

WHEN RECORDED RETURN TO:  
IVORY HOMES DEVELOPMENT, LLC.  
Christopher P. Gamvroulas  
978 E. Woodoak Lane  
Salt Lake City, Utah 84117  
(801) 268-0700

12408824  
11/8/2016 3:25:00 PM \$23.00  
Book - 10497 Pg - 8155-8161  
Gary W. Ott  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 7 P.

**SECOND SUPPLEMENT AND AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR MIDAS CROSSING PHASE 3**

21-21-451-020

This Second Supplement and Amendment to the Declaration of Covenants, Conditions and Restrictions for Midas Crossing Phase 3 is made and executed by IVORY DEVELOPMENT, LLC, a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (hereinafter referred to as "Declarant").

**RECITALS**

Whereas, the Declaration of Covenants, Conditions and Restrictions for Midas Crossing Phase 1 Subdivision was recorded in the Office of the County Recorder of Salt Lake County, Utah on February 26, 2015 as Entry No. 12000059 in Book 10299 at Pages 6283-6314 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 1 of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration of Covenants, Conditions and Restrictions for Midas Crossing Phase 2 Subdivision was recorded in the Office of the County Recorder of Salt Lake County, Utah on February 4, 2016 as Entry No. 12217082 in Book 10400 at Pages 7317-7320 of the Official Records (the "Declaration").

Whereas, the related Plat Map for Phase 2 of the Project has also been recorded in the Office of the County Recorder of Salt Lake County, Utah.

Whereas, under Section 5 of the Declaration, Declarant reserved the unilateral right to expand the subdivision by annexing additional land and expanding the application of the Declaration.

Whereas, Declarant is the fee simple owner of record of that "A-3" (the "Phase 3 Property") attached hereto and incorporated herein by this reference.

Whereas, Declarant desires to expand the subdivision by creating on the Phase 3 Property additional Lots.

Whereas, the Unit Owners have petitioned to amend the fencing requirements in the Project as set forth below.

Whereas, Declarant now intends that the Phase 3 Property shall become subject to the Declaration, as amended.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the subdivision and the Lot Owners thereof, Declarant hereby executes this Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Midas Crossing Phase 3.

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 Declaration of Covenants, Conditions and Restrictions for Midas Crossing Phase 3.

B. **Phase 3 Map** shall mean and refer to the Final Plat Map of Midas Crossing Phase 3 prepared and certified to by Dennis P. Carlisle, a duly registered Utah Land Surveyor holding Certificate No. 172675, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Second Supplemental Declaration.

D. **Subdivision** shall mean and refer to Midas Crossing Phases 1, 2 and 3, as it may be supplemented or expanded from time to time.

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-3 is hereby submitted to the provisions of the Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration as it may be supplemented or amended from time to time.

3. **Annexation.** Declarant hereby declares that the Phase 3 Property shall be annexed to and become subject to the Declaration and the Utah Community Association Act, Utah Code Ann., Sections 57-8a-101 et seq. (2004) as amended or supplemented (the "Act"). The recordation of this Second Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-3 subject to this Declaration and the functions, powers, rights, duties and jurisdiction of the Association/Board of Directors.

4. **Total Number of Units Revised.** As shown on the Phase 3 Map, thirty-five (35) new Lots, Numbers 301-335 are or will be constructed and/or created in the Project on the Phase 3 Property. Upon the recordation of the Phase 3 Map and this Second Supplemental Declaration,

the total number of Lots in the Project will be one hundred and four (104). 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 prior Phase.

5. **Amendment.** Section 9(i) of the Declaration is hereby deleted in its entirety and the following language is substituted in lieu thereof; this amendment affects Phases 1, 2 and 3 (and any future phases of the Project):

(i) No fence or similar structure shall be placed across the front of any Lot. Side fencing may be allowed from the front of a home to the front sidewalk; provided, however, such fencing shall be no more than three feet (3') in height. No fence or similar structure shall be placed in any side yard from the front of the home to the back of the Lot or any rear yard in excess of six feet (6'). Chain link fencing is strictly prohibited.

