identification of Annexed Lots. The Lots to be annexed to the Property effective upon the recordation of this Phase 23 Supplemental Declaration are described in Exhibit "A" attached hereto and on the Plat identified in paragraph A of the Recitals.

3. Annexation. The Lots described in Exhibit "A" are hereby annexed to the Property and shall hereafter be held, sold, conveyed, encumbered, leased, occupied and improved as part of the Property subject to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration, the full text of which is incorporated herein by reference and made a part hereof, as the same may be amended or supplemented.

4. Form for Conveyancing. Any deed, lease, mortgage, deed of trust, or other instrument conveying or encumbering title to a Residential Lot shall describe the interest or estate involved substantially as follows:

Lot No. _____ of Clearwater Cove, a Planned Residential Unit Development, Phase 23, according to the Plat thereof recorded in Book _____, Page _____, of the Official Records of Davis County, which Lot is contained within Clearwater Cove, a Planned Residential Unit Development, Phase 23, identified in the Declaration of Covenants, Conditions and Restrictions of Clearwater Cove, a Planned Residential Unit Development, recorded in Book _____, at Page _____.

SUBJECT TO the covenants, conditions, restrictions, easements, charges and liens provided for in said Declaration of Covenants, Conditions and Restrictions.

5. General Restrictions and Requirements. All general restrictions and requirements of the Declaration as contained in Article VII, paragraph 7.01 thereof, shall apply to the Lots, without exception.

6. Land Classification. The Property annexed herewith as set forth in the Plat does create separate Residential Lots, Common Areas and Limited Common Areas, which shall all be governed by and made subject to the covenants, conditions, restrictions, easements, charges and liens provided for in the Declaration.

7. Improvements. The Lots shall be improved for Residential purposes only and shall include sewer, culinary water, secondary water, paved road access, electricity and natural gas.

8. Conflict. If the provisions of this Phase 23 Supplemental Declaration conflict with any terms set forth in the Declaration or the terms of any other Supplemental Declaration, the terms of this Phase 23 Supplemental Declaration, as to Phase 23, shall govern.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the year and date first written above.

TERRAVENTURE DEVELOPMENT, LTD.

by:

David E. Adams II

STATE OF UTAH)
 : SS
COUNTY OF DAVIS)

On the 20th day of April, 2006, personally appeared before me David E. Adams II, who being by me duly sworn did say that he is partner of TERRAVENTURE DEVELOPMENT, LTD., and that the within and foregoing instrument was signed in behalf of said partnership , and David E. Adams II duly acknowledged to me that he executed the same.

Nicole Wilcox
NOTARY PUBLIC

Residing At: Kaysville, Davis, UT
My Commission Expires: Aug. 7, 2008

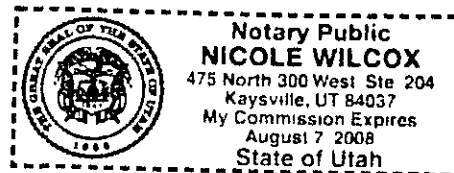


EXHIBIT "A"

PHASE 23 BOUNDARY DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 28, T.4 N., R 1 W., S. L. B. & M.

BEGINNING AT A POINT LOCATED N 00° 02' 50" W 1526.49 FEET ALONG THE SECTION LINE AND N 90° 00' 00" W 623.02 FEET FROM THE SOUTHEAST CORNER OF SECTION 28, T. 4 N., R. 1 W., S.L B.& M., RUNNING THENCE ALONG THE BOUNDARY LINES OF CLEARWATER COVE, THE FOLLOWING SEVEN COURSES: (1) S 64° 36' 55" W 105.68 FEET, (2) N 24° 49' 55" W 36.29 FEET, (3) N 27° 46' 22" W 16.25 FEET, (4) N 63° 05' 00" W 72.79 FEET, (5) N 26° 55' 00" E 151.06 FEET, (6) N 22° 59' 48" W 25.55 FEET, (7) N 67° 00' 12" E 31.00 FEET, THENCE S 22° 59' 48" E 24.91 FEET, THENCE S 25° 23' 05" E 201 84 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.507 ACRES.

BASIS OF BEARING IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 28, T. 4 N., R. 1 W., S.L.B. & M. AS N 00° 02' 50" W (D.C.S.)

*ALSO TO BE KNOWN AS, to-wit: CLEARWATER COVE, A PLANNED RESIDENTIAL UNIT DEVELOPMENT, PHASE 23, LOTS 231 - 234, AND COMMON AREA, INCLUSIVE, ACCORDING TO THE PLAT THEREOF OF THE OFFICIAL RECORDS OF DAVIS COUNTY.