

When recorded mail to:
Destination Homes
67 South Main Street
Layton, Utah 84041

E 3061826 B 6902 P 375-379
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/01/2017 11:01 AM
FEE \$45.00 Pgs: 5
DEP RT REC'D FOR LAYTON CITY

**FIRST SUPPLEMENTAL DECLARATION TO THE
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS & EASEMENTS
For Windmill Subdivision, A Covenanted Subdivision**
Davis County, Utah



This First Supplemental Declaration to the Declaration of Covenants, Conditions, Restrictions & Easements for Windmill Subdivision, a Covenanted Subdivision (the "Supplemental Declaration") is executed by Windmill Development, LLC, a Utah limited liability company (the "Declarant"), and hereby supplements that certain Declaration of Covenants, Conditions, Restrictions & Easements for Windmill Subdivision, a Covenanted Subdivision, recorded in the Davis County Recorder's Office on November 15, 2016, as Entry No. 2981923 ("Declaration").

12-905-0201
thru 0209

12-906-0210 thru
0228

RECITALS:

- A. This Supplemental Declaration is hereby submitted for the purpose of annexing the Undeveloped Land, as contained within the Phase 2A and 2B Plats, as provided for generally within Declaration and specifically within Recital G and Articles 1.0(n), 3 and 9.6 of the Declaration.
- B. Declarant desires to submit and subject the Lots and real property within the Phase 2A and 2B Plats to the covenants, conditions, restrictions, easements, charges and liens created by that certain Declaration, as supplemented hereby.
- C. At the time of this recording, the Project remains within the Declaration Control Period. The Declarant, in accordance with Articles 3 and 9.6, may at its sole direction during the Class B Control Period modify and/or supplement the Declaration, including the annexation of additional property within the Undeveloped Land.
- D. The Supplemental Declaration affects and concerns certain real property located in Davis County, Utah and more particularly described on **Exhibit A** hereto ("Property"):

NOW, THEREFORE, BE IT DECLARED:

COVENANTS, CONDITIONS AND RESTRICTIONS

1. Recitals. The above Recitals are specifically incorporated herein by reference and made a part hereof.
2. Definitions. All terms used but not defined herein shall have the meanings given them under the Declaration.
3. Effective Date. This Supplemental Declaration will take effect on the date recorded at the office of the Davis County Recorder's Office (the "Effective Date").
4. Title. This instrument is titled and shall hereinafter be referred to as the Supplemental Declaration.
5. Identification of Annexed Lots & Property. The Lots and property to be annexed to the Property, as confirmed by the recordation of this Supplemental Declaration, are the Lots comprising of Phase 2A and Phase 2B and more particularly described in **Exhibit "A"** attached hereto.
6. Annexation. To the extent not already completed, the Lots and property described in **Exhibit "A"** (Phase 2A and 2B Plats) are hereby annexed to the Project and shall hereafter be held, sold, conveyed, encumbered, leased, occupied and improved as part of the Project 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 supplemented hereby.
7. General Restrictions and Requirements. All general restrictions and requirements of the Declaration shall apply to the Property, without exception.
8. Land Classification. The real property annexed herewith, as set forth in the Phases 2A and 2B Plats, do create separate Lots, as depicted in the Plats, which shall all be governed by and made subject to the covenants, conditions, restrictions, easements, charges and liens provided for in the Declaration.
9. Conflict. If any provisions of this Supplemental Declaration conflict with any terms set forth in the Declaration, the terms of this Supplemental Declaration shall govern.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the year and date indicated below.

Windmill Subdivision, LLC, the Declarant

By:

X [Signature]

Its: MANAGER

STATE OF UTAH)
) **DAVIS** : SS
COUNTY OF ~~WEBER~~)

On the 27 day of November, 2017, personally appeared before me, _____, who being by me duly sworn did say that he/she is an authorized agent of Windmill Subdivision, LLC, and that the within and foregoing instrument was signed in behalf of said limited liability company and duly acknowledged to me that he/she executed the same.



[Signature]
NOTARY PUBLIC

EXHIBIT "A"
(Legal Description)

Final Phase 2A Plat Legal Description

Beginning at the Northwest Corner of Windmill Subdivision Phase 1, said point being, said point being South 0°11'56" West 412.50 feet along the section line to the Northeast Corner of Windmill Subdivision Phase 1 and North 89°53'55" West 1009.33 feet along the north line of Windmill Subdivision Phase 1 from the Northeast Corner of Section 26, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and running;

Thence South 0°12'31" West 617.98 feet along the west line to the Southwest Corner of Windmill Subdivision Phase 1;

Thence North 89°47'29" West 183.01 feet;

Thence North 0°12'31" East 79.93 feet;

Thence North 89°47'29" West 130.00 feet to the east line of Island View Ridge Subdivision;

Thence North 0°12'31" East 537.47 feet along the east line of Island View Ridge Subdivision to a point 412.50 feet south of the section line running from the North Quarter Corner to the Northeast Corner of Section 26, Township 4 North, Range 2 West, Salt Lake Base and Meridian;

Thence South 89°53'55" East 313.01 feet along a line south 412.50 feet of and parallel to the section line running from the North Quarter Corner to the Northeast Corner of Section 26, Township 4 North, Range 2 West, Salt Lake Base and Meridian to the point of beginning.

Contains 182,949 square feet, 4.200 acres, 9 lots.

Final Phase 2B Plat Legal Description

Beginning at Southwest Corner of Lot 118, Windmill Subdivision Phase 1, said point being South 0°11'56" West 1049.64 feet along the section line and North 89°48'04" West 686.41 feet to and along the south line of Windmill Subdivision Phase 1 and North 89°47'29" West 140.03 feet along the south line of Windmill Subdivision Phase 1 from the Northeast Corner of Section 26, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and running;

Thence South 0°12'31" West 553.18 feet;

Thence South 0°42'45" West 160.06 feet;

Thence North 89°18'00" West 494.61 feet to the extension of the east line of Island View Ridge Subdivision; Thence North 0°12'31" East 806.31 feet to and along the east line of Island View Ridge Subdivision to the Southwest Corner of Lot 209 of Windmill Subdivision Phase 2A;

Thence South 89°47'29" East 130.00 feet along the South line to the Southeast Corner of Lot 209 of Windmill Subdivision Phase 2A;

Thence South 0°12'31" West 79.93 feet along the west line to a Southwest Corner of Windmill Subdivision Phase 2A;

Thence South 89°47'29" East 308.01 feet along the south line of Windmill Subdivision Phase

2A to and along the south line to the southeast Corner of Lot 117 of Windmill Subdivision Phase 1;

Thence South $0^{\circ}12'31''$ West 17.39 feet along the west line to a Southwest Corner of Windmill Subdivision Phase 1;

Thence South $89^{\circ}47'29''$ East 58.00 feet along the south line of Windmill Subdivision Phase 1 to the point of beginning.

Contains 370,608 square feet, 8.508 acres, 19 lots.