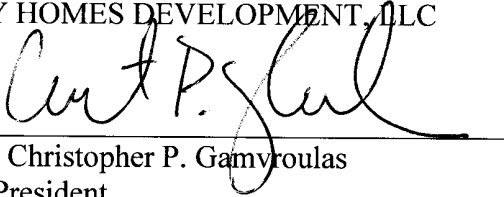
6. **Incorporation of Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Declaration which is by reference made a part hereof, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to the Phase 3 Property and are made a part of this document as though they were expressly rewritten, incorporated and included herein.

7. **Conflict.** In the event of any conflict, inconsistency or incongruity between the provisions of the Declaration and this Second Supplemental Declaration, the latter shall in all respects govern and control. If there is a conflict between a provision in the Declaration, as supplemented, and a provision in the Act, the Act shall in all respects govern and control.

8. **Effective Date.** The effective date of this Second Supplemental Declaration and the Phase 3 Map shall be the date or dates on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

Dated the 8<sup>th</sup> day of November, 2016.

DEVELOPER:  
IVORY HOMES DEVELOPMENT, LLC

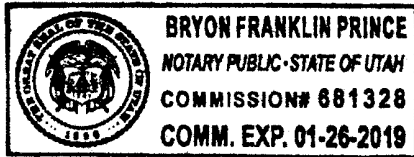
By:   
Name: Christopher P. Gamvroulas  
Title: President

## ACKNOWLEDGMENT

STATE OF UTAH )  
 )  
 SS:  
 COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of ~~July~~ NOVEMBER, 2016 by Christopher P. Gamvroulas, the President of IVORY HOMES DEVELOPMENT, LLC, a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said IVORY HOMES DEVELOPMENT, LLC, executed the same.

*(Signature)*  
 \_\_\_\_\_  
 NOTARY PUBLIC



**EXHIBIT "A-3"**  
**LEGAL DESCRIPTION**

The real property referred to in the foregoing document as the Midas Crossing Phase 3 Property is located in Salt Lake County, Utah and is described more particularly as follows:

A portion of the SE1/4 of Section 21, Township 3 South, Range 1 West, Salt Lake Base & Meridian, Riverton, Utah, more particularly described as follows:

Beginning at the southwest corner of Lot 114, Phase 1, MIDAS CROSSING Subdivision according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder, said corner being located S89°52'13"E along the Section line 1,015.90 feet and North 635.15 feet from the South ¼ Corner of Section 21, T3S, R1W, S.L.B.& M.; thence N87°17'41"W 390.59 feet; thence South 67.57 feet; thence West 130.00 feet; thence N67°38'32"W 58.39 feet; thence West 115.00 feet; thence South 134.96 feet; thence West 120.00 feet; thence S62°41'51"W 60.77 feet; thence West 119.92 feet to the easterly line of 2700 West Street; thence N0°01'28"W parallel with, and 33.00 feet easterly of the ¼ Section line 820.14 feet to the south line of CHARTER POINTE Subdivision Phase 3 according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence along said Plat the following 3 (three) courses and distances: N89°58'32"E 267.19 feet; thence S50°11'24"E 168.56 feet; thence S83°52'07"E 109.08 feet to the northwesterly end of that Real Property of Salt Lake County described in Deed Book 8293 Page 1132 of the Official Records of Salt Lake County; thence along said lands of Salt Lake County the following 5 (five) courses and distances: S57°14'09"E 102.07 feet; thence S48°19'34"E 52.88 feet; thence S54°57'46"E 62.38 feet; thence S74°31'32"E 60.87 feet; thence S82°10'19"E 60.65 feet to the southerly line of said CHARTER POINTE Phase 3; thence along said Plat the following 4 (four) courses and distances: thence S82°09'01"E 148.70 feet; thence S86°18'33"E 45.00 feet to the westerly line of said Phase 1 of MIDAS CROSSING Subdivision; thence along said plat the following 3 (three) courses and distances: S5°54'57"W 206.55 feet; thence S84°05'03"E 25.72 feet; thence S5°54'57"W 129.59 feet to the point of beginning.

Contains: 12.54+/- acres

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The real property referred to in the foregoing document as the Midas Crossing Phases 1, 2 and 3 is located in Salt Lake County, Utah and is described more particularly as follows:

**OVERALL BOUNDARY DESCRIPTION**  
**WITH REVISIONS AT SOUTHEAST CORNER**

A portion of the SE1/4 of Section 21, Township 3 South, Range 1 West, Salt Lake Base & Meridian, Riverton, Utah, more particularly described as follows:

Beginning at the intersection of the easterly line of 2700 West Street and the northerly line of 11400 South Street located N0°01'28"W along the ¼ Section line 33.00 feet and S89°52'13"E 33.00 feet from the South ¼ Corner of Section 21, T3S, R1W, S.L.B. & M.; thence N0°01'28"W parallel with, and 33.00 feet easterly of the ¼ Section line 1,230.30 feet to the south line of CHARTER POINTE Subdivision Phase 3 according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence along said Plat the following 3 (three) courses and distances: thence N89°58'32"E 267.19 feet; thence S50°11'24"E 168.56 feet; thence S83°52'07"E 109.08 feet to the northwesterly end of that Real Property of Salt Lake County described in Deed Book 8293 Page 1132 of the Official Records of Salt Lake County; thence along said lands of Salt Lake County the following 5 (five) courses and distances: thence S57°14'09"E 102.07 feet; thence S48°19'34"E 52.88 feet; thence S54°57'46"E 62.38 feet; thence S74°31'32"E 60.87 feet; thence S82°10'19"E 60.65 feet to the southerly line of said CHARTER POINTE Phase 3; thence along said Plat the following 4 (four) courses and distances: thence S82°09'01"E 148.70 feet; thence S86°18'33"E 175.81 feet; thence S76°00'38"E 107.86 feet; thence S85°19'58"E 84.21 feet to westerly end of that Real Property of Salt Lake County described in Deed Book 7373 Page 94 of the Official Records of Salt Lake County; thence along said lands of Salt Lake County the following 6 (six) courses and distances: thence South 14.80 feet; thence S87°31'41"E 101.03 feet; thence S53°09'11"E 37.69 feet; thence N88°06'49"E 121.19 feet; thence South 29.84 feet; thence East 26.47 feet to the westerly line of a canal easement in favor of the Utah and Salt Lake Canal Company described in Deed Book 9802 Page 174 of the Official Records of Salt Lake County; thence along said canal easement the following 4 (four) courses and distances: Southeasterly along the arc of a 305.99 foot radius non-tangent curve (radius bears: N79°44'23"E) 71.35 feet through a central angle of 13°21'39" (chord bears: S16° 56' 26"E 71.19 feet); thence S21°48'31"E 111.20 feet; thence Southeasterly along the arc of a 273.55 foot radius non-tangent curve (radius bears: S66°04'04"W) 221.58 feet through a central angle of 46°24'36" (chord: S0°43'37"E 215.57 feet); thence S20°33'15"W 352.28 feet; thence N89°52'13"W 137.56 feet; thence S0°07'47"W 5.14 feet; thence S62°56'49"W 44.97 feet; thence N89°52'13"W 91.00 feet to the easterly line of that Real Property described in Deed Book 7643 Page 2325 of the Official Records of Salt Lake County; thence along said deed the following 3 (three) courses and distances: N0°07'47"E 11.00 feet; thence N89°52'13"W 100.00 feet; thence S0°07'47"W 100.00 feet to the north line of said 11800 South Street; thence N89°52'13"W feet along said line parallel with, and 33.00 feet northerly of the Section line 1,162.09 feet to the point of beginning.

Contains: 36.70+/- acres

